

Shadow Dorset Council

Committee: Shadow Overview and Scrutiny Committee
Date: Monday, 3 December 2018
Time: 9.30 am
Venue: Committee Rooms A/B, South Walks House,
South Walks Road, Dorchester, DT1 1EE

Membership:

T Jones (Chairman), C Brooks (Vice-Chair), S Bartlett, K Brookes, R Bryan, M Byatt, S Christopher, C Finch, S Gibson, B Goringe, N Lacey-Clarke, R Nowak, J Sewell, J Somper, J Tanner and M Wiggins

Chief Executive (Designate) for the Dorset Council: Matt Prosser

For more information about this agenda please telephone Democratic Services on 01305 252209 or email lwatson@dorset.gov.uk

For more information about the scrutiny items please telephone Lee Ellis (Scrutiny Officer) 01202 795251 or email lellis@christchurchandeastdorset.gov.uk

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A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

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

3 MINUTES

5 - 14

To confirm and sign the minutes of the previous meeting held on 7 November 2018.

4 PUBLIC PARTICIPATION

To receive any public questions or statements on the business of the Shadow Overview and Scrutiny Committee in accordance with the procedure rules as set out in the Shadow Dorset Council Constitution.

5 TUPE - PROGRESS TO DATE

To receive a verbal update with regard to the TUPE process.

6 DORSET COUNCIL CONSTITUTION

15 - 254

To review the draft Constitution for the Dorset Council and provide comments as relevant so that the committee's views can be taken into account by the Governance Working Group when it forms its final recommendations.

7 PROGRAMME HIGHLIGHT REPORT INCLUDING SWAP ASSURANCE REPORT

To receive a verbal update in respect of the latest Programme Highlight Report including SWAP Assurance Report, to be considered by the Shadow Executive Committee on 17 December 2018.

8 SHADOW OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

255 - 266

To consider the work programme for the committee for 2018/19.

To review the Shadow Executive Committee Forward Plan.

All members of the Shadow Dorset Council receive notification when Shadow Executive Committee agendas are published on Mod.Gov and the Shadow Dorset Council website. Members of the Shadow Overview and Scrutiny Committee can review the items to be considered on each agenda and raise issues for review or comment to the Shadow Executive Committee as appropriate.

9 URGENT ITEMS

To consider any items of business which the Chairman 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.

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Shadow Dorset Council

SHADOW OVERVIEW AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 7 NOVEMBER 2018

Present: Cllrs T Jones (Chairman), C Brooks (Vice-Chair), S Bartlett, K Brookes, C Finch, S Gibson, N Lacey-Clarke, R Nowak, J Sewell, J Somper, J Tanner and M Wiggins

Apologies: Cllrs R Bryan, M Byatt and B Goringe

Also present: Cllr A Alford, Cllr J Andrews, Cllr S Flower, Cllr M Penfold, Cllr V Potheary, Cllr M Rennie, Cllr P Shorland, Cllr T Yarker and Sally White (SWAP)

Officers present (for all or part of the meeting):

Matt Prosser (Chief Executive Designate), Jason Vaughan (Interim Section 151 Officer), Jonathan Mair (Interim Monitoring Officer), Keith Cheesman (LGR Programme Director), David Fairbairn (Solicitor), Rebecca Kirk (General Manager, Public Health and Housing - Purbeck District Council), Lee Ellis (Scrutiny Officer), Mark Taylor (Group Manager - Governance and Assurance) and Lindsey Watson (Senior Democratic Services Officer)

46. Declarations of Interest

There were no declarations of interest.

47. Minutes

The minutes of the meeting held on 8 October 2018 were agreed as a correct record and signed by the Chairman.

The Chairman reported that recommendations made by the committee to the Shadow Executive Committee at previous meetings, had been agreed.

48. Public participation

There were no representations from members of the public.

49. Design Principles for the new Dorset Council

In response to a request at a previous meeting, the Chief Executive (Designate) attended the meeting to provide an overview of the design principles for the new Dorset Council. A copy of the report considered by the Shadow Executive Committee on 21 August 2018 with regard to 'Building a Council for the 21st Century – Design Principles for the new Dorset Council Operating Model', was included within the agenda to support discussion on the item.

The Chief Executive (Designate) noted that work being undertaken was to create a Safe and Legal Council from day 1. Transformation work was underway to design an operating model to set out how the new Council would operate. The nine agreed design principles were being used in order to ensure the creation of a sustainable organisation.

The Chief Executive set out three key areas of focus for the new organisation:

- Being a customer focussed organisation with the ability to plan big but act local
- Being an effective and modern organisation – business like with a social purpose
- Being an employer of choice – empowering staff and being a learning organisation

A question was raised as to how the design principles and key areas of focus would be monitored in terms of whether they were being achieved? In response, the Chief Executive (Designate) noted that the design principles would provide a guide for creating the new structure. The challenge would come when looking back to see whether things were being done differently. Performance Indicators would be developed as a separate piece of work. A transformation roadmap would be created for approval by the Shadow Executive Committee and this could also be brought to this committee around February/March 2019.

Members considered the issues arising and during discussion the following points were raised:

- A comment was made that there was a need to see detail of the work that was being undertaken underneath each of the design principles
- In response to a question, the Chief Executive (Designate) highlighted that transformation would be ongoing up to and beyond 1 April 2019
- The transformation roadmap would include key milestones to be agreed by the new Council. These could be considered by the committee when the report was presented
- A question was raised with regard to the staffing hierarchy for the new Council and whether there would need to be consideration of the services required when considering the staffing required. In response, the Chief Executive (Designate) noted that it was the intention to simplify the staff structure of the Council in order to remove the distance between the layers

50. **Overview of work being progressed by the Governance Working Group**

At the request of the committee, members received a report which provided an outline of the work of the Governance Working Group, including its progress to date, next steps and the timetable for the production of the new

Constitution. The report also provided some information on the working group's initial thinking on overview and scrutiny arrangements.

As Chair of the working group, Councillor Spencer Flower provided an overview of the work of the group which had met on 3 occasions, with one further meeting planned before concluding their work. He noted that the report on the new Constitution would be brought to this committee at the meeting on 3 December, and in addition, a member briefing would be held to provide all members with the opportunity for a detailed look at the work done and for any fine tuning required.

David Fairbairn (Solicitor, Purbeck District Council) had been involved with the work of the group. He noted that there was a wish to involve all members in the development of the Constitution which was why it had been agreed to hold a member briefing and to include information in members' newsletters.

Members considered the issues arising from the report and during discussion the following points were raised:

- A point was raised that there was some unease that the Shadow Executive Committee was receiving reports before the Overview and Scrutiny Committee had been able to review them. In response it was noted that the Constitution would not be finalised until it had been adopted by Full Council in January 2019
- A discussion was held in respect of the reference to the member briefing to be held and whether calling it a member briefing would reflect the importance and key role of the session? The Chairman asked if the session could be retitled in order to ensure attendance by members
- It was noted that the Governance Working Group had agreed with the principle of there being Area Forums in order to ensure that local connection with communities was not lost with the new Dorset Council. Further work was required but this would be part of the model moving forward. In addition, the working group, through discussion with officers, had identified a suitable option for development management purposes
- The working group had considered options within the 'Governance-light' model that it would like to see for Dorset Council. There was an opportunity to review structures and ways of working. This would include a review of the Policy Framework with 10 headline policies (there were around 30 included in the policy frameworks of the current six councils) and a review of the Constitution both now and as the new Council bedded in
- There was no wish to marginalise members, although a point was raised that some members did not feel as engaged as they had been previously
- A point was noted that the proposals outlined in the report could be supported as long as they were 'governance-light' and not 'democracy-light'. It was acknowledged that there was a need for good local decision making and it was hoped that this was a central feature of what was brought back to the committee in December

- In respect of the indicative proposals for Overview and Scrutiny, it was noted that the working group had considered whether there should be an overarching overview and scrutiny committee but that this had been rejected as being too bureaucratic and not in keeping with the 'governance-light' model
- In response to a question with regard to the geographical nature of the proposed area forums, it was noted that work in this area was still to be completed
- In respect to proposed changes to boundaries by the Boundary Commission it was noted that some changes had been made following consultation with local residents but that most of the proposals considered by the working group would remain the same
- Reference was made to a report on the Shadow Executive Committee Forward Plan for the meeting on 10 December 2018, with regard to 'Local Area Arrangements'
- Further consideration of the detail of area forums could be considered by the committee at their next meeting where the draft Constitution would be considered

The committee noted the progress made to date by the Governance Working Group.

51. Shadow Dorset Council Call-in arrangements

The Chairman introduced the item which had been prompted by a recent Call-in request in respect of a decision of the Shadow Executive Committee on 17 September 2018 on the transfer of services and assets. The Call-in had been instigated but subsequently rejected by the Monitoring Officer. The Chairman felt that this should have been dealt with as a Call to Account.

The Interim Monitoring Officer provided information in order to clarify the situation. He noted that Call-in should only be used in exceptional circumstances and explained the situation with regard to Call-in in the Shadow Dorset Council and in the new Dorset Council. For the new Dorset Council it was proposed that a Call-in could be instigated where the executive failed to follow the policy framework or the Budget set by Full Council or where the executive did not follow principles for good decision making. The current situation in the Shadow Dorset Council was very different given the constrained time period within which it operated and the requirement to be safe and legal on day 1. The Shadow Constitution, which had largely been drawn from one used by another council, provided only narrow opportunities for a decision to be called in – in essence the only factor that could be considered was whether the decision was in accordance with law. The recent Call-in had been procedurally correct but had been rejected as it was not an unlawful decision.

It was agreed that as this had been dealt with, discussion would move to the next item on the agenda.

52. Proposed Call to Account

The Chairman introduced an item to ask the committee to consider a proposed Call to Account with regard to the decision of the Shadow Executive Committee on 17 September 2018 on the transfer of services and assets in West Dorset. If agreed, the Call to Account would be considered at a future meeting of the committee and the relevant people would be required to come to the meeting to provide information in respect of the decision taken.

Reference was made to the principles for the transfer of assets to town and parish councils, which had been agreed by the Shadow Executive Committee on 20 July 2018 and the amount of work that had been undertaken in West Dorset. The recommendations put forward by West Dorset District Council had been considered by the Shadow Executive Committee, but had not received support from the committee. A point was raised that when the Shadow Dorset Council came in to being there was a wish to empower people by enabling local communities to be in charge of their own assets. A report had subsequently been considered by West Dorset Full Council which sought to leave the door open for future discussions, within the principles agreed by the Shadow Council and which had received cross party support.

The Chairman noted that the purpose of the discussion at this meeting was to determine whether there was committee support to proceed with a Call to Account.

Members discussed the issues arising and during discussion the following points were raised:

- A lot of time and effort had been put into negotiations with town and parish councils in West Dorset and it was felt that the Council had been caught out by the principle that a proposal must not exceed £100k value
- A point was made that market towns should be treated differently, similar to the exception provided to Weymouth Town Council and Portland Town Council. The point was made that many councils had low tax bases
- It was felt that there was not a uniform process in place across the county
- In response to a point raised it was noted that there could be a need for clarification with regard to the £100k cap that had been put in place and whether this was per town or parish council or per individual asset, or whether it was in place for all transactions proposed by a district council
- A question was raised as to what action could be taken as a result of undertaking a Call to Account? It was noted that the committee could make recommendations to the Shadow Executive Committee
- The Interim Monitoring Officer noted that the Shadow Executive Committee had agreed a set of principles for this area. It was the view of the Shadow Executive Committee that the proposals put forward by West Dorset, did not fit with the agreed principles

- Clarification was sought as to whether the Call to Account related to the specific decision with regard to the transfer of assets and services in West Dorset or whether it was with regard to the wider issues with the consistent application and implementation of the principles?
- A point was raised that the decision made by the Shadow Executive Committee in September 2018 could mean that there were no transfers of assets or services and this could have implications for the councils relationship with town and parish councils
- It was noted that some transfers had been agreed, for example in Purbeck
- Reference was made to the recognition by the Shadow Executive Committee of the unique circumstances of Weymouth Town Council and Portland Town Council and that these were to be considered separately. It was noted that this was an amendment to the principles which had been agreed by the Shadow Executive Committee in order to recognise the unique circumstances in forming a new town council for Weymouth. A point was noted that Portland Town Council although already formed, had also been included
- The committee was reminded that they were here as Shadow councillors and the suggestion made that the issue was not so much to do with the specific West Dorset decision but instead with regard to exploring the suggested inconsistencies in how the agreed principles had previously been applied and would be applied in the future. The Call to Account, if agreed, could therefore seek to gain an understanding of the situation in terms of how the principles were applied and the perceived inconsistencies. It was suggested that the position in West Dorset was the case that had triggered the request to undertake a Call to Account
- Reference was made to work undertaken by the county council to devolve services
- A point was raised that it was felt that there were inconsistencies in how the principles were being applied with Weymouth and Portland being treated differently. The point was made that there were a significant number of market towns with low council tax bases which would have an impact. It was felt that the policy was not working to a fair degree and therefore should be subject to a Call to Account
- Clarification was provided in respect of the asset transfer agreed in Purbeck which was six car parking spaces for residential use with only a small amount of income attached

Following the discussion, it was proposed by T Jones seconded by J Sewell that a Call to Account with regard to the transfer of assets to town and parish councils be supported and considered at the next meeting of the committee in December. Members discussed the people who would be called to account and it was felt that this should include the Leader, relevant Portfolio Holders, the Interim Monitoring Officer and Interim S151 Officer.

Decision

That a Call to Account with regard to the transfer of assets to town and parish councils be supported and considered at the next meeting of the committee in December. The Leader, relevant Portfolio Holders and Interim Monitoring Officer and S151 Officer to be asked to attend the meeting.

53. Overview and Update on Finance

The Interim S151 Officer provided a presentation which gave an overview of the financial issues for moving to a new Council. The presentation covered:

- Context – the financial issues associated with moving from six to one Council. There were currently six budgets, six teams in different locations and using different systems. Work around disaggregation was referred to and other moving parts such as demand led services, capital, staffing, TUPE, council tax and stranded costs. Members of the Shadow Dorset Council would vote on the Budget for 2019/20 in February next year
- Financial Strategy – there was a focus on protecting front line services and delivering resources for transformation
- Medium Term Financial Forecast – in respect of a question with regard to retained business rates, the Interim S151 Officer noted that there was not currently clarity about how the new scheme would work
- 2019/20 Budget
- Capital and bringing six programmes together – the S151 Officer briefly referred to a current disagreement on the apportionment of disaggregated debt between the two councils, which could result in a £600k to £900k impact
- The situation with Reserves
- Balancing the Budget
- Transformation savings – this was about doing things differently
- Other factors being looked at for example spending protocol, financial systems harmonisation, internal and external auditor appointments and banking tender process

A number of questions were raised and responses provided including:

- The amount of audit work taking place would be reduced as there would only be a need to sign off books for one council and not six as currently. There would be no change to the frequency of audits
- There may be opportunities to use capital receipts from selling of assets. Savings would be phased
- There would be an opportunity for this committee to scrutinise the Budget during mid-January 2019. The timescale for this did not fit in with the current date for the committee in January and therefore this may need to be reviewed
- Council Tax harmonisation would be from day 1

- In response to a question with regard to the position with pension funds, the S151 Officer noted that this had been reviewed by an Actuary and although there were slightly different funding positions they were not too far apart.

54. Future operations of Leisure Facilities in Dorset

The Portfolio Holder for Leisure Services introduced and provided an overview of a report on the future operation of sports and leisure centre facilities in Dorset, which would be considered by the Shadow Executive Committee on 12 November 2018. The report detailed the current management arrangements for the various Council owned sports and leisure centres in Dorset, highlighted the contractual issues faced by two of the centres and the associated risks that might impact on the ability to continue with service delivery as a result of Local Government Reorganisation. The report also outlined a suggested future programme of work and highlighted the opportunity for efficiencies and savings in the future.

There was a general level of support for the approach being proposed in the report which provided a commitment to gathering information, developing a business case and considering options with outcomes to be presented to Dorset Council for decision. There was support for the way that the issues were presented and how they were to be considered.

It was noted that the report and recommendations would be considered by the Shadow Executive Committee on 12 November. Support was expressed for the report and recommendations to be presented to the Shadow Executive Committee.

55. Programme Highlight Report including Gateway 1 report

The committee considered the latest Programme Highlight Report which was to be considered by the Shadow Executive Committee on 12 November 2018. The report provided an update on progress since the October meeting of the Shadow Executive Committee, including the findings of the Gateway Review and an update on the Programme Budget. It was noted that there would be an update to the December meeting of the Shadow Executive Committee with regard to programme resources.

In response to a question, Sally White representing the South West Audit Partnership (SWAP) noted that this was not a traditional audit piece and that work had been undertaken with the Programme Team. The SWAP report had been published with the agenda for this meeting and had been summarised within the Programme Highlight Report. There had been some limitations to the SWAP report and it had not been formally signed off to date. It was anticipated that the report would be signed off shortly once some of the programme plans had been signed off.

The report was noted by members. The Chairman asked that the committee be informed if there were any concerns from SWAP before the next meeting of the committee. In response, Sally White noted that SWAP was engaged

with the Programme Team on a regular basis and that the situation would be regularly reviewed.

56. Shadow Overview and Scrutiny Committee Work Programme

The Scrutiny Officer provided an overview of the items expected at the next meeting of the committee as follows:

- TUPE – progress to date
- Readiness of critical/key services
- Dorset Council Constitution
- Call to Account in respect of the transfer of services and assets
- Programme Highlight Report including SWAP Assurance Report

The scrutiny of the Budget would take place during January 2019 and it was noted that the scheduled date for this meeting (currently 8 January) may need to be reviewed in order to fit in with the overall Budget timetable.

The work programme would be developed each month and considered at each meeting of the committee.

There were requests for further information in respect of the position with both Revenues and Benefits and the Dorset Waste Partnership. The Scrutiny Officer confirmed that she would request further information to provide to members of the committee. Members could then decide whether any further action was required in respect of these areas.

57. Urgent items

There were no urgent items.

Duration of meeting: 6.30 - 8.27 pm

Chairman

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Shadow Dorset Council

Date of Meeting	3 December 2018
Lead Member	Spencer Flower, Chairman, Governance Working Group
Officer	Jonathan Mair, Interim Monitoring Officer
Subject of Report	Dorset Council Constitution
Executive Summary	<p>Section 9P of the Local Government Act 2000 requires the Dorset Council to prepare and keep up to date a document, to be known as the Constitution, which contains:</p> <ul style="list-style-type: none"> (a) a copy of the authority's standing orders for the time being; (b) a copy of the authority's code of conduct; (c) such information as the Secretary of State may direct; and (d) such other information (if any) as the authority considers appropriate <p>This report makes proposals for such a document (attached at Appendix 1 'Draft Constitution').</p> <p>It has been developed with the Governance Working Group, which agreed a number of principles to underpin the drafting of various key parts of the Constitution.</p> <p>The draft Constitution is still "work-in-progress" being subject to continued consultation with Members and Officers. The Governance Working Group will be meeting on 19 December 2018 to consider the comments from this Committee and the Member Briefing and Workshop.</p>
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>A draft Equality Impact Assessment is being developed and will be associated with the final submission.</p>
	<p>Use of Evidence:</p> <p>This report has been written with the guidance of the Monitoring Officers, Democratic Services Managers and other officers. It has been overseen</p>

	<p>by the Governance Working Group and the progress of the work in preparing the draft Constitution was considered by this Committee at its meeting on 7 November 2018.</p>
	<p>Budget:</p> <p>There are budget and risk implications associated with the transition to the new council; direct budget implications arising from the adoption of the proposed draft Constitution are likely to be primarily attributable to costs associated with supporting the proposed decision making structures. There are also other potential indirect costs such as those relating to Member and Officer indemnity provisions and the Member Allowance Scheme.</p>
	<p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW</p>
	<p>Other Implications:</p> <p>The limited timeframe associated with delivering the Constitution has inevitably impacted upon preparatory work relating to the document. Following the 2019 elections, it is currently anticipated that a reasonably early review of the Constitution will be appropriate.</p>
Recommendation	<p>That the Committee:</p> <ol style="list-style-type: none"> 1. comments on the draft Constitution so that its views can be taken into account by the Governance Working Group when it forms its final recommendations.
Reason for Recommendation	To comply with the requirements of the local Government Act 2000.
Appendices	1. Draft Constitution
Background Papers	<ol style="list-style-type: none"> 1. Shadow Council Constitution (Shadow Council, Item 4, 7 June 2018) 2. Overview of Work Being progressed by the Governance Working Group (Shadow Overview and Scrutiny Committee, Item 6, 7 November 2018)
Officer Contact	<p>Name: Jonathan Mair Tel: 01305 224181 Email: j.e.mair@dorsetcc.gov.uk</p>
Date agreed by Lead Member	

Date agreed by Statutory Officers	
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1. Background

- 1.1 Members of the Shadow Overview and Scrutiny Committee received an update on the development of the draft Constitution at their meeting on 7 November 2018 (Item 6, *Overview of Work Being Undertaken by the Governance Working Group*).
- 1.2 Since that meeting, members of the Governance Working Group have done further work on the draft Constitution.

2. Member and Officer engagement

- 2.1 Members of the Governance Working Group have consistently expressed their view that it is important for all members of the Shadow Council to have the opportunity to engage in the process of developing a draft Constitution. Consideration by the Shadow Overview and Scrutiny Committee and a pending Member Briefing and Workshop are the principal means by which this will be delivered.
- 2.2 In addition to the various officers directly involved in drafting the different parts of Constitution, extracts of key parts relating to proposed decision making structures and the exercise of powers have been rolled out to officer working groups for feedback. Their suggestions will be considered as part of further potential tweaks to the current working draft over the next few weeks.

3. The Draft Constitution

- 3.1 The draft Constitution before the Overview and Scrutiny Committee is very much a working draft, particularly the scheme of delegation. That said, with the exception of the Contract and Financial Procedure Rules, there are complete drafts of:
 - 3.1.1 The summary and explanation;
 - 3.1.2 The Articles;
 - 3.1.3 Council and Committee Procedure Rules;
 - 3.1.4 Executive Procedure Rules;
 - 3.1.5 Overview and Scrutiny Procedure Rules;
 - 3.1.6 Access to Information Procedure Rules;
 - 3.1.7 Budget and Policy Framework Procedure Rules;
 - 3.1.8 Scheme of delegation;
 - 3.1.9 Members' Code of Conduct;
 - 3.1.10 Member complaint process;
 - 3.1.11 Officer/Member protocol;
 - 3.1.12 Officer Code of Conduct; and
 - 3.1.13 Protocol for Members and Officers dealing with planning matters.

The draft Officer Scheme of Delegation also includes draft provisions for Member and Officer Indemnity provisions. To that extent, Members should note that these proposals contain matters in which all potential officers of the new Dorset Council have an interest.

- 3.2 The remaining parts of the Constitution to be completed are the Members Allowance Scheme (on which work has been progressing with the Independent Remuneration

Panel); the Contract and Financial Procedure Rules (drafts of which are with Monitoring Officers for cross-checking); and Whistleblowing, Anti-fraud and corruption policies (being drafted). The work-in progress reflects the fact that this is still a live document and therefore it is possible that changes will need to be made to the draft Constitution during the various stages of its review and approval.

- 3.3 As mentioned at the meeting on 7 November 2018, the Overview and Scrutiny Procedure Rules incorporate the proposed call-in arrangements which, together with the additional right under the Policy and Budget Framework Procedure Rules, should reflect the Committee's expectations. The grounds for a call-in are not as limited as those in the present constitution of the Shadow Council.
- 3.4 The other matter to which to draw the Committee's attention are the transition arrangements in Article 10. Members of the Shadow Council will become members of Dorset Council until the election on 2 May 2019. During this period, interim measures will be put in place for dealing with essential business. The arrangements for this period are described in detail in Article 10 of the draft Constitution. Overview and Scrutiny Committee members may in particular want to note the intention to effectively roll over the existing Shadow Dorset Council Overview and Scrutiny Committee structure to cover the interim period.

CONSTITUTION OF THE COUNCIL

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PART 5 – Scheme of Members’ Allowances

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GLOSSARY

PART 1

SUMMARY

AND

ARTICLES

Summary and explanation

On 1 April 2019 a new Dorset Council took on responsibility for local government services previously delivered in Dorset through five district councils and a county council.

Dorset Council and its counterpart the Bournemouth Christchurch and Poole Council are the first new councils to be formed in England in a decade.

The Local Government Act 2000 requires a council to set out in a constitution how the council operates. Forming a new Dorset Council has provided an opportunity to start afresh. With a minimum of bureaucracy the purpose of this constitution is to provide an efficient and effective framework for:

- How the Dorset Council operates
- How its decisions are made and
- The procedures and rules which will be followed.

Some of the rules and procedures explained in this constitution are required by the law and are needed to ensure that those responsible for important public services are accountable and make their decisions in the public interest.

Wherever possible though the constitution uses plain English because the intention is to provide a clear and accessible explanation of how the council operates.

Dorset Council is a learning organisation and is committed to improving the arrangements described in this constitution. If you have suggestions for how the constitution of Dorset Council can be improved then please contact

CONSTITUTION OF THE COUNCIL

This Constitution sets out how Dorset Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles, which set out the basic rules governing the Council's business. More detailed procedures and some of the Council's codes of practice are provided in separate rules and protocols at the end of the document.

What is in the Constitution?

Article 1 of the Constitution commits the Council to ensure that decisions are taken in an effective and efficient manner and that those responsible for decision-making are clearly identifiable to the public. Articles 2 – 16 explain the rights of members of the public and how the key parts of the Council operate.

- Members of the Council (Article 2)

- Members of the Public and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Executive (Article 6)
- Overview and Scrutiny Committees (Article 7)
- Committees and Boards (Article 8)
- Standards (Article 9)
- Interim Arrangements / Community Engagement (Article 10)
- Other arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

Article 10 contains various special provisions which take precedence over aspects of certain parts of the remaining Articles during the Interim Period (the meaning of which is defined in Article 10). Article 10 also contains provisions that impact upon the delegation of certain Council functions - Functions of the Council – Part 3 of the Constitution during the Interim Period. During the Interim Period the details as to How the Council operates will therefore differ to that set out below.

How the Council operates

The Council is composed of 82 Members normally elected every four years. The first two terms will each be of five years, commencing in 2019. Members are democratically accountable to residents of their ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Members meet together as the Council. Formal meetings of the Council are open to the public except in relation to certain exempt or confidential matters. Here Members decide various overarching policies of the Council and set the budget each year. The Council approves the creation of Committees and Committee membership from nominations by political groups (unless in any year the Council dis-applies political balance rules). The Council also appoints one Member to be its Leader.

Strategic decisions

The Council operates a Cabinet and Leader governance model by which all executive powers vest in the Leader. The Leader then makes arrangements for others to also be able to exercise executive powers. The Executive (also sometimes referred to as the Cabinet) is made up of the Leader plus a membership of between 2 to 9 (inclusive) other Members appointed by the Leader. Political balance requirements do not apply to the Executive. When executive Key Decisions are to be determined, these will normally be published on a Forward Plan, in so far as they can be anticipated. The Executive usually takes the lead in determining a number of strategic matters. Formal meetings of the Executive are open for the public to attend except where certain exempt, confidential or private matters are being discussed. Certain matters which have been identified as being of particular importance, and/ or to the extent that the law requires, are expressly reserved to Full Council to decide (see - Article 4 Full Council – Part 1 of the Constitution). Such matters will often be considered by the Executive in advance who will then make recommendations for Full Council to consider.

Overview and Scrutiny

The Council has 4 Overview and Scrutiny Committees that supports the Council. The Overview and Scrutiny Committees each have themes to which they give specific focus and each play an important role in reviewing and scrutinising the Council's policies, budget and service delivery. Any of the Overview and Scrutiny Committees may also be consulted by Leader/Executive or the Council on forthcoming decisions and the development of policy. The Council operates a 'call-in' process in respect of various executive decisions that normally enables certain decisions that have been made but not yet implemented to be called in for review. The call in process enables an Overview and Scrutiny Committee to usually make recommendations to the Leader/Executive regarding decisions that have been called-in.

Other arrangements

In addition to its Overview and Scrutiny Committees, the Council has a number of other Committees which make decisions and carry out various other audit activities. These tend to have a focus on matters of a quasi-judicial nature in respect of which the Council has responsibility. The Council also has a Health and Well-Being Board which works with external partners in relation to various health related matters.

The Council has also entered into arrangements with other Councils to create joint/shared opportunities for the delivery of some of its functions and activities. These arrangements take a variety of forms including Joint Committees; further details of these other arrangements can be found in Article 11 – Other Arrangements – Part 1 of the Constitution.

The Council will look to remove barriers between it, town/parish councils and local communities so that issues are addressed holistically and for there to be appropriate levels of engagement in decisions. To that end the Leader may enter into protocols and concordats or establish area consultative forums with a focus on local issues.

The Council's Staff

The Council has people working directly and indirectly for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between Officers and Members of the Council – see Codes and Protocols – Part 4 of the Constitution.

Rights of members of the public

Members of the public have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 - Members of the Public and the Council – Part 1 of the Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.

Members of the public have the right to:

- vote at local elections if they are registered and eligible;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- attend formal meetings of the Council and its Committees, Boards and Sub-Committees except where exempt or, confidential matters are being discussed or the meeting is being held in private;
- normally find out from the Forward Plan what key decisions are to be discussed by the Executive or decided by the Leader, Executive or Officers, and when;
- ask questions, make statements, attend as a deputation and submit petitions at Full Council meetings to the extent identified in the Council and Committee Procedure Rules – Part 2 of the Constitution;
- see publically accessible reports and background papers, and any record of decisions made by the Council, its Committees and Sub-Committees;
- complain to the Council about something the Council has done wrong, something that the Council should have done or if the Council has not treated a citizen in a professional or civil manner;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process; and

- inspect the Council's accounts and make their views known to the external auditor.

ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its parts, appendices and glossary, is the Constitution of the Dorset Council.

1.3 Purpose of the Constitution

The purpose of the Constitution includes, to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Members represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create means for holding decision-makers to public account;
- (f) seek to ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) seek to ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
and
- (h) provide a means of improving the delivery of services to the community.

1.4 Interpretation and review of the Constitution

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15 – Review and Revision of the Constitution – Part 1 of the Constitution.

Article 10 - Interim Arrangements – Part 1 of the Constitution contains various special provisions which take precedence over aspects of certain parts of the other Articles during the Interim Period (which is defined in Article 10) Article 10 also contains provisions that impact upon the delegation of certain Council functions - Functions of the Council – Part 3 of the Constitution during the Interim Period.

Standing Orders

- 1.5 Any provision of this Constitution that fulfils a statutory requirement for the provision of Standing Orders shall be construed as being a Standing Order for that purpose. Unless the context otherwise requires the remaining provisions of Parts 1, 2 and 4 shall also be construed as Standing Orders.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

- (a) **Composition.** Until the 4th day after elections in May 2019 the Council consists of 206 Members (32 of whom were previously Members of the County Council and a District/Borough Council). After that date shall consist of 82 Members, otherwise called councillors. One or more Members will be elected by the voters of each ward into which the Council is divided.
- (b) **Eligibility.** Generally only registered voters of the Council area or those living or working in that area for an appropriate period of time will be eligible to hold office as a Member.

2.2 Election and terms of Members

Election and terms of office. Following elections in 2024 and 2029, the regular election of Members will be held on the first Thursday in May every four years afterwards. The term of office for Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Members

Key roles.

Based upon “21st Century Councillor Principles”, all Members will:

Lead

- (a) balance different interests identified within his/her ward, acting as a community leader and facilitator;
- (b) identify key stakeholders for local issues and build relationships between different groups, organisations and individuals to achieve solutions to these issues;
- (c) contribute to the good governance of the area, actively encouraging and enabling the community to participate, be involved in decision making and deliver its own solutions;
- (d) help in the management of limited public resource and collaborate with others to best deliver the resources that are available;

Advocate

- (e) advocate for all citizens within their wards representing their views through the Council’s decision-making process and helping in the resolution of particular grievances;

- (f) act as a communication channel between the Council and its citizens, promoting citizens interests and needs to the council and assisting the public to better understand the issues being addressed by local government and the services it provides;

External

- (g) undertake individual casework, including working with others, to support individuals within their ward as effectively as possible;
- (h) represent the Council on other bodies and work with different groups to help develop strong working relationships;

Internal

- (i) foster professional working relationships with Officers;
- (j) ensure the Council identifies a range of equality and diversity issues associated with its services and reasonable adjustments are made to address these;
- (k) actively participate in overseeing the successful, lawful and effective management of the Council's public resources and delivery of public services;

Personal development and innovation

- (l) continue to develop and enhance their personal skills and knowledge and encourage others to develop;
- (m) ensure the highest standards of conduct and ethics;
- (n) identify and embrace the development of new and innovative ways of doing things including new technologies, processes and working practices; and
- (o) oversee trends and developments, both at county and national level, and ensure that these are taken into account through the Council's decision making process.

Rights and Duties

- (p) Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (q) Members will not make public information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.

For these purposes the terms “confidential” and “exempt” shall have the meanings given to them in Local Government Act 1972.

2.4 Conduct

Members will at all times observe the codes and protocols for Members as set out in Part 4 of the Constitution.

2.05 Allowances

Members will be entitled to receive allowances in accordance with the Members’ Allowances Scheme – Part 5 of the Constitution.

ARTICLE 3 – MEMBERS OF THE PUBLIC AND THE COUNCIL

3.1 Rights of members of the public

A member of the public has the following rights in relation to the Council. His/her rights to information and to participate are explained in more detail in the Access to Information Rules - Part 2 of the Constitution:

- (a) **Information.** A member of the public has the right to:
- (i) attend formal meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and the public and press are excluded or to maintain orderly conduct or prevent misbehaviour at a meeting;
 - (ii) access the forward plan (if any) to identify potential key decisions that have been incorporated in it;
 - (iii) see publically accessible reports, background papers and retained records of decisions made by the Council, Executive and Officers; and
 - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (b) **Participation.** A member of the public has the right to:
- (i) ask questions, make statements, participate in deputations and submit petitions to the Council,
 - (ii) make representations in relation to certain regulatory matters;
 - (iii) film, audio record, take photographs and use social media to report on public meetings of the Council and its Executive; and
 - (iv) to contribute when asked to investigations by an Overview and Scrutiny Committee,
- all to the extent as provided for in the Constitution and any other relevant protocols of the Council.
- (c) **Complaints.** A member of the public has the right to complain to:
- (i) the Council itself under its complaints scheme;
 - (ii) the relevant Ombudsman after using the Council's own complaints scheme;
 - (iii) the Monitoring Officer about an alleged breach of the Members' Code of Conduct – see Codes and Protocols – Part 4 of this

Constitution.

3.2 Responsibilities of members of the public

A member of the public must not be violent, abusing or threatening to any Member or Officer and must not wilfully harm or damage things owned by the Council, any Member or Officer.

ARTICLE 4 – THE FULL COUNCIL

MATTERS TO BE DETERMINED BY COUNCIL

4.1 General

Full Council is responsible for the adoption and approval of various documents. In addition, some other matters have also been identified for formal decision at Full Council. All such matters are identified below. This does not prevent Full Council from determining any other matter which it can legally determine (whether also delegated to any Committee, Sub-Committee, Officer or other body).

Meanings

4.2 Policy Framework

For the purposes of this Constitution, “Policy Framework” shall unless the context otherwise expressly requires mean the following plans and strategies:

- (a) those policies and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) not to be the sole responsibility of the Executive:
 - (i) Annual Library Plan;
 - (ii) Children and Young People’s Plan;
 - (iii) Crime and Disorder Reduction Strategy;
 - (iv) Development plan documents;
 - (v) Licensing Authority Policy Statement (Gambling Act 2005);
 - (vi) Local Transport Plan; and
 - (vii) Youth Justice Plan,
- (b) those required by any other relevant legislation to be determined by Full Council, and/or that the Council identifies (from time to time) should be adopted by Full Council (whether expressly required by legislation or otherwise), including:
 - (i) Pay Policy Statement;
 - (ii) Statement of Licensing Policy (Licensing Act 2003); and
 - (iii) Corporate Plan.

4.3 **Budgetary Framework**

For the purposes of this Constitution, “Budgetary Framework” shall unless the context otherwise expressly requires means:

- (a) the Revenue Budget;
- (b) the Capital Programme;
- (c) the Capital Strategy;
- (d) Medium Term Financial Plan;
- (e) the Budget which means the annual allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and the setting of virement limits; and
- (f) to the extent it is not covered by (a) to (e) above:
 - (i) any plan or strategy for the control of the Council’s borrowing, investments or capital expenditure or for determining the authority’s minimum revenue provision; and
 - (ii) any other financial requirements that legislation expressly requires to be determined by Full Council.

4.4 **Housing Land Transfer**

For the purposes of this Article, “Housing Land Transfer” means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for consent to dispose of land held or used for residential purposes (as the case may be) where approval is required under sections 32 or 43 of the Housing Act 1985.

4.5 **Other Miscellaneous provisions**

For the purposes of this Article, “Other Miscellaneous Provisions” shall unless the context otherwise expressly requires means:

- (a) making a request to the Local Government Boundary Commission for England under section 57 Local Democracy, Economic Development and Construction Act 2009 in relation to single-member electoral areas;
- (b) a resolution to change a scheme for elections under sections 32, 37 or 39 Local Government and Public Involvement in Health Act 2007; and
- (c) functions relating to a community governance review under Local Government and Public Involvement in Health Act 2007.

4.6 **Functions of Full Council**

Only Full Council will exercise the following functions:

(a) the approval / undertaking of those matters identified as falling within the express meaning of:

- (i) the Policy Framework;
- (ii) the Budgetary Framework;
- (iii) a Housing Land Transfer; and
- (iv) Other Miscellaneous Provisions; and

in the case of any of those matters identified as being excluded from the responsibility of the Executive in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) includes any final determination to amend, modify, vary, replace or revoke such matters unless such amendment, modification, variation, replacement or revocation (as the case may be):

- (i) is necessary for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
- (ii) is authorised by a determination of Full Council to be dealt with by another Committee/Sub-Committee/Board/person at the time when Full Council approves or adopts the plan or strategy (as the case may be);

(b) adoption and changes to the Constitution (other than changes which are expressly delegated to any other Committee / Officer elsewhere within the Constitution or pursuant to the law);

(c) in relation to each Committee, Board (other than as otherwise provided for in the Constitution):

- (i) agreeing its terms of reference;
- (ii) deciding upon its composition; and
- (iii) appointing Members to it (subject as provided for in the Constitution to any right of a Committee to appoint a co-optee and / or for a Member to have a substitute);

(d) appointing and removing the Leader;

(e) appointing the Chairman and Vice-Chairman of each Committee of the Council where provided for in the Articles/Council Procedure Rules of this Constitution;

(f) confirming the appointment of the Head of Paid Service;

- (g) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (h) adopting the local Code of Conduct for Members;
- (i) the hearing of deputations and acceptance of petitions referred to Full Council as provided for in Part 2 of this Constitution;
- (j) appointing of the Monitoring Officer and Section 151 Officer;
- (k) so far as the law requires appointment of a local auditor at least once every five years;
- (l) the appointment of independent person(s) to the extent required for the purposes of issues arising in relation to any Members' Code of Conduct (including in respect of Parish and Town Councils) and/or arrangements relating to the dismissal of the Head of Paid Service, Monitoring Officer and/or Section 151 Officer;
- (m) conferring the title of Honorary Alderman/Alderwoman and/or admitting an Honorary Freeman/Freewoman;
- (n) adopting the Scheme of Members' Allowances - Part 5 of the Constitution;
- (o) changing the name of the area;
- (p) appointment of Electoral Registration Officer;
- (q) appointment of Returning Officer;
- (r) those local choice functions as set out in Part 3 of the Constitution as being for determination by Full Council; and
- (s) all other matters which by law must be reserved to Council.

4.5 Council meetings

- (a) There are three types of Council meeting:
 - (i) the annual meeting;
 - (ii) ordinary meetings;
 - (iii) extraordinary meetings,

which will be conducted in accordance with the Council and Committee Procedure Rules - Part 2 of the Constitution.
- (b) Full Council will normally have 5 ordinary meetings a year plus the annual meeting unless it determines otherwise.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Appointment of Chairman and Vice Chairman

The Chairman of Council and Vice-Chairman of Council will be elected by the Council annually.

5.2 Responsibilities

The Chairman of Council and in his/her absence the Vice-Chairman of Council, will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently with regard to the rights of Members and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members are able to hold the Executive and Portfolio Holders (if any) to account;
- (d) to promote public involvement in the Council's activities; and
- (e) to attend such civic and ceremonial functions (or in his/her absence the Vice-Chairman of Council) as the Council and s/he determines appropriate.

ARTICLE 6 – THE EXECUTIVE

6.1 Role/Terms of Reference

- (a) The Executive is responsible for the discharge of those executive functions allocated to it by the Leader.
- (b) It will take the lead on recommending to Full Council matters as identified in the Policy Framework and Budgetary Framework – Part 2 of the Constitution.

6.2 Membership

- (a) The Executive will consist of the Leader together with at least 2, but not more than 9, Members appointed to the Executive by the Leader.
- (b) The following Members shall not be appointed to the Executive:
 - (i) the Chairman and Vice-Chairman of Full Council; and
 - (ii) any Member appointed for the time being to any Overview and Scrutiny Committee.
- (c) The quorum of the Executive is 3.

6.3 Appointment of Chairman and Vice-Chairman

The Leader shall be the Chairman of the Executive. The Deputy Leader shall be the Vice-Chairman of the Executive.

6.4 Meetings

- (a) The number of ordinary meetings of the Executive each year will normally be determined by the Executive.
- (b) The Leader shall have the power to call one or more special meeting(s) of the Executive.
- (c) The Leader may determine that a meeting should be cancelled for insufficient business.

6.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the relevant parts of the Council and Committee Procedural Rules and the Executive Procedural Rules - Part 2 of this Constitution.

6.6 Substitutes

There shall be no power to appoint substitutes to the Executive.

6.7 Executive Committees

- (a) The Leader and/or the Executive (unless the Leader otherwise directs) may appoint one or more Executive Committees and may arrange for the discharge of any of its functions/powers by any Executive Committee appointed by it.
- (b) An Executive Committee shall not discharge any functions other than those conferred on it by the Executive.
- (c) The Chairman and Vice-Chairman of an Executive Committee shall be appointed by the Executive Committee unless the Executive expressly determines otherwise.
- (d) The Executive shall normally determine the:
 - (i) terms of reference;
 - (ii) arrangements for the holding and frequency of meetings;
 - (iii) size of membership; and
 - (iv) quorum,

of any Executive Committee but in the absence of such determination such matters may be determined by the Executive Committee itself provided that in no circumstance shall a quorum be less than three (3) Executive Members.

6.8 The Leader

- (a) An election to the office of Leader will usually be held by the Council at the post-election annual meeting but may be held at an earlier meeting of Council if at such an earlier meeting Members expressly resolve otherwise.
- (b) The Leader will be elected by a simple majority of Members present at the Full Council meeting at which the election takes place. In the event of a tie, the Member chairing the meeting will have a casting vote.
- (c) The Leader's term of office starts on her/his day of election as Leader.
- (d) Unless Full Council resolve otherwise, the Leader's term of office will normally be annual, expiring at the start of the next annual meeting of the Council following his/her previous election.
- (e) Full Council can resolve to remove the Leader by a simple majority vote at any time. In this case, the Leader's term of office ends on the day of his/her removal. In the event that Council by resolution removes the Leader, the Council will normally seek to elect a new Leader at the same

meeting at which the Leader is removed but may do so at a subsequent meeting.

- (f) The Leader remains a member of the Council during his/her term of office as Leader however the Leader may cease to be a councillor in certain circumstances including disqualification and resignation.
- (g) The Leader has the powers as set out in Part 3 – Functions of the Council, of the Constitution.

6.9 **The Deputy Leader**

- (a) The Deputy Leader's key role is to deputise for the Leader when s/he is unable to act and/or to act as the Leader if the post of Leader is vacant.
- (b) The Leader shall at all times ensure that one of the Members appointed by him/her to the Executive is appointed as Deputy Leader.
- (c) The Leader may at any time (and from time to time) remove the appointed Deputy Leader from office. Upon the removal of a Deputy Leader the Leader must appoint another person in her/his place.
- (d) The Leader shall ensure that the Head of Paid Service is notified in writing without delay as to the identity of the Deputy Leader upon her/his appointment or replacement (as the case may be).
- (e) Unless the Deputy Leader resigns, is removed by the Leader or ceases to be a Member, the Deputy Leader shall hold office until the end of the term of office of the Leader.
- (f) If, for any reason, the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in her/his place.
- (g) The Deputy Leader has the powers as set out in Part 3 – Functions of the Council of this Constitution.

6.10 **Other Executive Members**

- (a) Every other member of the Executive shall remain in office until s/he:-
 - (i) resigns from office;
 - (ii) is suspended from being a Member;
 - (iii) ceases to be a Member; or
 - (iv) is removed from office by decision of the Leader. Such removal should be notified in writing to the Head of Paid Service. The removal will be assumed to be effective upon receipt of such notice by the Head of Paid Service unless the Leader specifies otherwise in such notification.

- (b) The Leader shall be responsible for identifying from the Executive any Member who will perform a Portfolio Holder role. The number of Portfolio Holder posts shall be determined by the Leader and may be varied by him/her at any time and from time to time.
- (c) A Portfolio Holder will have responsibility for one or more areas of the Council's work. The specific responsibilities for each Portfolio Holder will be decided by the Leader.

6.11 **Executive Member Advisory Panels**

- (a) The Leader and/or any other Executive Member may from time to time arrange for the appointment of one or more Advisory Panels with whom s/he may consult for the purposes of helping to inform him/her in relation to the discharge of his/her portfolio responsibilities.
- (b) In particular, this may include:
 - (i) a planning advisory panel to provide advice in relation to issues arising in connection with the formulation and review of local plans;
 - (ii) other policy advisory panels involving non-Executive Members to assist in relevant policy formulation.
- (c) The membership of any Advisory Panel may include Members, Officers and/or any other persons. The Executive Member creating the Advisory Panel shall have absolute discretion in determining the size of any Advisory Panel and its membership (including whether Members are drawn from one or more political groups). The Executive Member or his/her nominee shall chair the Advisory Panel. An Advisory Panel shall be informal, have no decision-making power and shall not constitute a Committee or Sub-Committee of the Council. The Executive Member can determine whether the public and/or other Members shall be allowed to attend a meeting of the Advisory Panel s/he has arranged and/or be part of any circulation list for documents prepared in relation to it.
- (d) The Executive Member shall notify the Head of Paid Service and the Monitoring Officer of any Advisory Panel and its membership. The Monitoring Officer shall maintain a list of such Advisory Panels which shall be open to public inspection.

6.12 **Member rights to attend at and request items to be considered by the Executive**

The Executive Procedure Rules in conjunction with the Council and Committee Procedure Rules - Part 2 of this Constitution contains rules relating to the rights of individual Members to:

- (a) attend and speak at the Executive; and
- (b) request an item be considered by the Executive.

6.13 Delegated powers and powers to recommend

- (a) The Leader will maintain an up to date list setting out the responsibilities of the following for the purpose of exercising and/or having the power to delegate or the power to make recommendations on the exercise of any executive powers:
- (i) the Deputy Leader;
 - (ii) an Executive Member;
 - (iii) the Executive;
 - (iv) any Executive Committee; and
 - (v) any Area Committee.

This list shall form part of the Constitution and the Leader shall make arrangements to ensure that at all times an up to date version is provided to the Head of Paid Service and to the Monitoring Officer.

- (b) Arrangements agreed by the Leader for the general discharge of executive functions by Officers are normally incorporated within The Officer Scheme of Delegations - Part 3(2) of the Constitution. The Leader shall ensure that the Head of Paid Service and Monitoring Officer are notified of any change to such arrangements. Any general executive delegation to an Officer for a period in excess of 6 months shall normally be recorded in the Officer Scheme of Delegations. However, where an executive delegation to an Officer relates to a specific task or matter, then to the extent this delegation forms part of a recorded resolution relating to that task or matter and is not recorded in the Officer Scheme of Delegations then the record of resolution shall be deemed to form part of the Officer Scheme of Delegations and the Constitution.

ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES

7.1 Role/Terms of Reference

- (a) The Council will appoint 4 Overview and Scrutiny Committees.
- (b) The combined role of these Overview and Scrutiny Committees will be to perform all those functions conferred on an Overview and Scrutiny Committee by the Local Government Act 2000. To the extent that the law allows or requires, other functions may also be performed by one or more of the Overview and Scrutiny Committees. Further details of functions performed by the Overview and Scrutiny Committees can be found in Functions of the Council – Part 3(1) of the Constitution.
- (c) Each of the Overview and Scrutiny Committees shall have primary responsibility for different theme areas, namely:
 - (i) Health;
 - (ii) People;
 - (iii) Place; and
 - (iv) Resources.
- (d) Save in relation to the consideration of education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive, the identification of a primary responsibility for a theme in relation to an Overview and Scrutiny Committee shall not prevent any of the Overview and Scrutiny Committees from considering any matter that may cut across different theme areas.
- (e) No Overview and Scrutiny Committee may discharge any functions other than those permitted by legislation.
- (f) In exercising or deciding whether to exercise its functions each Overview and Scrutiny Committees should have regard to any guidance for the time being issued by the relevant Secretary of State.
- (g) In the absence of any alternative joint arrangements having been entered into, the Overview and Scrutiny Committee with primary responsibility for:
 - (i) “place” shall be the Council’s Overview and Scrutiny Committee for the purposes of fulfilling the Council’s statutory duties in relation to crime and disorder;
 - (ii) “health” shall be the Council’s Overview and Scrutiny Committee for the purposes of fulfilling the Council’s statutory powers in relation to health scrutiny; and

- (iii) “people” shall be solely responsible for the performance of overview and scrutiny functions relating to education matters.

7.2 **Membership**

- (a) Each Overview and Scrutiny Committee shall consist of 10 Members including its appointed Chairman and Vice Chairman. The quorum of each Committee is 3. To the extent that the law requires an Overview and Scrutiny Committee to include a person who is not a Member, then the membership shall be made up of 10 Members plus the number of additional persons required, provided that for the avoidance of doubt this provision does not apply to any joint arrangements entered into by the Council. In relation to the exercise of overview and scrutiny functions relating to education matters, the membership of “people” Overview and Scrutiny Committee shall in particular include:
 - (i) a person nominated by a Diocesan Board of Education for a Church of England diocese falling wholly or partly with the area of the Council;
 - (ii) a person nominated by the Bishop of any Roman Catholic diocese falling wholly or partly with the area of the Council; and
 - (iii) two parent governors from maintained schools within the area of the Council
- (b) No Overview and Scrutiny Committee shall include any Member of the Executive whilst so appointed.
- (c) Subject, where appropriate, to relevant provisions set out in a scheme made by the Council for such purposes and to any other relevant legislative limitations an Overview and Scrutiny Committee may include persons who are not Members who may both speak and vote. Arrangements shall include such persons as part of an Overview and Scrutiny Committee where the law requires. Unless the law or a relevant scheme otherwise requires each Overview and Scrutiny Committee may determine the appointment of its non-Members.
- (d) There shall be no power to appoint substitutes to any Overview and Scrutiny Committee.

7.3 **Appointment of Chairman and Vice Chairman**

The Chairman and Vice-Chairman of each Overview and Scrutiny Committee shall be appointed annually by Full Council unless Full Council determines otherwise.

7.4 Sub-Committees

- (a) An Overview and Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of any of its functions/powers by a Sub-Committee appointed by it.
- (b) A Sub-Committee of an Overview and Scrutiny Committee may not discharge any functions other than those conferred on it by the Overview and Scrutiny Committee that appointed it.
- (c) The Chairman and Vice-Chairman of an Overview and Scrutiny Sub-Committee shall be appointed by the Sub-Committee unless the appointing Overview and Scrutiny Committee expressly determines otherwise.
- (d) Subject to any limitations that may apply an Overview and Scrutiny Committee shall normally determine the:
 - (i) terms of reference;
 - (ii) arrangements for the holding and frequency of meetings;
 - (iii) size of membership; and
 - (iv) quorum,of each of its Sub-Committees but in the absence of such determination and unless the law otherwise requires such matters may be determined by the Sub-Committee itself provided that in no circumstance shall a quorum be less than 3 Members.
- (e) The Proper Officer shall maintain a list of all Sub-Committees, including:
 - (i) membership;
 - (ii) terms of reference;
 - (iii) any function; and
 - (iv) any rule governing a Sub-Committee's conduct and proceedings not otherwise provided for elsewhere in this Constitution,created pursuant to this Article. That list shall form part of the Constitution.

7.5 Meetings

- (a) The number of ordinary meetings of each Overview and Scrutiny Committee in a year will normally be determined by Full Council.

- (b) The Chairman of each Overview and Scrutiny Committee shall have the power to call one or more special meeting(s) of Overview and Scrutiny Committee of which s/he is the Chairman.
- (c) The Chairman of an Overview and Scrutiny Committee may determine that any of its meetings should be cancelled for insufficient business.

7.6 Proceedings and Reporting

Each Overview and Scrutiny Committee will generally conduct its business as set out in various Procedure Rules – Part 2 of this Constitution.

7.7 Call-in

- (a) Each of the Overview and Scrutiny Committees has the authority to review individual decisions and seek their Call In for reconsideration as provided for in the Overview and Scrutiny Procedure Rules – Part 2 of this Constitution.
- (b) A Chairman of one of the Overview and Scrutiny Committees will normally be consulted before implementation of various urgent executive decisions or in connection with the urgency process relating to Call-in decisions (see Overview and Scrutiny Procedure Rules - Part 2 of this Constitution).

7.8 Delegated powers and powers to recommend

- (a) The Overview and Scrutiny Committees shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt and in so far as the law allows,
 - (i) each of the Overview and Scrutiny Committees; and
 - (ii) unless limited by the creating Overview and Scrutiny Committee, any Sub-Committee of an Overview and Scrutiny Committee,

may delegate or refer any of its powers to any Officer(s). The discharge of the Council's health scrutiny functions to the extent as identified in the National Health Service Act 2006 and its relevant regulations shall not be delegated to any Officer

7.9 Member Interests

Where a review of a decision or action by an Overview and Scrutiny Committee includes a matter in which one or more of the Members appointed to that Overview and Scrutiny Committee participated then each such Member must declare an interest.

7.10 Scrutiny Officer

The Council will designate one of its Officers to be a Scrutiny Officer to discharge the functions as prescribed in the Local Government Act 2000.

7.11 Finance and Resources

Each Overview and Scrutiny Committee is responsible for the management of funds allocated to it to fulfil its functions.

ARTICLE 8 –COMMITTEES AND BOARDS

8.1 Committees / Boards

- (a) The Council has established the following Committees and Boards for the purposes of primarily undertaking the roles identified below. Various information relating to arrangements for dealing with certain functions by way of joint arrangements with other organisations can be found in Other Arrangements – Article 11 Part 1 of this Constitution.
- (b) Legislation allows the Council to make arrangements to progress matters on a limited geographical basis. There is considerable choice as to how this can be done including by way of Area Committee or forums. To the extent that the Council has made any non-executive area arrangements these are set out below. Further details on area arrangements can also be found in The Executive – Article 6 Part 1 of this Constitution. Some area arrangements may not be identified where they are established for a limited period or are of a transitional nature.
- (c) In addition to its formal Committees and Boards, the Council has also created and/or assists in the operation of various statutory decision making bodies and other non-statutory panels, partnerships, forums and boards. Information relating to such statutory decision making bodies is retained by the Proper Officer.
- (d) The Terms of Reference of the Committees and Boards shall be read in conjunction with the functions of those bodies identified in Functions of the Council – Part 3(1) of this Constitution.

8.2 Sub-committees

- (a) Unless this Article expressly provides otherwise, any Committee or Board may arrange for the discharge of any of its functions powers by a Sub-Committee appointed by it.
- (b) A Sub-Committee created by a Committee or Board specified in this Article may not discharge any functions other than those conferred on it by that Committee or Board (as the case may be).
- (c) Unless this Article expressly provides otherwise, the Chairman and Vice-Chairman of a Sub-Committee created by a Committee or Board shall be appointed by the Sub-Committee unless the appointing Committee or Board expressly determines otherwise.
- (d) Unless this Article expressly provides otherwise, the appointing Committee shall normally determine the:
 - (i) terms of reference;
 - (ii) arrangements for the holding and frequency of meetings;

(iii) size of membership; and

(iv) quorum,

of each of its Sub-Committees but in the absence of such determination such matters may be determined by the Sub-Committee itself provided that in no circumstance shall a quorum be less than three (3) Members.

(e) The Proper Officer shall maintain a list of all Sub-Committees, including:

(i) membership;

(ii) terms of reference;

(iii) any function; and

(iv) any rule governing a Sub-Committee's conduct and proceedings not otherwise provided for elsewhere in this Constitution,

created pursuant to this Article. That list shall form part of the Constitution.

8.3 **Substitutes**

(a) Unless there is express provision to the contrary and subject to any limitation that may be identified, every Committee, Board and Sub-Committee detailed below in this Article shall have the right to have substitutes appointed to it for the purposes of any meeting.

(b) In relation to Members, arrangements for any substitute shall normally be made:

(i) by the group leader of the Member for whom the substitution is being sought; or

(ii) if the group leader is unavailable / absent or it is not practical for the group leader to do so then by any person appointed as a deputy for that group leader,

by giving notice to the Proper Officer identified for such a purpose in the Officer Scheme of Delegation – Part 3(2) of the Constitution in advance of the meeting to which the substitution relates. In the event of advance notification not being provided/received then the substitute shall not be treated as a member of the Committee/Sub-Committee for the purposes of being able to speak or vote.

(c) A substitute for a Member may only be from the same political group as the Member for whom the substitution is being made.

- (d) In the case of any appointment of a person to a Committee or Board who is not a Member then there shall be no power to appoint a substitute unless expressly provided for below or the law otherwise requires. A substitute for a non-Member shall be notified to the Proper Officer as soon as practicable in advance of the sitting of the Committee or Board (as the case may be).

8.4 Co-optees

To the extent that any Committee, Sub-Committee or Board identified below has persons who are not Members forming part of it, then unless the provisions identify otherwise, or the law otherwise requires, a Committee may appoint its non-Members.

APPEALS COMMITTEE

8.5 Role/Terms of Reference and Membership

- (a) The Appeals Committee shall be primarily responsible for the determination of:
 - (i) any review and/or appeal that the Council is required to undertake (excluding any relating to an employee of the Council) including, for the avoidance of doubt, any appeal arising in connection with any educational or discretionary grant / relief function of the Council to the extent that such an appeal can be determined by a body including Members; and
 - (ii) various other matters requiring a determination of the Council, including
 - (A) an application for discharge from mental health guardianship;
 - (B) an application / potential revocation of any parking concession relating to a disabled person whether there is any suggestion of misuse;
 - (C) certain financial assessment disputes relating to residential or nursing home accommodation being provided to a person; and
 - (D) the review of certain personal data issues,that is not determined through the use of any other mechanism.
- (b) The Appeals Committee will consist of 15 Members appointed by Full Council.
- (c) The quorum of the Appeals Committee shall be 3 Members.

- (d) There shall be no power to appoint substitutes to the Appeals Committee.

8.6 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Appeals Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.7 Meetings

- (a) The number of ordinary meetings of the Appeals Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Appeals Committee shall have the power to call one or more special meeting(s) of the Appeals Committee.
- (c) The Chairman of the Appeals Committee may determine that a meeting should be cancelled for insufficient business.

8.8 Sub-Committees for the consideration of Appeals Committee

- (a) At its first meeting after each Annual Council the Appeals Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective consideration of matters for which the Appeals Committee has responsibility.
- (b) Where more than one Appeals Sub-Committee has been appointed which has the same delegated powers as another Appeals Sub-Committee then those Appeals Sub-Committees with the same powers shall sit in rotation.
- (c) Each Appeals Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.
- (d) Substitutes may only be appointed to an Appeals Sub-Committee from the membership of the Appeals Committee.
- (e) No Member shall sit as a member of an Appeals Sub-Committee unless s/he has received training provided to that Member for the purposes of the matter to be determined by that Appeals Sub-Committee.
- (f) For the avoidance of doubt, all Appeals Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.9 Delegated powers and powers of recommendation of the Appeals Committee

- (a) The Appeals Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

- (b) For the avoidance of doubt the Appeals Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

AUDIT AND GOVERNANCE COMMITTEE

8.10 Role/Terms of Reference and Membership

- (a) The Audit and Governance Committee shall be primarily responsible for:
 - (i) independent assurance on the adequacy of the Council's risk management framework including the internal control environment, integrity of financial reporting and governance arrangements;
 - (ii) promoting and helping maintain high standards of conduct of Members (including co-optees), Parish and Town councillors and any other relevant appointed representatives including advising the Council on issues relating to the Members' Code of Conduct;
 - (iii) recommending training in respect of conduct standards and ensuring appropriate arrangements to consider and determine allegations of any breach concerning the Members' Code of Conduct and any other code / protocol concerning Member Conduct;
 - (iv) supporting the Monitoring Officer in the discharge of his/her duties;
 - (v) ensuring arrangements for any necessary consideration of complaints / compliments relating to the Council including to the Local Government Ombudsman, including making any recommendations in relation to compensation payments.
- (b) The Audit and Governance Committee will consist of 10 Members appointed by Full Council.
- (c) No Member appointed to the Audit and Governance Committee shall also be appointed to the Executive.
- (d) The quorum of the Audit and Governance Committee shall be 3 Members.
- (e) There shall be no power to appoint substitutes to the Audit and Governance Committee.

8.11 Appointment of Chairman and Vice-Chairman

- (a) The Chairman and Vice-Chairman of the Audit and Governance Committee shall be appointed by Full Council unless Full Council otherwise determines.

- (b) The Chairman of the Audit and Governance Committee shall be from the largest political party that is different to that of the Leader.

8.12 Meetings

- (a) The number of ordinary meetings of the Audit and Governance Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Audit and Governance Committee shall have the power to call one or more special meeting(s) of the Audit and Governance Committee.
- (c) The Chairman of the Audit and Governance Committee may determine that a meeting should be cancelled for insufficient business.

8.13 Sub-Committees for the consideration of Code of Conduct issues

- (a) The Audit and Governance Committee shall arrange that, to the extent it is called upon to determine any allegation relating to a Member Code of Code (including that of a Town Council or a Parish Council), the determination shall be made by a Sub-Committee of the Audit and Governance Committee. An Audit and Governance Sub-Committee with such responsibility may include non-Members. An Audit and Governance Sub-Committee that has non-Members forming part of it shall not have any power relating to the regulation and/or control of the finances of the Council.
- (b) Substitutes may only be appointed to an Audit and Governance Sub-Committee from the membership of the Audit and Governance Committee. There shall be no power to appoint non Member substitutes.

8.14 Delegated powers and powers of recommendation of the Audit and Governance Committee

- (a) The Audit and Governance Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Audit and Governance Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

HARBOURS COMMITTEE

8.15 Role/Terms of Reference and Membership

- (a) The Harbours Committee shall be primarily responsible for exercising functions of the Council as a harbour authority as defined in the Harbours Act 1964 and any other functions arising under any local Act and/or byelaw in respect of the operational issues in relation to harbour land of any harbours within the area of the Council not dealt with through any other mechanism.

- (b) The Harbours Committee shall have the power to determine income and expenditure matters relating to the harbours for which it is responsible but:
 - (i) in the case of income, only to the extent that Full Council has expressly resolved that such matters may be determined by the Harbours Committee; and
 - (ii) in the case of expenditure only up to its budget.
- (c) The Harbours Committee will consist of 10 persons comprising 6 Members and 4 other persons who are not Members all appointed by Full Council.
- (d) The quorum of the Harbours Committee shall be no less than 3 persons appointed to the Harbours Committee but must in all cases be made up of a majority consisting of Members.
- (e) There shall be no power to appoint substitutes to the Harbours Committee.
- (f) Arrangements shall be made to identify a designated person in relation to health and safety in connection to the harbours. Such person shall be Proper Officer identified as having the powers for such purposes in the Officer Scheme of Delegations – Part 3(2) of the Constitution or such other arrangements as the Council may from time to time decide.

8.16 Duty Holder in relation to Harbours

The Harbours Committee will be the duty holder for the purposes of the Council's responsibilities under the Port Marine Safety Code for all Harbours in the area of the Council for which the Council is the statutory harbour authority.

8.17 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Harbours Committee shall be appointed by Full Council unless Full Council otherwise determines. No co-optee shall be appointed either Chairman or Vice-Chairman.

8.18 Meetings

- (a) The number of ordinary meetings of the Harbours Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Harbours Committee shall have the power to call one or more special meeting(s) of the Harbours Committee.
- (c) The Chairman of the Harbours Committee may determine that a meeting should be cancelled for insufficient business.
- (d) There shall be no power to appoint substitutes to the Harbours Committee or to any Harbours Sub-Committee.

8.19 Delegated powers and powers of recommendation of the Harbours Committee

- (a) The Harbours Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Harbours Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

HEALTH AND WELLBEING BOARD

8.20 Role/Terms of Reference and Membership

- (a) The Health and Wellbeing Board shall be primarily responsible for:
 - (i) the development and updating of a Joint Strategic Needs Assessments, any Pharmaceutical Needs Assessment and the Better Care Fund;
 - (ii) assisting in the development and overseeing of various other plans and strategies with relevance to health;
 - (iii) providing a link to and encouraging integration and collaboration with and other key health stakeholders including NHS England and any other health and wellbeing board; and
 - (iv) ensuring that a patient/service user voice is effectively heard in connection with relevant decisions.
- (b) The Health and Wellbeing Board will consist of 18 persons made up of:
 - (i) 3 Members (all of whom shall be nominated by the Leader, of which 1 may be the Leader);
 - (ii) 4 Officers made up of the Director responsible for adult social services; the Director responsible for children's services, the Director responsible for public health and 1 other Officer with a responsibility for the economy;
 - (iii) 7 NHS representatives made up of 3 from Locality Executive Teams (GPs), 1 from the Dorset Clinical Commissioning Group Board, the Clinical Commissioning Group Accountable Officer; 1 from NHS England and 1 from the Local NHS Provider Trust; and
 - (iv) 4 others made up of 1 from the Local Healthwatch organisation, 1 from the voluntary sector, a representative of the Police and a representative of Dorset and Wiltshire Fire Authority.
- (c) The quorum of the Health and Wellbeing Board shall be 5 persons at least 3 of whom are Members of the Council and/or Officers of the Council.

- (d) There shall be power to appoint substitutes for both Members and non-Members to the Health and Wellbeing Board. A non-Member substitute must be from the same organisation as the non-Member.

8.21 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Health and Wellbeing Board shall be appointed by Full Council unless Full Council otherwise determines.

8.22 Meetings

- (a) The number of ordinary meetings of the Health and Wellbeing Board each year will normally be determined by Full Council.
- (b) The Chairman of the Health and Wellbeing Board shall have the power to call one or more special meeting(s) of the Health and Wellbeing Board.
- (c) The Chairman of the Health and Wellbeing Board may determine that a meeting should be cancelled for insufficient business.
- (d) There shall be power to appoint substitutes to the Health and Wellbeing Board.

8.23 Delegated powers and powers of recommendation of the Health and Wellbeing Board

- (a) The Health and Wellbeing Board shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Health and Wellbeing Board and any of its Sub-Committees can delegate any of their powers to any Officer.

LICENSING COMMITTEE

8.24 Role/Terms of Reference and Membership

- (a) The Licensing Committee shall have primary responsibility for:
 - (i) the discharge of the Council's licensing, certification and registration functions; and
 - (ii) the determination of any application relating to the manufacture and/or storage of explosives;that is not dealt with through the use of any other mechanism.
- (b) The Licensing Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by any legislation (e.g. the Licensing Act 2003 and the Gambling Act 2005). In such cases, the Licensing Committee may arrange for the discharge of any of those functions as it sees fit provided it

is in accordance with the law. Where the Licensing Committee makes arrangements for the discharge of its functions it shall without delay seek to notify the Head of Paid Service. The Constitution sets out the current position with regard to such matters.

- (c) The Licensing Committee may also deal with certain other matters which are referred to it having regard to provisions in the Licensing Act 2003 by a person or body possessing the power to make that determination.
- (d) The Licensing Committee will consist of 15 Members appointed by Full Council.
- (e) The quorum of the Licensing Committee shall be 3.

8.25 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Licensing Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.26 Meetings

- (a) The number of ordinary meetings of the Licensing Committee each year will normally be determined by Full Council.
- (b) The Chairman of Licensing Committee shall have the power to call one or more special meeting(s) of the Licensing Committee.
- (c) The Chairman of Licensing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No Member shall sit as a member of the Licensing Committee unless s/he has received licensing training provided to that Member for this purpose.
- (e) There shall be no power to appoint substitutes to the Licensing Committee.

8.27 Licensing Sub-Committees

- (a) At its first meeting after each Annual Council the Licensing Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective operation of the Council's licensing duties.
- (b) Where more than one Licensing Sub-Committee has been appointed they shall sit in rotation. Each Licensing Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.
- (c) Substitutes may only be appointed to a Licensing Sub-Committee from the membership of the Licensing Committee.

- (d) For the avoidance of doubt, all Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.28 Delegated powers and powers to recommend of the Licensing Committee

- (a) The Licensing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of its powers to any Officer (subject in particular in the case of the Licensing Act 2003 and the Gambling Act 2005 to any limitations prescribed in that legislation).

PENSION FUND COMMITTEE

8.29 Role/Terms of Reference and Membership

- (a) The Pension Fund Committee shall be primarily responsible for exercising all functions of the Council as administering authority of the Dorset Pension Fund.
- (b) The Pensions Fund Committee will consist of 9 Members comprising 5 Members appointed by Full Council (not more than 2 being also appointed to the Executive); 3 persons nominated by the Bournemouth Christchurch and Poole Council and 1 person nominated by the unions who have membership that includes Officers.
- (c) The quorum of the Pension Fund Committee shall be 3 persons at least 2 of whom must be Members of the Council.
- (d) There shall be no power to appoint substitutes to the Pension Fund Committee.

8.30 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Pension Fund Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.31 Meetings

- (a) The number of ordinary meetings of the Pension Fund Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Pension Fund Committee shall have the power to call one or more special meeting(s) of the Pension Fund Committee.
- (c) The Chairman of the Pension Fund Committee may determine that a meeting should be cancelled for insufficient business.

- (d) There shall be no power to appoint substitutes to the Pension Fund Committee or to any Pension Fund Sub-Committee.

8.32 Delegated powers and powers of recommendation of the Pension Fund Committee

- (a) The Pension Fund Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Pension Fund Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

STAFFING COMMITTEE

8.33 Role/Terms of Reference and Membership

- (a) The Staffing Committee shall be primarily responsible for:
 - (i) recommending to Full Council the appointment of the Head of Paid Service and any other statutory Chief Officer;
 - (ii) dealing with various other personnel issues relating to any Officer including any disciplinary and/or dismissal issue and or discretionary payment issue,

not otherwise dealt with through any other mechanism. The Staffing Committee shall not have power to dismiss the Head of Paid Service, the Section 151 Officer or the Monitoring Officer. Any consideration as to the possible dismissal of any such Officer shall accord with the Officer Employment and Disciplinary Procedure Rules – Part 5 of the Constitution.

- (b) The Staffing Committee will consist of 5 Members appointed by Full Council.
- (c) The quorum of the Staffing Committee shall be 3 Members.
- (d) There shall be no power to appoint substitutes to the Staffing Committee.

8.34 Appointment of Chairman and Vice-Chairman

The Chairman of the Staffing Committee shall be the Leader if appointed to the Staffing Committee. Full Council shall be responsible for the appointment of the Chairman in any other case and also Vice-Chairman unless Full Council otherwise determines.

8.35 Meetings

- (a) The number of ordinary meetings of the Staffing Committee each year will normally be determined by Full Council.

- (b) The Chairman of the Staffing Committee shall have the power to call one or more special meeting(s) of the Staffing Committee.
- (c) The Chairman of the Staffing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) There shall be no power to appoint substitutes to the Staffing Committee or to any Staffing Sub-Committee.

8.36 Delegated powers and powers of recommendation of the Staffing Committee

- (a) The Staffing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Staffing Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

STRATEGIC AND AREA PLANNING COMMITTEES

8.37 Role/Terms of Reference and Membership

- (a) The Council has 1 Strategic Planning Committee which is responsible for dealing with matters including any application and/or any enforcement issue in relation to:
 - (i) certain strategic town and country planning issues including any planning application whose red line crosses the boundaries of more than 1 Area Planning Committee;
 - (ii) various minerals and waste applications; and
 - (iii) relating to the exercise of the functions of the Council as registration authority for commons and town and village greens,that are not dealt with through the use of any other mechanism.
- (b) The Council has 3 Area Planning Committees which are collectively responsible for dealing with all matters including any application and/or any enforcement issue in relation to:
 - (i) town and country planning;
 - (ii) rights of way including the definitive map; and
 - (iii) highway matters,that is not dealt with through the use of any other mechanism.

- (c) An Area Planning Committee shall deal with only those matters (and in the case of an application whose red line) falls wholly within their area. The current boundaries of each of the Area Planning Committees can be found as an appendix to this article. In the event of any uncertainty / dispute as to whether an application falls to be determined by the Strategic Planning Committee or an Area Planning Committee the determination of the Proper Officer (or if absent or unavailable the Monitoring Officer) in consultation with the Chairman of the Strategic Planning Committee.
- (d) The Strategic Planning Committee will consist of 12 Members appointed by Full Council. Unless political balance requirements necessitate otherwise, those appointments shall be made up of 4 Members from each of the 3 Planning Area Committees.
- (e) Each Area Planning Committee will consist of 12 Members appointed by Full Council. Members appointed to each Area Planning Committee shall be selected from wards wholly or partly falling within the area of responsibility of that Area Planning Committee unless an appointment from outside such an area is necessary for the purposes of political balance requirements.
- (f) The quorum of the Strategic Planning Committee and each Area Planning Committee shall be 6 Members.

8.38 **Appointment of Chairman and Vice-Chairman**

The Chairman and Vice-Chairman of the Strategic Planning Committee and each Area Planning Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.39 **Meetings**

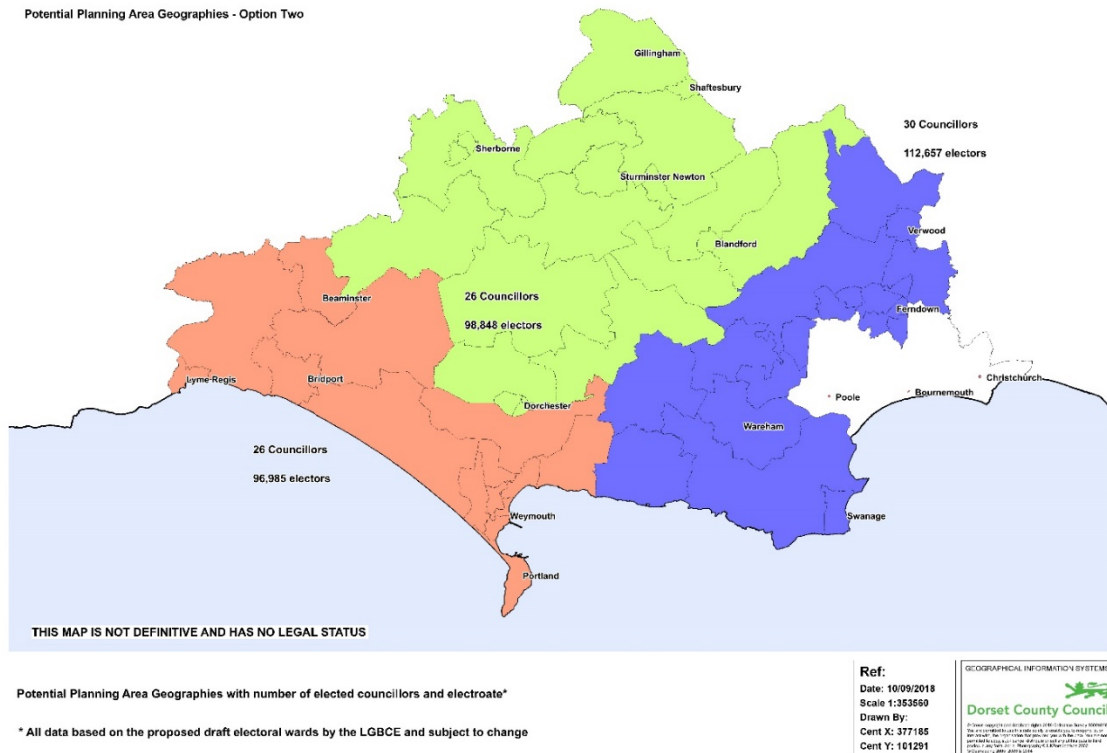
- (a) The number of ordinary meetings each year of the Strategic Planning Committee and every Area Planning Committee will normally be determined by Full Council.
- (b) The Chairman of the Strategic Planning Committee and each Area Planning Committee shall have the power to call one or more special meeting(s) of the Committee of which s/he is the Chairman.
- (c) The Chairman of the Strategic Planning Committee and each Area Planning Committee shall have the power to determine that a meeting of the Committee for which s/he is the Chairman should be cancelled for insufficient business.
- (d) No Member shall sit as a member of an Area Planning Committee unless s/he has received planning training provided to that Member for this purpose.

- (e) Substitutes to the Strategic Planning Committee and any Area Planning Committee may only be appointed from any of the Area Planning Committees.

8.40 Delegated powers and powers to recommend of the Strategic Planning Committee and each Area Planning Committee

- (a) The Strategic Planning Committee and each Area Planning Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt and in so far as the law allows,
 - (i) the Strategic Planning Committee and each of Area Planning Committees; and
 - (ii) unless limited by the creating Strategic Planning Committee or the Area Planning Committee (as the case may be), any Sub-Committee of the Strategic Planning Committee or any Area Planning Committee, may delegate or refer any of its powers to any Officer(s).

APPENDIX – MAPS SHOWING BOUNDARIES OF AREA PLANNING COMMITTEES



ARTICLE 9 – STANDARDS

9.01 **Member Code of Conduct**

The Council recognises and supports the need to have a Code of Conduct that identifies the general principles by which Members of the Council should abide. The latest Code of Conduct adopted by the Council is contained in Part 4 – Codes and Protocols of the Constitution.

9.02 **Complaints against Members**

- (a) The Council has adopted a complaint process which will usually be followed in relation to new and any outstanding complaints against Members. This process will also normally be followed in relation to investigations which the Council is required to undertake in respect of any alleged breaches by Parish and Town Councillors. The Monitoring Officer has power to vary the process where considered appropriate. Details of this Member Complaint Process can be found in Codes and Protocols – Part 4 of the Constitution.
- (b) Complaints that may give rise to criminal investigations including those relating to disclosable pecuniary interests will usually be referred to the Police and will therefore fall outside the complaints process.

ARTICLE 10 – INTERIM ARRANGEMENTS/COMMUNITY ENGAGEMENT

10.1 Introduction

- (a) Part 1 of this Article shall only apply during the Interim Period. For the purposes of this Article “the Interim Period” is the period 1 April 2019 to 6 May 2019 inclusive.
- (b) Part 2 of this Article shall apply from the expiry of Part 1 and shall continue to apply at all times thereafter.

PART 1 INTERIM ARRANGEMENTS

10.2 Interim Period definitions

In this Article:

- (a) “Predecessor Council” means a council dissolved on 1st April 2019 by article 9 of the Order;
- (b) “the Order” means The Bournemouth, Dorset and Poole (Structural Changes) Order 2018; and
- (c) “the Shadow Dorset Council” means the shadow authority for the purposes of Part 6 of the Order.

10.3 Interim Arrangements

- (a) During the Interim Period the other provisions of the Constitution will be modified by the arrangements in this Article.
- (b) If there is any uncertainty about the interpretation or application of this Article, the decision of the Monitoring Officer shall be determinative.

10.4 Executive

- (a) Unless replaced in accordance with the Order:
 - (i) the Leader shall be the leader of the Shadow Dorset Council as at 31st March 2019;
 - (ii) the Executive shall consist of 20 Members made up of the Leader and 19 Executive Members being those Members who as at 31st March 2019 made up the shadow executive committee as defined in the Order; and
 - (iii) each Executive Member shall be a portfolio holder with the portfolio held by him/her as at 31st March 2019, or such other portfolio as the Leader may at any time determine.

- (b) The quorum of a meeting of the Executive shall be the same as for the shadow executive committee of the Shadow Dorset Council.
- (c) The Leader will maintain an up to date list of executive arrangements during the Interim Period relating to:
 - (i) the Deputy Leader who shall also be identified by the Leader in that list;
 - (ii) an Executive Member;
 - (iii) the Executive;
 - (iv) any Executive Committee; and
 - (v) any Area Committee.

This list shall form part of the Constitution and the Leader shall make arrangements to ensure that at all times an up to date version is provided to the Head of Paid Service and to the Monitoring Officer.

10.5 **Licensing Committee**

No Member appointed to the Licensing Committee shall take part in any meeting of the Licensing Committee unless either:

- (a) they have received licensing training provided for the purpose of participating in this Licensing Committee; and/or
- (b) were appointed to a licensing committee of a Predecessor Council as at 31st March 2019.

10.6 **Overview and Scrutiny Committee**

- (a) The Council shall only have 1 Overview and Scrutiny Committee consisting of 16 Members during the Interim Period.
- (b) The Overview and Scrutiny Committee shall have the powers of all 4 Overview and Scrutiny Committees identified in Article 7 - The Overview and Scrutiny Committee – Part 1 of the Constitution and Functions of the Council – Part 3(1) of the Constitution.
- (c) Unless the Council determines otherwise, the Chairman, Vice-Chairman and membership of Overview and Scrutiny Committee shall be those Members who as at 31st March 2019 were appointed to those posts by the Shadow Dorset Council.
- (d) The quorum of a meeting of the Overview and Scrutiny Committee shall be the same as the quorum of the overview and scrutiny committee of the Shadow Dorset Council.

10.7 Planning Committee

- (a) The Council shall have 1 Planning Committee consisting of 12 Members.
- (b) The Planning Committee shall have all the powers of the Strategic Planning Committee and the 3 Area Planning Committees identified in Article 8 – Committees and Boards – Part 1 of the Constitution and Functions of the Council – Part 3(1) of the Constitution.
- (c) The quorum of a meeting of the Planning Committee shall be 6 Members.
- (d) Unless the Council determines otherwise:
 - (i) the membership of the Planning Committee shall be as determined by the Shadow Dorset Council; and
 - (ii) the Chairman and Vice Chairman of the Planning Committee shall be such Members as are appointed by the Shadow Dorset Council, or if not so appointed shall be such persons as the Planning Committee itself shall determine.
- (e) No Member appointed to the Planning Committee shall take part in any meeting of the Planning Committee unless either:
 - (i) they have received planning training provided for the purpose of participating in this Planning Committee; and/or
 - (ii) were appointed to a planning committee of a Predecessor Council as at 31st March 2019.

10.8 Powers relating to a planning matter being referred to the Planning Committee

- (a) **[To be worded to remove any planning call in provision that limits a planning delegation power during the Interim Period]**
- (b) For the avoidance of doubt, nothing contained in sub-paragraph (a) above shall prevent an Officer from deciding that an application should be referred to the Planning Committee irrespective as to whether it could be determined using a delegated power.

10.9 Senior Appointment and Dismissal Committee

- (a) During the Interim Period the Council shall have 1 Senior Appointment and Dismissal Committee consisting of 8 Members instead of a Staffing Committee.
- (b) The Senior Appointment and Dismissal Committee shall have the following powers of the Staffing Committee:

- (i) to determine the appointment of any Officer post as may be provided for in accordance with any relevant policy of the Council;
- (ii) to determine any appeal against a decision relating to the cessation of employment of any Officer where such an appeal is required to be undertaken by a Committee in any relevant policy of the Council; and
- (iii) to determine any issue arising in relation to any potential or actual cessation of employment of any Officer including:
 - (A) whether an Officer post should be regarded as redundant, no longer required in the interests of the efficient exercise of the Council's functions or otherwise;
 - (B) whether to agree to any request for voluntary redundancy;
 - (C) whether and the amount of any discretionary compensation, additional pension or any other discretionary payment that may be available should be paid to an Officer upon the cessation of his/her employment; and
 - (D) the terms of any agreement relating to any cessation of employment of any Officer.
- (c) The quorum of a meeting of the Senior Appointment and Dismissal Committee shall be 5 Members.
- (d) There shall be no power to appoint substitutes to the Senior Appointment and Dismissal Committee.
- (e) Unless the Council determines otherwise:
 - (i) the membership of the Senior Appointment and Dismissal Committee shall be as determined by the Shadow Dorset Council; and
 - (ii) the Chairman and Vice Chairman of the Senior Appointment and Dismissal Committee shall be such Members as are appointed by the Shadow Dorset Council, or if not so appointed shall be such persons as the Senior Appointment and Dismissal Committee itself shall determine.

10.10 School Transport Appeals Committee

- (a) During the Interim Period the Council shall have 1 School Transport Appeals Committee consisting of 8 Members.

- (b) The School Transport Appeals Committee shall have those powers of the Appeals Committee identified in Article 8 – Committees and Boards – Part 1 of the Constitution and Functions of the Council – Part 3(1) of the Constitution relating to:
 - (i) the determination of any appeal concerning the provision of school transport; and
 - (ii) the approval (with or without modification) of any protocol or procedure in connection with any such appeal.
- (c) No Member determining an appeal relating to school transport shall have had previous involvement in any determination relating to that matter.
- (d) There shall be no power to appoint substitutes to the School Transport Appeals Committee.
- (e) The quorum of a meeting of the School Transport Appeals Committee shall be 3 Members.
- (f) Unless the Council determines otherwise:
 - (i) the membership of the School Transport Appeals Committee shall be as determined by the Shadow Dorset Council; and
 - (ii) the Chairman and Vice Chairman of the School Transport Appeals Committee shall be such Members as are appointed by the Shadow Dorset Council, or if not so appointed shall be such persons as the School Transport Appeals Committee itself shall determine.

PART 2 – COMMUNITY ENGAGEMENT

- 10.11 The Council is committed to ensuring effective and efficient engagement with its community and citizens.
- 10.12 The Council will develop systems and structures which generate community involvement, including in particular through engagement with Town and Parish Councils in its area, helping to identify and introduce solutions to empower communities to do things for themselves and to engage with the Council.
- 10.13 The Council recognises that differing aspects of local government may require more than one mechanism for consultation and delivery. The Council will therefore create appropriate systems which will include provision for Area Forums and other arrangements.
- 10.14 To the extent that community engagement mechanisms developed for the purposes of this Article involve the creation of any Committee and/or the referral/delegation of any powers then arrangements will be put in place to

maintain a list of such mechanisms and that list shall be deemed to form part of the Constitution.

ARTICLE 11 – OTHER ARRANGEMENTS

11.1 Introduction

- (a) For the purposes of discharging some of its executive and non-executive functions the Council has various powers to enter into arrangements:
 - (i) with any person or body to joint discharge such functions; and/or
 - (ii) for the exercise of those functions on its behalf and/or on behalf of others.
- (b) Further details relating to these arrangements are set out in Part 1 of this Article.
- (c) In some cases, the Council has a statutory duty to make arrangements for the creation of various bodies that are not actually Committees, but which exercise powers that directly or indirectly relate to some of the Council's functions.
- (d) Further details relating to such bodies is set out in Part 2 of this Article.

PART 1 – JOINT ARRANGEMENTS

11.2 Joint Arrangements

- (a) The approval of Full Council and/or the Executive will be required for the entering into of Joint Arrangements.
- (b) The nature of the joint arrangements made will vary according to the circumstances.
- (c) Some arrangements will be contractual in nature and will require the delivery of specified outcomes.
- (d) The Council may also establish joint arrangements with one or more local authorities or with the executive of any such authority to exercise functions of any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with any such other local authority.
- (e) Details of various joint arrangements including delegated powers and powers of recommendation (where appropriate) appear in the appendix to Part 1 of this Article.

11.3 Access to information

The Access to Information Procedure Rules in Part 2 of this Constitution will generally apply to a Joint Committee to the extent as provided for in that Part.

11.4 Contracting out

The Council may contract out to another body or organisation, functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making unless legislation otherwise expressly allows.

Appendix to Part 1 Joint arrangements

11.5 DORCHESTER MARKETS INFORMAL JOINT PANEL

- (a) This Panel will carry out its functions subject to the Lease dated 26 June 2001 to T. Ensor and Son (Dorchester) Limited and any subsequent variation, renewal or replacement of that Lease.
- (b) Constitution. Six (6) elected members to be appointed by the Dorchester Town Council. Eight (8) Members of the Council, of whom two (2) should represent wards wholly or mainly within the area of the former Dorchester Borough Council (except where such appointment would result in an appointee being a member of the town council). Where such an appointee subsequently becomes a member of the Dorchester Town Council that member shall cease to be a member of the Informal Joint Panel and Dorset Council shall then consider the appointment of an alternative member not being a member of the town council.
- (c) Previous operational duties of the Panel (now currently exercised by T. Ensor and Son (Dorchester) Limited under the terms of their Lease)
 - (i) Day to day control and management of the markets and tolls at the sites and locations on which the same are existing or entitled at the 1st October 1978.
 - (ii) Hours of opening.
 - (iii) Arrangement of stalls.
 - (iv) Agreements and licences for market tenants.
 - (v) Insurance pertaining to Market days.
- (d) Duties of the Panel that are still to be exercised by the Panel
 - (i) Appointment to the posts of Clerk of the Markets and Deputy Clerk of the Markets and other markets personnel.
 - (ii) The settlement of financial matters, review of rents, fees, tolls and charges relating to the market operation, subject to the budget and

other arrangements referred to in the 1984 Agreement relating to Dorchester Market.

- (iii) Frequency of meetings and times.
- (e) Duties of the Panel that are now to be exercised in conjunction with Dorset Council or Town Council
 - (i) Grant or renewal of leases, tenancies, etc. for periods not exceeding 3 years.
 - (ii) Matters affecting food hygiene and food safety. (NB: Subject to the powers and duties of Dorset Council under the relevant statutes and at common law).
 - (iii) Extension of days on which markets operate.
 - (iv) Arrangements for market and car parks on market days.
 - (v) Financial regulations and audit.
 - (vi) the making of byelaws and regulations governing the use of the market.
 - (vii) Prosecution under market byelaws and legal proceedings within the purview of the committee subject to proper legal advice.
 - (viii) Insurance pertaining to non-Market days.

11.6 **THE STOUR VALLEY PARTNERSHIP JOINT COMMITTEE**

- (a) The Stour Valley Partnership Joint Committee (“the SVPJC”) is established between the Council and Bournemouth Christchurch and Poole Council (“the Participating Councils”). In the case of this Council, Members are Executive Members.
- (b) The constitution of the SVPJC is set out in Schedule 2 to a Collaboration Agreement dated 30th September 2010 and as amended.
- (c) The functions delegated to the SVPJC by the Participating Councils are set out in the Delegated Functions Pro forma attached to the Collaboration Agreement, which are as follows. Save as otherwise mentioned the SVPJC's functions shall comprise the statutory functions of each of the Participating Councils under each of the following enactments (which for the avoidance of doubt shall include any modification or re-enactment of the same and all subordinate legislation made under the relevant enactment):
 - (i) Collection of Local Taxes - Local Government Finance Act 1992;

- (ii) Business Rates - Local Government Finance Act 1988;
 - (iii) Housing Benefits - The Social Security Contributions and Benefits Act 1992 ;
 - (iv) Sundry debtor recovery – Bournemouth Christchurch and Poole Council only;
 - (v) On-street and off-street parking enforcement – Bournemouth Christchurch and Poole Council only;
 - (vi) Road Traffic Regulation Act 1984;
 - (vii) Road Traffic Act 1991;
 - (viii) Local Government Act 1972 s.111, in so far as its use is calculated to facilitate or is incidental or conducive to the discharge of any of the functions referred to in paragraphs (a) and (b) of paragraph 9 of Part II of this Appendix; and Local Government Act 2000 s.2, in so far as its use relates to the promotion or improvement of the economic, social and/or environmental well-being of the whole of the Participating Councils areas or any part thereof in respect of matters directly related to the discharge of the functions delegated.
- (d) In performance of the statutory functions referred to in Part I the SVPJC shall also undertake the following activities on behalf of the Participating Councils:
- (i) manage contracts for the delivery of a revenues and benefits service across the administrative areas of the Participating Councils;
 - (ii) supervise and monitor the Responsible Council and the Head of Revenues and Benefits in the performance of their duties and functions under the Collaboration Agreement;
 - (iii) approve and implement the Business Plan;
 - (iv) approve and implement the annual action plan;
 - (v) seek to influence and advise central government on revenues and benefits policies;
 - (vi) commission research and associated public opinion surveys etc. on revenues and benefits;
 - (vii) ensure that the legal and statutory functions delegated to it by the Participating Councils are being discharged effectively;
 - (viii) liaise with the Head of Revenues and Benefits to ensure that a

- strategic policy for revenues and benefits is formulated and approved;
- (ix) assist the Participating Councils in meeting their respective responsibilities (including but not limited to) under the Local Government Act 1999 (best value duty); Local Government Act 2003 (duties under the Code of Practice for Workforce Matters); and
 - (x) authorising Officers under the Local Government Act 1972 section 223, Local Government Finance Acts 1998 and 1992 and any other enactments directly or indirectly relating to the delegated functions and activities of the Stour Valley Partnership Joint Committee, to act on behalf of each of the participating councils in relation to the exercise of the whole or any part of such functions and activities, including in particular but without prejudice to the generality of the foregoing: to appear on behalf of the participating councils or any one or more of them in recovery proceedings for Council Tax and Non-Domestic Rates; to sign completion notices for Council Tax and NNDR purposes; and to sign Attachment of Earnings Orders for Council Tax.

Terms of Reference

- (e) The SVPJC will be responsible for:
 - (i) The delivery of those delegated functions that the Participating Councils have agreed should be delivered through the SVPJC within the budget and to the agreed standards as set out in Appendix E of the relevant Delegated Function Proforma;
 - (ii) making recommendations on changes to service standards, significant investment in Information Technology or other assets; and the performance of services for third parties; and
 - (iii)
 - (iv) ensuring all Participating Councils remain fully informed and engaged.

Proceedings of SVP Joint Committee

- (f) the proceedings of the SVPJC can be found in the Collaboration Agreement dated 30 September 2010.

11.8 BOURNEMOUTH, DORSET AND POOLE MINERALS AND WASTE POLICY JOINT ADVISORY COMMITTEE

- (a) Terms of Reference: To oversee the production of minerals and waste development documents relating jointly to Bournemouth, Dorset and Poole and to approve these for consultation, and to recommend the submission and adoption of final documents to the three parent authorities.

- (b) Membership: 4 Members of Dorset Council and 4 Members of Bournemouth Christchurch and Poole Council to include in each case at least one Member from the Executive of each Council.

11.9 SOUTH EAST DORSET TRANSPORT ADVISORY GROUP

- (a)

11.10 TRICURO EXECUTIVE SHAREHOLDER GROUP

- (a) Terms of reference: the purpose of the Executive Shareholder Group (“ESG”) is to act on behalf of the shareholder Councils – Dorset Council and Bournemouth Christchurch and Poole Council) in scrutinising performance against the care contract and Business Plan, review value for money and investment plans, define the strategic direction of Tricuro Support Limited and Tricuro Limited, review risks and approve reserved matters (listed within the Shareholders’ Agreement). The terms of reference are set out below.
- (b) Membership: the ESG will have a membership consisting of 10 Elected Members; 5 from Dorset Council and 5 from Bournemouth Christchurch and Poole Council.
- (c) The chairperson of the ESG shall be selected from the members of ESG and shall rotate between a member nominated by each of the Councils on an annual basis.

11.11 DORSET LOCAL ENTERPRISE PARTNERSHIP

This is a company limited by guarantee and its Articles set out the arrangements for local authority participation.

PART 2 – STATUTORY BODIES

11.12 Statutory Arrangements

- (a) The purposes of a statutory body that the Council is required to create are quite diverse and include review panels and scrutiny boards.
- (b) Where the Council is required to make arrangements for the creation of, and appointment to, such bodies then powers relating to such arrangements may sometimes be delegated to a Committee, Board and/or Officer. Information relating to such delegations are identified in Functions of the Council – Part 3(1) of the Constitution.
- (c) Details of various statutory bodies created by the Council appear in the appendix to Part 2 of this Article.

**Appendix to Part 2
Statutory bodies**

11.13 PENSION BOARD

Role/Terms of Reference and Membership

- (a) The Pension Board shall be responsible for:
 - (i) securing compliance with all relevant legislation and other requirements relating/imposed in relation to any pension scheme for which the Council is the administering authority; and
 - (ii) ensuring the effective and efficient governance and administration of any such pension scheme and any connected scheme.
- (b) The Pension Board shall not have any responsibility for any operational investments of any pension scheme.
- (c) The Pension Board will consist of 6 persons consisting of 3 member representatives and 3 employer representatives. Of the 3 employer representatives, 1 shall be a nominated representative of Dorset Council, 1 shall be nominated by Bournemouth, Christchurch and Poole Council and 1 by the remaining scheme employers. 1 of the 3 member representatives shall be from a trade union recognised by Dorset Council and Bournemouth, Christchurch and Poole Council.
- (d) The quorum of the Pension Board shall be 4 persons made up of an equal number of member representatives and employer representatives.
- (e) Save to the extent that the law expressly allows, the Pension Board cannot appoint any Sub-Committee.

11.14 DORSET POLICE AND CRIME PANEL

Terms of Reference

- (a) To review and make a report or recommendation on the draft Police and Crime plan or draft variation, given to the Panel by the Police and Crime Commissioner.
- (b) To review the performance of the Police and Crime Commissioner against objectives in the Police and Crime Plan, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- (c) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- (d) To review and make a report to the Commissioner on the proposed appointment of the Chief Constable.

- (e) To review and make a report and recommendation (as necessary) to the Commissioner on the proposed precept.
- (f) To review or scrutinise decisions made, or other actions taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.
- (g) To fulfil functions in relation to complaints about conduct matters in accordance with the responsibilities placed on the Panel by the Police Reform and Social Responsibility Act 2011.
- (g) To appoint an Acting Police and Crime Commissioner if necessary.

Membership:

17 members to be drawn from Dorset Council (7) and Bournemouth, Christchurch and Poole Council (8) and independent members (2).

11.15 ADULT PLACEMENT APPROVAL PANEL

Terms of Reference

- (a) To consider assessments for approval of prospective adult placement carers.
- (b) To consider reviews of adult placement carers which seek a change in approval e.g. short to long term.
- (c) To consider complaints about adult placement carers.
- (d) To consider appeals against decisions.
- (e) To consider major change in adult placement carers' circumstances.
- (f) To receive updates on any breakdown on long-term adult placement.
- (g) To contribute to the quality assurance process relating to assessment and approval of adult placement carers.

Membership:

- (a) The Chairperson will be
 - (i) senior member of staff with no responsibility for the management of anyone who carries out assessments of prospective carers; or
 - (ii) a person who is completely independent of the scheme and who has the necessary skills and experience.

- (b) The Vice-Chairperson will be a team manager of an adult fieldwork/purchaser team to substitute for the Chairperson.
- (c) 1 team manager of an adult fieldwork/purchaser team.
- (d) 1 carer either currently using or who has previously used the adult placement scheme.
- (e) 1 ex-service user or service user from a neighbouring adult placement scheme.
- (f) 1 ex-adult placement carer or carer from a neighbouring adult placement scheme.
- (g) 2 elected members.
- (h) 2 people with knowledge of vulnerable adults and adult placement.
- (i) The Adult Placement Manager and/or Adult Placement workers not involved with the presenting of prospective adult placement carers will act as advisers to the panel.

11.16 **CHILDREN OUT OF SCHOOL MANAGEMENT COMMITTEE**

Terms of Reference:

- (a) In relation to the Children Out of School Service;
- (b) To be consulted on all major policies and procedures for the Service (including attendance, behaviour, admission and curriculum);
- (c) To ensure compliance with relevant Council protocols and policies;
- (d) To adopt the 'support and challenge' function similar to a school governing body;
- (e) To be consulted on any significant inspection process e.g. OfSTED;
- (f) To report as necessary to the Director for Children's Services, and at least annually.

Membership:

Elected members (2)
Headteachers of maintained school (2)
Education Psychologist (1)
Head of Children Out of School Service (1)
Representative of the Connexions Service (1)
Representative of the Education Welfare Service (1)
Representative from the Lifelong Learning Service (1)
Representative from a local Further Education College (1)
Representative of the Health Service (1)

Parent representative (1)
Member of the Children Out of School Service staff (1)
Representative from the Dorset Youth Offending Team (1)
Representative from the Bournemouth, Dorset and Poole Learning Skills Council (1)

11.17 **DORSET COMMUNITY SAFETY PARTNERSHIP**

Terms of Reference:

- (a) The purpose of the Community Safety Partnership is to deliver safer communities as set out in the Crime and Disorder Act 1998 and relevant legislation. In doing this the partnership will co-ordinate community safety activity in Dorset at a strategic level; to reduce crime and the fear of crime, to address the risk, threat and harm to victims and local communities, and also to facilitate the strengthening of Dorset's communities in the delivery of local initiatives.
- (b) To do this the Community Safety Partnership will:
 - (i) be a partnership body accountable for the delivery of safer communities including duties placed upon it by the Crime and Disorder Act 1998 and subsequent legislation in a transparent and open way.
 - (ii) to ensure the successful delivery of the functions related to the duties through the most relevant group within the overall community safety partnership structure.
 - (iii) ensure strong linkages to local community safety partnerships and other partnerships/groups with similar objectives including the Partnership Coordinating Groups (PCGs) to assist in the delivery of local delivery priorities.
 - (iv) ensure appropriate mechanisms are in place for the engagement of communities in tackling crime and fear of crime and accountability of community safety partners to the community.
 - (v) Hold partners accountable under section 17 of the Crime and Disorder Act 1998 for access to and use of resources and skills needed to mainstream community safety issues. This will include advice and recommendations to individual partners in appropriate circumstances. In this regard to ensure the effective and lawful share of information between partners about Dorset and its people to tackle crime.
 - (vi) to ensure good performance against community safety priorities at a Dorset Council level and hold Partnership Co-ordinating Groups (PCGs) to account for delivery.

- (vii) to be responsible for reporting and explaining performance against a performance management framework across the Dorset Council area at the pan-Dorset Community Safety & Criminal Justice Board (CSCJB).
- (c) to be sighted on emerging threats and issues in Dorset and bring these to the attention of the Community Safety and Criminal Justice Board (CSCJB) as required.
- (c) to meet the requirements of the Domestic Violence, Crime and Victims Act (2004) as amended and statutory guidance in relation to domestic homicide reviews (DHRs).
- (d) **Statutory Duties:** Legislation places a number of statutory duties on CSPs. Although the Dorset CSP retains accountability for these, it utilises the pan-Dorset Community Safety & Criminal Justice Board to deliver some of them on its behalf (as detailed in the table below).

Membership:

Core:

- (i) Dorset Council (x6 elected members)
- (ii) Dorset Police (Superintendent)
- (iii) Dorset Clinical Commissioning Group
- (iv) Dorset Fire Authority
- (v) Community Rehabilitation Company
- (vi) National Probation Service
- (vii) The quorum for meetings of the CSP shall be 4 core members, with a minimum of 2 elected members present.

Other members:

- (i) Other community safety partners such as the Youth Offending Service, Public Health;
- (ii) Adult and Children's Services and Fire & Rescue Service are invited to attend meetings of the Dorset CSP if they wish.
- (iii) A representative from each of the PCGs and lead officers for these areas will be required to attend meetings in order to explain performance and actions.
- (iv) Members of the group will be supported by officers as required.

11.18 COMMUNITY SAFETY AND CRIMINAL JUSTICE BOARD (CSCJB)

Terms of Reference:

- (a) The purpose of the Community Safety & Criminal Justice Board is to coordinate the activity of community safety and criminal justice partners at a strategic level. The priority is to reduce and prevent crime, anti-social

behaviour and the fear of crime and increase confidence in the Criminal Justice System.

- (b) To strengthen the relationship between the three Community Safety Partnerships and the local Criminal Justice Board and formulate joint strategic approaches to shared community safety and criminal justice issues;
- (c) To prepare a single Partnership Strategic Assessment covering the Dorset, Poole and Bournemouth areas and prepare and implement a shared Community Safety Plan;
- (d) To act as a mechanism to take forward pan-Dorset projects and initiatives including overseeing the development and implementation of strategies to address domestic abuse and sexual violence and work to deliver the Prevent agenda;
- (e) To take forward work to reduce re-offending across the pan-Dorset area including formulating and implementing a strategy for reducing reoffending;
- (f) To ensure good performance against key priorities and targets;
- (g) To meet minimum standards of community consultation and engagement on issues of crime and disorder;
- (h) To ensure that an information sharing protocol is in place and that each responsible authority has a designated information sharing liaison officer to promote and facilitate information sharing;
- (i) To promote compliance and seek to ensure that section 17 of the Crime and Disorder Act 1998 obligations are met by the relevant authorities;
- (j) To act as a link to Dorset's Police and Crime Commissioner facilitating the fulfilment of his/her statutory responsibilities in relation to Community Safety Partnerships.
- (k) To share good practice, explore and identify further opportunities to work together, share resources and expertise.
- (l) To contribute to the implementation of the both the Safeguarding Adults Board (SAB) and Local Safeguarding Children's Board Strategies by ensuring that all work undertaken by the CSCJB demonstrates clear links with the wider safeguarding agenda.

Membership:

The membership of the CSCJB will be:

- Core Membership (voting);

- Bournemouth, Christchurch and Poole Council 4
- Dorset Council 4
- Dorset Police 1
- Dorset Fire Authority 1
- Clinical Commissioning Group 1
- Community Rehabilitation Company 1
- National Probation Service 1
- Police and Crime Commissioner 1
- Dorset Fire and Rescue Service 1
- Regular Attendees (non-voting)
- Dorset Criminal Justice Board 2
- Public Health 1
- Drug and Alcohol Action Teams 1
- Youth Offending Teams 1
- Voluntary and Community Sector 1
- Adults Safeguarding Board 1
- Children's Safeguarding Board 1
- Dorset Civil Contingencies Unit 1

11.19 COMPLAINTS REVIEW PANEL (statutory)

Terms of Reference:

To consider representations (including complaints) made in respect of the discharge of social services functions or about any failure to discharge those functions, and to make recommendations to the Director for Adult and Community Services or Director for Children's Services (or the officers for the time being with such responsibilities) on any matters arising from a review.

Membership:

3, consisting of either:

- (i) ordinarily no less than two independent persons sitting with one elected member of the relevant Overview and Scrutiny Committee as applicable; or
- (ii) subject in each individual case to the agreement of the Chairman and Vice-Chairman of the Standards Committee, three independent persons where:
 - the Council has or could be deemed to have a financial interest in the outcome of the complaint; or
 - the Council's public reputation is likely to be affected by the outcome of the complaint; or

- other circumstances exist which, in the opinion of the Director for Adult and Community Services or Children’s Services (or the officers for the time being with such responsibilities), render it appropriate.
- (c) An independent person will always be the Chairman. A member of the relevant Scrutiny Committee will be drawn from a list of six members.

11.20 **CORPORATE PARENTING BOARD**

Terms of Reference:

To provide the necessary leadership that drives an ambitious and coherent multi-agency approach to improving outcomes for children in care and care leavers. To oversee the satisfactory completion of the actions identified within the Children in Care Strategy. To promote the Pledge for Children in Care in a way that becomes meaningful to corporate parents and officers who work with children in care and care leavers. To undertake these functions in a way that ensures the voice of children and young people is influential in decision making.

Membership:

- (a) The Board will have regular membership from seven elected members of the Council and will also include named substitute elected members when they are not available to attend.
- (b) The Board will have regular representation from the Children's Services Directorate in the form of:
- (i) The Director for Children’s Services (or the officer for the time being with such responsibilities)
 - (ii) The Head of Care and Protection (or the officer for the time being with such responsibilities)
 - (iii) The Lead Officer for Children in Care
 - (iv) The Corporate Parenting Officer
- (c) The Board will have regular representation from the Children’s Rights Service.
- (d) The Board will seek representation from the Dorset Parent Carer Council (or other parent forum) with an expectation that the Dorset Parent Carer Council can select when they wish to attend.
- (e) The Board will invite through Children’s Rights Service regular representation from two young people.

11.21 **DORSET ADOPTION AGENCY’S PANEL (statutory)**

Terms of Reference:

- (a) To consider the case of every child referred to it by the Adoption Agency and to make a recommendation to the Agency as to whether the child should be placed for adoption. NB under the Adoption Agencies (Panel and Consequential Amendments Regulations 2012, only those children for whom a Placement Order application is not required (eg. those where birth parents have given signed consent) will be referred to the Adoption Panel.
- (b) In cases where placement for adoption is recommended as above, to consider and, as appropriate, give advice to the Agency about proposed contact arrangements between the child and any person.
- (c) To consider the case of every prospective adopter referred to it by the Adoption Agency and make a recommendation to the Agency as to whether the prospective adopter is suitable to adopt a child.
- (d) In cases where suitability to adopt is recommended, to consider and give advice, as appropriate, to the Agency about the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background.
- (e) To consider any case referred to it by the Adoption Agency under Regulation 27(6) (decision not to approve) or regulation 29(4) (decision to terminate approval) of the Adoption Agencies Regulations 2005 and to make a recommendation to the Agency as to whether the prospective adopter is/continues to be suitable to adopt a child.
- (f) To consider proposed placements for adoption referred to it by the Adoption Agency and make a recommendation to the Agency as to whether a child should be placed for adoption with particular prospective adopters.
- (g) In cases where a proposed placement for adoption is recommended, to consider and, where appropriate, give advice to the Agency about:
 - (i) the Agency's proposals for the provision of adoption support services;
 - (ii) the Agency's proposed arrangements for allowing any person contact with the child; and
 - (iii) whether the parental responsibility of any parent, guardian or prospective adopter should be restricted and, if so, the extent of any such restriction.
- (i) Provide a quality assurance feedback to the Agency every six months on the quality of reports being presented to the Panel.
- (j) Receive feedback on the progress of children who have been placed with suitable adopters.

Membership:

There is a central list of Adoption Panel members who attend some or all of the Panel meetings. Included in this central list as a minimum requirement are:

- (i) the Chairperson who is independent of the Agency and who is considered by the Director for Children’s Services (or the officer for the time being with such responsibilities) to have the skills and experience necessary for chairing the Panel and who, as Chairperson, would ensure that the work of the Panel is carried out efficiently and effectively in accordance with the Adoption Agency Regulations.
- (ii) one person with the skills and experience to act as Vice-Chair;
- (iii) at least one social work member with at least 3 years post-qualifying experience in child care social work, including adoption work. They may or may not be employed by Dorset Council
- (iv) one Agency Medical Adviser;
- (v) at least one other person who is independent of the Agency and who has relevant professional experience, or personal experience of adoption;
- (vi) Dorset Council includes in its central list a number of independent members and social work members, two medical advisers, and one elected member;
- (vii) in order to be quorate at least 5 members must be present which must include the Chairperson or Vice-Chair, an independent person (if the Vice-Chair is chairing and is not independent) and a social work member.

11.22 DORSET AGENCY FOSTERING PANEL (statutory)

Terms of Reference:

- (a) The Fostering Panel is constituted according to the requirements of the Fostering Services Regulations 2011, with additional reference to the National Minimum Standards for Fostering 2011.
- (b) The Panel meets to consider:
 - (i) each application for approval and to recommend to the Agency whether or not a person is suitable to act as a foster parent;
 - (ii) where it recommends approval of an application, to recommend the terms on which approval is to be given;

- (iii) to recommend whether or not a person remains suitable to act as a foster parent, and whether or not the terms of approval remain appropriate:
- on the first review carried out in accordance with the regulations [28(2)], and
 - on the occasion of any other review when requested to do so by the fostering service provider in accordance with the regulations [28(5)], and
 -
 - to consider any case referred to it under regulation 27(9) (proposal not to approve) and regulation 28(10) (proposal to remove approval).

(c) The Fostering Panel shall also:

- (i) oversee the conduct of assessments carried out by the fostering service provider; and provide quality assurance feedback to the fostering service provider on the quality of reports presented.
- (ii) advise on the procedures under which the annual reviews are carried out by the fostering service provider and periodically monitor their effectiveness.
- (iii) give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.

Membership:

There is a central list of Fostering Panel members who attend some or all of the panel meetings. Included in this central list as a minimum requirement are:

- (i) the Chairperson who is independent of the Agency and who is considered by the Director for Children's Services (or the officer for the time being with such responsibilities) to have the skills and experience necessary for chairing the Panel and who, as Chairperson, would ensure that the work of the Panel is carried out efficiently and effectively in accordance with the Fostering Agency Regulations.
- (ii) one person with the skills and experience to act as Vice-Chair.
- (iii) at least one social work member with at least 3 years relevant post-qualifying experience. They may or may not be employed by Dorset Council.
- (iv) at least one other person who is independent of the Agency and who has relevant professional or personal experience.

- (v) Dorset Council includes in its central list a number of independent members and social work members, and two elected members.
- (vii) in order to be quorate at least 5 members must be present which must include the chairperson or Vice-Chairperson, an independent person (if the Vice-Chairperson is chairing and is not independent) and a social work member.

11.23 **DORSET LOCAL ACCESS FORUM**

Terms of Reference:

- (a) To respond to the Draft and Provisional Maps of Open Access Land prepared for Dorset and to advise on the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, as described in the Countryside and Rights of Way Act 2000.
- (b) To contribute in an advisory capacity to the development of Rights of Way Improvement Plans for Bournemouth, Dorset and Poole.
- (c) To promote the appropriate use of opportunities to enjoy the countryside.
- (d) To advise upon the management and maintenance of access, balancing the provision of access against the needs of biodiversity, wildlife management and of landowners and managers.
- (e) To advise on developing additional opportunities for everyone to enjoy the rights of way and access network, in particular for those with disabilities.
- (f) The Forum will have no executive functions.

Membership:

- (g) 1 member of Dorset Council;
- (h) 1 member of Bournemouth, Christchurch and Poole Council;
- (i) Up to 19 independent members;
- (j) Membership of the Forum is open to all members of the public and is widely advertised. Members will, through consultation, represent an area of interest rather than the views of any specific organisation to which they belong. In this way the Forum will represent a broad spectrum of views within Dorset. Membership of the Forum is required by legislation to be balanced between representatives of user and land management interests.

11.24 **SCHOOLS FORUM (INCLUDING TRANSITIONAL)**

Terms of Reference:

- (a) To be consulted on the school funding formula – the Council will consult the Forum on:
 - (i) any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with Regulations made under section 47 of the School Standards and Framework Act 1998, and
 - (ii) the financial effect of any such change.
 - (iii) Consultation under paragraph (a) shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

- (b) To be consulted on contracts applying to schools – the Council will at least one month prior to the issue of invitations to tender consult the Forum on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the authority's schools budget where either:
 - (i) the estimated value of the proposed public services contract is not less than the specific threshold which applies to the Council in pursuance of Regulation [5(1) of the Public Contracts Regulations 2015]; or
 - (ii) the estimated value of the proposed public supply contract is not less than the specific threshold which applies to the Council in pursuance of Regulation [5(1) of the Public Contracts Regulations 2015].

- (c) To be consulted on the following financial issues – the Council shall consult the Forum annually in respect of the Council's functions relating to the schools budget, in connection with the following:
 - (i) the arrangements to be made for the education of pupils with special educational needs;
 - (ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;
 - (iii) arrangements for early years education;
 - (iv) arrangements for insurance;
 - (v) prospective revisions to the Council's scheme for the financing of schools;

- (vi) administrative arrangements for the allocation of central government grants paid to schools via the Council; and
- (vii) arrangements for free school meals.
- (d) The Council will consult the Forum on such other matters concerning the funding of schools as it sees fit.
- (e) To be consulted on matters of policy which also have a major financial implication.
- (f) To assist in the establishment of priorities for decision making purposes where the draft budget strategy indicates either that:
 - (i) additional monies are expected to be available; or
 - (ii) there will be a shortfall in monies available compared to the current financial year.
- (g) To scrutinise the sources of funding of the Children’s Services budget for Education.
- (h) To provide a channel of information to those involved in Education in schools on the process, sourcing and decisions taken on the Education budget and, in particular, that delegated to schools.
- (i) To act as the principal channel by which those involved in management, leadership or teaching in schools may convey their views on Education Services budget matters to the Council’s elected members and officers.
- (j) To oversee the work of relevant sub groups set up from time to time such as the Needs-led Group, the Headteachers’ Reference Group on Schools Capital and Admissions and the Contracts and Support Services Group.
- (k) To decide from time to time on behalf of schools whether any additional such groups should be set up involving school representation with the aim of minimising consultation workload for schools and to review annually the number and need for such groups.

Membership:

(l) Voting

- Headteachers (3 nominated by the Primary Heads Association, 1 nominated by the Dorset Association of Middle Schools);
- Headteachers*, 2 nominated by the Dorset Association of Secondary Headteachers, 2 nominated by the Special School Headteachers Association of Dorset);
- 3 representatives of the Professional Teacher Associations nominated by the Dorset Teachers’ Council;
- school governors nominated by the Association of Dorset School Governors; and

- 1 Member appointed by the Executive*
*or a substitute appointed by them.

(m) Observers

- 2 representatives of voluntary aided schools nominated by the Diocesan Liaison Committee;
- 1 representative nominated by Dorset Association of Middle Schools Headteachers;
- 1 representative nominated by Bournemouth, Dorset and Poole Learning and Skills Council;
- 1 representative nominated by the Early Years Development and Childcare Partnership; and
- Other Members.

11.25 STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION

Terms of Reference:

- (a) To advise the LEA about Religious Education and Collective Worship;
- (b) To require the LEA to review a current Agreed Syllabus (the LEA sub group may not vote on this issue);
- (c) To publish an Annual Report;
- (d) To advise the LEA on methods of teaching, teaching materials and teacher training; and
- (e) To deal with applications from Heads of Council Schools for total or partial exemption from providing Christian worship. Criteria for such a determination relates to family backgrounds, ages and aptitudes of pupils. The determination made by SACRE becomes legally binding until reviewed after five years or after a further application has been received.

Membership:

3 elected members to serve on the Local Education Authority Panel (Committee D). The other Committees are:

- A - Christian and other religious denominations which reflect the principal religious traditions in the area, not including the Church of England;
- B - people representative of the Church of England; and
- C - people representative of Teacher Associations

PART 3 – NON-STATUTORY BODIES

11.26 COUNCIL FARMS LIAISON PANEL

Terms of Reference:

- (a) To discuss policies and issues relating to the Council Farms Estate.

- (b) To provide the members for a Council Farms Interview Panel to select tenants for Council Farms on an ad-hoc basis. All members of the Panel are required to undertake appropriate training so that they can sit upon Interview Panels. These will comprise:
- (i) in the case of starter farms, four members of the Liaison Panel, two being elected members, one of whom should be either the Chairman or Vice-Chairman if possible, and where possible the Council Farms Tenants' Association representative and one other non-elected representative;
 - (ii) in the case of Promotion Farms, three members of the Panel, two of these being elected members, one of whom should be either the Chairman or Vice-Chairman if possible, and one other non-elected representative other than the Council Farms Tenants' Association representative.

Membership:

- Members of the Council
 - 1 representative of the Council Farms Tenants' Association
 - 1 representative of the National Farmers' Union
 - 1 representative of the Country Landowners' Association
 - 1 representative of the Dorset Advisory Service (or an organisation with similar objectives)
- (c) In appropriate cases, the Transport and General Workers' Union will be consulted by the Principal Land Agent when the Liaison Panel is considering a policy which may have an impact on the Union's members.

11.27 **DORSET AONB PARTNERSHIP BOARD**

Terms of Reference:

- (a) To ensure the development and adoption of a statutory management plan for the Dorset AONB as required by the Countryside and Rights of Way Act 2000, by April 2004.
- (b) To develop and promote a vision for the Dorset AONB.
- (c) To co-ordinate and endorse the production and implementation of the Dorset AONB Management Plan.
- (d) To review and monitor the progress towards the development and implementation of the Management Plan and achievement of its objectives.
- (e) To consider, debate and recommend courses of action on the main issues relating to the Dorset AONB.

- (f) To accommodate new requirements resulting from changes in national legislation and policy relevant to the Dorset AONB.
- (g) To consider and review the management structure to enable the future implementation of the Management Plan.
- (h) To receive, review and approve the work programmes of the AONB Core Team, and Annual Business Plans and Annual Reports, giving consideration to financial and resources issues.

Membership:

Representatives of relevant local authorities, agencies and other organisations (one representative each).

11.28 **DORSET COAST FORUM**

Terms of Reference:

- (a) To encourage co-operation and dialogue between the different interests and users of the Dorset coast.
- (b) To encourage the gathering and dissemination of knowledge and the carrying out of the necessary research in relation to the physical processes, natural environment and human use of the Dorset Coastal Zone.
- (c) To develop a greater understanding among authorities, other agencies and interest groups involved with the planning and development of the Dorset coast.
- (d) To consider the strategic long term and wide area issues facing the Dorset coast.
- (e) To review existing national, regional and local coastal policies and work towards the production of integrated policies specific to the Dorset Coastal Zone.
- (f) To promote a sustainable approach to the management, use and development of the Dorset Coastal Zone, to ensure that the inherent natural and cultural qualities of the Dorset coast are maintained or enhanced for the benefit of future generations.
- (h) To represent the interests of the Dorset coastal community and seek to influence decision-making bodies at regional, national and European levels.

Membership:

2 Members of the Council, plus representatives of a wide range of local authority, industry, environmental and user groups with an interest in Dorset's Coastal Zone.

11.29 **JOINT NEGOTIATING COMMITTEE FOR TEACHERS**

Terms of Reference:

To provide a forum within which:

- (a) collective bargaining may be carried out in a reasonable and constructive manner between the employer and Teacher Associations; and
- (b) good industrial relations may be promoted by the employer and Teacher Associations in the interests of teachers and pupils in Dorset schools. The JNC will have regard to the implementation of nationally agreed conditions of service and the delegation of responsibilities to Governing Bodies required by the scheme of local management of schools.
- (c) Good industrial relations are a joint responsibility and require the continuing co-operation of all concerned – management, Teacher Associations and individual employees. The JNC exists to encourage and assist that co-operation and to ensure there is reasonable and continuing progress in the pursuit of good industrial relations.
- (d) The functions of the JNC shall be to provide a regular and recognised means of negotiation between management and teachers in the Education Service of the Children's Services Directorate, to effect close and effective co-operation and consider all matters relating to the terms and conditions of service and to policies which directly affect the individual teacher in the performance of his/her duties.

Membership:

- Director for Children's Services (or the officer for the time being with such responsibilities)
- Appropriate officers of the Children's Services Directorate (normally up to 3)
- One representative from each of the Recognised Teacher Associations, namely ATL, NAHT, NASUWT, NUT, PAT, SHA (6)
- Chairman and Secretary of the Dorset Teachers' Council (2)

Note:

Appropriate advisers on particular items can be brought in by the Director and unions represented on the Committee.

General arrangements:

- (i) three meetings per annum, but extra meetings may be arranged as necessary;

- (ii) Strategic Services to be responsible for organisation and clerking;
- (iii) this Group to have one sub group – the Health and Safety at Work Consultative Group.

11.30 **LEARNING DISABILITY PARTNERSHIP BOARD**

Terms of Reference:

- (a) To implement the actions and targets for adults with learning disabilities set out in the White Paper ‘Valuing People’.
- (b) To collate information about advocacy services in the area of the Board in order to inform decisions on funding advocacy from the Learning Disability Development Fund or mainstream monies.
- (c) To foster the development of support services and schemes so that more people with learning disabilities benefit from Direct Payments.
- (d) To recommend, in consultation with service providers and commissioners, policies and procedures for handling decisions to exclude people with learning disabilities from services.
- (e) To develop and implement the Joint Investment Plan for delivering the Government’s objectives.
- (f) To oversee the inter-agency planning and commissioning of comprehensive, integrated and inclusive services that provide a genuine choice of service options to people with learning disabilities in their local community.
- (g) To oversee the use of Health Act flexibilities.
- (i) To ensure arrangements are in place to achieve a smooth transition to adult life for learning disabled young people.

Membership:

- Senior representatives from Dorset Council’s Adult and Community Services and Children’s Services Directorates (including the Youth and Community Service), the Dorset and Somerset Strategic Health Authority, Primary Care Trusts, Hospital Trusts, Housing Authorities, Employment Services, the Bournemouth, Dorset and Poole Learning and Skills Council, Local Independent Service Providers and Voluntary Organisations;
- People with learning disabilities and their carers; and
- 2 Dorset Council Members

11.31 **SPECIAL AND ADDITIONAL NEEDS STRATEGY GROUP**

Terms of Reference:

To act as a consultative body dealing with and acting for individuals and their needs, in particular with:

- (i) provision for children with SEN at schools maintained by the authority or provided for outside of school;
- (ii) the additional needs of children and access to the authority's services;
- (iii) areas of joint provision by Education and other services such as Social Services, Health, the Police and Probation Service;
- (iv) looked after children insofar as they are provided with education services.

Membership:

- Head of Pupil and Parent Services;
- Headteachers (2 nominated by the Primary, 1 by the Middle, 2 by the Secondary and 2 by the Special Schools Phase Associations);
- 2 representatives of the recognised Teacher Associations (nominated by Dorset Teachers' Council);
- 1 SENCO;
- 1 representative of the Psychological Service;
- 1 representative of the Education Welfare Service;
- 1 representative of the Special Educational Needs Service;
- 1 representative of the Children's Services Directorate;
- 1 representative of the Dorset Health Authority;
- 1 representative of Dorset Police;
- 1 representative of Dorset Probation Service; and
- 2 school governors, one of whom to be a governor with responsibility for SEN, nominated by ADSG.

General Arrangements:

- (a) three meetings per year (termly).
- (b) Pupil and Parent Services to be responsible for organisation and clerking.
- (c) This Group to have two sub groups:
 - (i) Inter Agency Moderating Group; and
 - (ii) Statementing Advisory Group.

11.32 STAFF CONSULTATIVE PANEL

Terms of Reference:

- (a) To establish a forum for consultation to secure co-operation between the Council and its staff and between the different directorates of the service.
- (b) To discuss the conditions of service, hours of employment, remuneration and the health, safety and welfare at work of the staff of the Council with a view to framing recommendations for consideration by the Staffing Committee.
- (c) To keep under review matters relating to health, safety and welfare of all the Council's employees.
- (d) To take such action as may be deemed necessary or desirable to prevent differences and misunderstandings between the Council and its staff, provided that no question of individual discipline, remuneration, promotion or efficiency shall be within the remit of the Panel, unless it has been referred by the Executive for consideration by the Panel under paragraph (g) below.
- (e) To consider the effect of any proposed or new legislation affecting the staff of the Council.
- (f) To consider and encourage improvements to the organisation, with a view to enhancing the efficiency of the service, including recruitment and training.
- (g) To consider any matter which may be referred to it by the Executive or the Staffing Committee which it may be requested to deal with by either side.

Membership:

23 consisting of 8 Members of the Council (employer's side) and 15 staff side representatives.

- (i) The employer's side to comprise the 8 members of the Staffing Committee.
- (j) The staff side to comprise 1 representative each of the trades unions recognised by the Council for collective bargaining purposes, excepting UNISON who shall have 3 places in total.
- (k) Both sides may send substitutes as necessary.

Note: This Panel, as a purely consultative body, is not subject to the strict requirements of the Local Government Act 1972, in relation to political representation.

11.33 STANDARDS AND QUALITY CONSULTATIVE GROUP

Terms of Reference:

To promote and monitor:

- (a) The relationship between schools and the lifelong learning agenda;
- (b) Collaboration between educational providers;
- (c) Educational achievement in schools and the wider community; and
- (d) The effective implementation of the Education Development Plan and strategies for social inclusion.

Membership:

- Deputy Director (Quality) (or the officer for the time being with such responsibilities);
- Head of Lifelong Learning(or the officer for the time being with such responsibilities);
- The Executive Member with responsibility for Children’s Services;
- Chairman of relevant Overview Committee;
- Connexions representative;
- Bournemouth, Dorset and Poole Learning and Skills Council representative;
- 4 School Headteachers representing different phases;
- Head of School Improvement(or the officer for the time being with such responsibilities);
- Head of Statutory Services(or the officer for the time being with such responsibilities);
- Secondary Advisory Headteacher;
- Head of Youth and Community Service(or the officer for the time being with such responsibilities);
- Head of Adult Education(or the officer for the time being with such responsibilities);

ARTICLE 12 - OFFICERS

12.1 Management Structure

(a) **General.**

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

(b) **Chief Officers.**

The Council will engage persons for the following posts, who will be designated chief officers:

- (i) Head of Paid Service (and Chief Executive);
- (ii) Executive Directors (x4);
- (iii) Corporate Director (x1) and
- (iv) Shared Director of Public Health.

Arrangements may be entered into for one or more of these posts to be shared with other councils.

- (c) The process of selection and recruitment of the above chief officers shall be undertaken in accordance with provisions as set out in the Officer Employment and Dismissal Procedure Rules - Part 2 of the Constitution.

- (d) The Council is required by statute to appoint the following statutory posts:

- (i) Head of Paid Service;
- (ii) Section 151 Officer; and
- (iii) Monitoring Officer.

Further details of these statutory posts are set out below and can also be found in the Financial Regulations – Part 2 of the Constitution.

(e) **Structure.**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. That document shall form part of the Constitution.

12.2 Roles and Functions of the Head of Paid Service

(a) **Discharge of functions by the Council.**

The Head of Paid Service will where s/he considers it appropriate report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions, the organisation of Officers and to such extent as relevant, the appointment and proper management of Officers.

(b) **Restrictions on functions.**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

(a) **Maintaining the Constitution.**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, Officers and the public.

(b) **Ensuring lawfulness and fairness of decision making.**

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council, or the Executive in relation to an executive function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

(c) **Standards.**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.

(d) **Conducting investigations.**

The Monitoring Officer will conduct or arrange for there to be conducted investigations into relevant complaints against Members and Town/Parish councillors and make reports or recommendations in respect of them in accordance with the Member Complaint Process which can be found in Codes and Protocols – Part 4 of the Constitution.

(e) **Proper officer for access to information.**

The Monitoring Officer will ensure that Member decisions (including decisions by Committee and individual Executive Member decisions), together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as required by legislation.

(f) **Contributing to corporate management.**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

(g) **Providing advice.**

The Monitoring Officer will provide advice to the Council on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues and will support and advise Members and Officers in their respective roles.

(h) **Restrictions on posts.**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 **Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making.**

After consulting with the Monitoring Officer, the Section 151 Officer will report to the Full Council, to the Executive in relation to executive functions and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.**

The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.**

The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.**

The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to all Members and will support and advise Members and Officers in their respective roles.

(e) **Give financial information.**

The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 Conduct

Officers will comply with the Protocol on Officer and Member Relations and the Employee Code of Conduct – Codes and Protocols - Part 4 of this Constitution - and where applicable relevant professional codes of conduct.

12.7 Employment

The recruitment, selection and dismissal of posts below chief officer level will be made in accordance with arrangements prescribed by the Head of Paid Service to the extent not covered by the Officer Employment and Dismissal Procedure Rules – Part 2 of the Constitution.

ARTICLE 13 – DECISION MAKING

13.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is primarily set out in relevant parts of Part 1 – Summary and Articles and Part 3 – Functions of the Council of the Constitution.

13.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

13.3 Types of decision

- (a) Decisions reserved to Full Council. Article 4 – Full Council – Part 1 of this Constitution contains details of functions reserved to Full Council and which will not therefore be delegated.
- (b) A definition of a Key Decision is contained in the Access to Information Procedure Rules contained in Part 2 of the Constitution.

13.4 Decision making by Full Council

To the extent they are relevant, meetings of Full Council will accord with the Council Procedures Rules and Budget and Policy Framework Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

13.5 Decision making by Overview and Scrutiny Committees

To the extent they are relevant, meetings of the Overview and Scrutiny Committee will accord with the Overview and Scrutiny Procedures Rules and Council and Committee Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

13.6 Decision making by other Committees and Sub-Committees established by the Council

To the extent they are relevant, meetings of other Council Committees and Sub-Committees will accord with the Council and Committee Procedures Rules, Executive Procedure Rules and Budget and Policy Framework Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

13.7 Decision making by Council bodies acting as tribunals

Full Council, a Committee, Sub-Committee or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which is considered to accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.8 Decision making by Officers

Officers shall exercise powers delegated to them as primarily set out in Part 3 – Functions of the Council of the Constitution, recording relevant decisions as appropriate.

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial management

The management of the Council's affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

14.3 Legal proceedings

The:

- (a) Monitoring Officer, and
- (b) [Head of the Legal Services Unit]

are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he, she or they (as the case may be) considers that such action is necessary to protect the Council's interests together with:

- (c) such other Officer as may be provided for in the Officer Scheme of Delegation – Part 3(2) of the Constitution; and
- (d) any other person identified in a resolution from a relevant body of the Council for such purposes,

provided that for the avoidance of doubt this includes power to sign any document required to institute, defend or participate in any legal proceedings.

14.4 Authentication/signing of documents

Subject as provided for in this Article, any of:

- (a) the Head of Paid Service;
- (b) the Monitoring Officer;
- (c) an Executive Director;
- (d) a Corporate Director;
- (e) the shared Director of Public Health;
- (f) a [Head of Service]; and

- (g) such other Officer as may be provided for pursuant to the Officer Scheme of Delegations – Part 3(2) of the Constitution,

may sign any document on behalf of the Council save those required to institute legal proceedings.

14.5 **Common seal of the Council**

The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer or [Head of the Legal Services Unit]. A decision of Full Council or otherwise pursuant to the exercise of any power 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:

- (a) the Monitoring Officer,
- (b) the [Head of the Legal Services Unit],
- (c) the Head of Paid Service; and
- (d) such other Officer as may be provided for in the Officer Scheme of Delegation contained in Part 3(2) of this Constitution.

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to monitor and review the Constitution

- (a) The Monitoring Officer will monitor and review the operation of the Constitution.
- (b) To the extent that it is not covered by a delegation to an Officer or as otherwise provided for in this Article (or unless Full Council otherwise expressly resolve), any proposed change to the Constitution before it is considered by Full Council shall have had an opportunity to be considered by the Audit and Governance Committee and/or a Sub-Committee appointed by it provided that nothing in this provision shall prevent the Monitoring Officer taking a proposed change of the Constitution to Full Council even if s/he has delegated power to determine such a matter.
- (c) Save to the extent as provided for in this Article changes to the Constitution shall be determined by Full Council to the extent as provided for in Article 4 – Full Council – Part 1 of this Constitution.

15.2 Changes to the Constitution by the Monitoring Officer without referral

- (a) The Monitoring Officer shall have power without referral elsewhere:
 - (i) to make amendments to the Constitution where s/he considers this is necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity, and/or address any uncertainty in interpretation;
 - (ii) to make amendments to the Constitution to provide alignment with existing or emerging internal practices and procedures, subject in all cases to prior consultation with the Leader and/or at least two Members, one of whom is an Executive Member and one who is a Chairman or Vice-Chairman of an Overview and Scrutiny Committee; and
 - (iii) to take reports direct to Full Council relating to other constitutional changes where s/he considers this appropriate and/or necessary.
- (b) Where any other body of the Council makes a decision pursuant to legislative powers specifically given to that body that necessitate a change to the Constitution then provided the Monitoring Officer considers it appropriate so to do, the Constitution can be changed without referral to any other body of the Council.

15.3 Changes to the Constitution relating to certain Member/Officer decisions

Changes to the Constitution may be made without further approval by Full Council or the Executive/Leader where in the opinion of the Head of Paid Service and/or the Monitoring Officer it is to reflect a change to executive arrangements determined by the Leader, Executive, the Deputy Leader,

Executive Member, a Committee, Sub-Committee, Officer or other body or person where they have the statutory and/or delegated power to so do.

15.4 Changes to the governance arrangements

The Council will comply with all legislative requirements regarding consultation with the electorate and otherwise should it wish to change its governance arrangements.

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

(a) Limit to suspension.

- (i) The articles of this Constitution may not be suspended save to the extent they relate to matters reserved to Full Council and then only by a resolution of Full Council.
- (ii) The rules (and any of their appendices) specified in this Article below may be suspended by Full Council subject as may be provided for within those rules and the law.

(b) Procedure to suspend.

A motion to suspend any rules must be supported by a majority of Members present at the meeting of Full Council where the suspension is being considered. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) Rules capable of suspension. The following rules may be suspended in accordance with this Article:

- (i) Council and Committee Procedure Rules;
- (ii) Budget and Policy Framework Procedure Rules;
- (iii) Executive Procedure Rules;
- (iv) Overview and Scrutiny Procedure Rules; and
- (v) Financial Regulations including the Contract Procedure Rules.

16.2 Interpretation

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of Full Council shall not be challenged at any meeting of Full Council. Such interpretation will have regard to the purpose of this Constitution contained in Article 1.

16.3 Publication

- (a) The Proper Officer arrange for an accessible copy of this Constitution including information as to how to access any updated versions of the Constitution to be available to each Member upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.

- (b) To the extent that it is not available on-line or the law otherwise requires, the Proper Officer will ensure that a full copy of the Constitution is available for inspection at the main Council Office and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) To the extent that a full version is not available on-line or the law otherwise requires, the Proper Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

For the purposes of Article 4 of this Constitution these Budget and Policy Framework Procedure Rules apply to the development and amendment of the plans or strategies comprising Policy Framework and of the Budget. For the purposes of these rules reference to “the Executive” shall have the same meaning as in Part 1A of the Local Government Act 2000.

1. THE STRUCTURE FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the Executive to implement it. The adoption of most other policies will be dealt with in accordance with relevant executive arrangements.

2. THE PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1. Before a plan/strategy/budget that is part of the Budget and Policy Framework can be adopted, initial proposals will be published in accordance with relevant executive arrangements. Details of any consultation process shall be included in relation to each of these matters in the forward plan. Any representations made to any consultation shall be taken into account in formulating the initial proposals. A relevant Overview and Scrutiny Committee will normally be notified of initial proposals and may suggest additional or alternative arrangements for consultation.
- 2.2. At the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to any consultation (including any from an overview and scrutiny committee). The Executive’s report to the Council will reflect the comments made by consultees and the Executive’s response. The Proper Officer will refer them at the earliest opportunity to the Council for decision.
- 2.3. The Council will consider the Executive’s proposals and may adopt them, amend them, refer them back to the Executive for further consideration, or subject to Council and Committee Procedure Rule 15, substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive’s proposals and any report from any relevant overview and scrutiny committee.
- 2.4. The Council’s decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader. The Notice of Decision shall be dated and:
 - (a) if the Council accepts the Executive’s proposals without amendment shall state that the Council’s decision shall be effective immediately.
 - (b) if the Executive’s proposals are accepted but with amendments or are substituted by the Council’s own proposals, shall state that unless the Leader objects to the Council’s decision or submits revised proposals within five clear working days of the publication of the notice, the decision will take effect on the expiry of that period. The Leader may waive his/her right to object in writing, and if so the decision will take effect immediately.
 - (c) if the Council decides to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.

- 2.5. If the Leader objects to the decision of the Council, or that s/he intends to submit revised proposals s/he shall give written notice to the Proper Officer to that effect before the date upon which the decision is to be effective. Where the Leader objects the notice must state the reasons why the Leader objects. Where a notice is received, the Proper Officer shall call a further Council meeting to reconsider its decision and the decision shall not be effective pending that meeting. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection.
- 2.6. Where the Council has referred the matter back to the Executive for further consideration, the Proper Officer shall convene a further Council meeting to reconsider the matter following the Executive's further consideration. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection or revised proposals.
- 2.7. The Council shall at the further meeting make its final decision on the proposed plan and the decision shall be implemented immediately.
- 2.8. In approving the plan/strategy/budget, the Council will also specify the extent of virement (to the extent this is relevant) and the degree of in-year changes which may be undertaken by the Executive, in accordance with Budget and Policy Framework Procedure Rules 4 and 5. Any other changes to the Budget and Policy Framework are reserved to the Council.

3. DECISIONS OUTSIDE OF THE FRAMEWORK

- 3.1. Subject to the provisions of Budget and Policy Framework Procedure Rules 4 and 5 the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions shall only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council.
- 3.2. If the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy framework, then the decision must be referred by that body or person to the Council for decision.

4. VIREMENT

Above the limits set out in the Council's Financial Procedure Rules, any virement across budget heads shall require the approval of Full Council.

5. IN-YEAR-CHANGES TO THE FRAMEWORK

No changes to any policy and strategy which make up the Policy Framework may be made other than by the Council.

6. CALL-IN OF DECISIONS CONTRARY TO OR NOT WHOLLY IN ACCORDANCE WITH THE BUDGET AND POLICY FRAMEWORK

Without prejudice to Overview and Scrutiny Procedure Rule 12 (call-in) if an Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then having sought advice from the Monitoring Officer and/or Chief Finance Officer, it may call-in the decision in accordance with the Overview and Scrutiny Procedure Rules.

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COUNCIL AND COMMITTEE PROCEDURE RULES

For the purposes of Article 1 of this Constitution these Council Procedure Rules are Standing Orders of the Council.

PART 1 – MEETINGS OF THE FULL COUNCIL

1. ANNUAL MEETING OF FULL COUNCIL

1.1 Date of Annual Meeting

In a year when there is an ordinary election of Members, the Annual Meeting of the Full Council will take place within 21 days of the retirement of the outgoing Members. In any other year, the Annual Meeting will take place in April or May.

1.2 Business

The Annual Meeting of the Full Council will:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) elect the Chairman of Council;
- (c) elect the Vice-chairman of Council;
- (d) receive any declarations of interest from Members;
- (e) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (f) elect the Leader;
- (g) receive any announcements from the Chairman of Council and/or Head of Paid Service;
- (h) note the appointment of the Deputy Leader and any Portfolio Holders made by the Leader;
- (i) appoint at least one Overview and Scrutiny Committee, a Licensing Committee, a Health and Wellbeing Board and such other Committees or Boards as the Full Council considers appropriate to deal with matters within its control, their size, terms of reference and powers;
- (j) decide the allocation of seats on Committees to political groups in accordance with the rules on political balance;
- (k) receive nominations from political groups for Members to serve on committees or any outside body and to make appointments to each committee or outside body, except where the Full Council has delegated the appointment or is exercisable only by the Leader;
- (l) make any other appointments as may be necessary;

- (m) approve a programme of ordinary meetings of the Full Council and its Committees for the year;
- (n) receive and reply to any question and/or statement from the public;
- (o) receive and reply to any petition and/or deputation from the public;
- (p) deal with any questions by Members;
- (q) consider any notice of motion;
- (r) receive, consider and reply to any report or recommendations formally submitted by any Overview and Scrutiny Committee or any other Committee or Board;
- (s) consider item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and
- (t) consider any other business set out in the notice convening the meeting.

2. ORDINARY MEETINGS OF FULL COUNCIL

2.1 Date of ordinary meetings

Five ordinary meetings of the Full Council will take place on dates agreed by the Full Council at its Annual Meeting provided that the Chairman in consultation with the Head of Paid Service may if s/he considers that it is appropriate to do so, direct that the meeting shall be cancelled or held on another date.

2.2 Business

Ordinary meetings of the Full Council will:

- (a) elect a person to preside if the Chairman of Council and Vice-Chairman of Council are not present;
- (b) receive any declarations of interest from Members;
- (c) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (d) receive any announcements from the Chairman of Council or Head of Paid Service;
- (e) receive any report from the Leader and Portfolio Holders and receive any reply from the Leader and Portfolio Holders to Members' questions;
- (f) receive and reply to any question and/or statement from the public;
- (g) receive and reply to any petition and/or deputation from the public;

- (h) receive, consider and reply to any report or recommendations formally submitted by any Overview and Scrutiny Committee, other Committee or Board;
- (i) deal with any business from the last Council meeting;
- (j) deal with any Valid Member Questions;
- (k) consider any notices of motion;
- (l) consider any item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and
- (m) consider any other business specified in the notice convening the meeting.

3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

The following may request the Proper Officer to call an extraordinary meeting of the Full Council:

- (a) the Full Council by resolution;
- (b) the Chairman of Council;
- (c) the Head of Paid Service;
- (d) the Monitoring Officer; or
- (e) any five Members if they have signed a requisition presented to the Chairman and the Chairman has refused to call a meeting or has failed to call a meeting with seven days of the presentation of the requisition.

3.2 Business of extraordinary meetings of the Full Council

Unless the Chairman is of the opinion that an item should be considered as a matter of urgency, Full Council will only consider the business which is specified in the notice of the extraordinary meeting. Petitions, questions, deputations and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

4 TIME AND PLACE OF MEETINGS AND ITEMS ON AN AGENDA

4.1 Time and place of meetings

The first Annual Meeting of the Full Council will take place at South Walks House Dorchester at 10am unless the Head of Paid Service decides otherwise. The time and place of subsequent meetings of the Full Council will be decided by the Full Council at its Annual Meeting and notified in the agenda for the meeting.

4.2 Items on an agenda

- (a) Unless the law otherwise requires, items will be included on an agenda:
- (i) at the request or at the direction of the Chairman;
 - (ii) as required by these Council Procedure Rules, the Petition Scheme or any other provision of the Constitution;
 - (iii) as required by resolution of the Full Council and/or by way of a requisition;
 - (iv) at the request of the Head of Paid Service subject to prior consultation with the Chairman;
 - (ii) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chairman (unless unavailable or absent);
 - (iii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and reply to a report or recommendation;
 - (iv) to consider any recommendation or referral from a Committee or Sub-Committee of the Full Council;
 - (v) to consider any Officer report identified by any Officer (nominated by the Head of Paid Service for such a purpose) as appropriate to go to Full Council and/ or which refers to any matter which the Constitution or law requires to be considered by Full Council; and/or
 - (vi) in the case of an extraordinary meeting of Full Council to address the requirements for which the extraordinary meeting has been called.
- (b) The Head of Paid Service (or any other person as the Head of Paid Service may nominate) with the agreement of the Chairman shall decide the appropriate meeting of the Full Council to which an item should be considered and the order of all such items.

4.3 Acting in absence

In the event of the Chairman of Council being absent or unavailable at any time when there is a need to make any decision/performance any action identified in these Council Procedure Rules contained in this Constitution as being decided or performed by the Chairman of Council then for the avoidance of doubt unless the procedure rules identify otherwise that decision/action can be performed by the Vice-Chairman of Council or if both are absent or unavailable then by such other Member as the Head of Paid Service may at his absolute discretion determine (if any).

5 NOTICE AND AGENDA FOR MEETINGS

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Normally at least

five clear working days before a meeting, the Proper Officer will send (or where a Member has given an email address, e-mail) a copy of the agenda to every Member. The agenda will be authenticated in such manner as the Proper Officer considers appropriate, give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIRING THE MEETING

The person presiding at a meeting of Council may exercise any power or duty of the Chairman.

7 QUORUM

7.1 Full Council

The minimum number of Members required to be present or quorum for a meeting of the Full Council is 21.

7.2 Absence of a quorum

If during any meeting, the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. No further business will be considered. Any remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, any remaining business will be considered at the next ordinary meeting.

8. DURATION OF THE MEETING

8.1 Time limit

If the business of the meeting has not been concluded within three hours the Chairman will interrupt the meeting and if appropriate call for a vote to be taken immediately on the item under discussion. A vote to either extend the meeting for a further specific period or to adjourn will then be taken on the item in the usual way without any further discussion. .

8.2 Agenda items not dealt with

Any unresolved agenda items will be adjourned to a date decided by the Proper Officer in consultation with the Chairman.

9. PUBLIC PARTICIPATION TIME

9.1 General

As part of every ordinary meeting of the Full Council a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to:

- (a) ask a question of the Leader or Portfolio Holder;
- (b) make a statement; or

- (c) present a petition.

In the case of an extraordinary meeting of the Full Council, if in the opinion of the Chairman a question, statement or petition specifically is about the matter for which the extraordinary meeting has been called, the Chairman may allow such question, statement or petition to be made.

9.2 Time for public questions, statements and petitions

- (a) A period of 15 minutes will be set aside at each meeting of the Full Council to receive and reply to any questions or statements from members of the public or appointed representatives.
- (b) A further period of up to 15 minutes will be set aside for the Full Council to receive and to reply to any petitions from members of the public or appointed representatives.
- (c) The Chairman may increase any of the periods for the asking of questions, the making of statements or receiving petitions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

9.3 Number and duration of questions/statements

- (a) At any one meeting of the Full Council no person or organisation may ask/make more than two questions and/or statements in total during public participation time. Sub-divided questions will count towards this total.
- (b) No more than three minutes shall be allowed for any one question or statement to be asked/read.

9.4 Notice of questions/statements

A question may only be asked or a statement read if notice has been given in writing or by email to the Proper Officer at least three clear working days before the Full Council meeting. Each question/statement must include:

- (a) the name and address of the person wanting to ask the question/read the statement;
- (b) the title of the Member to whom the person would prefer it to be directed (if any). A statement may be expressed to be a statement to the Full Council as a whole; and
- (c) the text of the question or the statement.

9.5 Scope of questions/statements

- (a) The Chairman in consultation with the Proper Officer may reject any question/statement if s/he considers that it:

- (i) is not about a matter for which the Council has a responsibility and/or which affects its area;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a subject which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of the Full Council in the past six months;
 - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government Ombudsman;
 - (v) requires the disclosure of confidential or exempt information;
 - (vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or
 - (vii) is otherwise inappropriate for such a question/statement to be asked/read out.
- (b) If the Chairman decides that a question/statement cannot be asked/made at a meeting of the Full Council, then the reason why not will be sent to the person seeking to raise it.

9.6 Identification of who will reply

- (a) The Chairman in consultation with the Proper Officer shall decide the most appropriate Member to reply to any question/statement where a reply is needed. If this differs from that identified by the person presenting the question/statement then this shall be identified before the question/statement is read.
- (b) The Proper Officer will arrange for each question/statement that is to be presented to be given to any Member who is to reply as soon as reasonably practicable following its receipt.

9.7 Order of questions/statements

Questions/statements will be read in the order in which notice of them was received. Where more than one question/statement is submitted by a person/on behalf of an organisation, the questions/statements will also be dealt with in such order as the Chairman considers appropriate. The Chairman may also decide to group together similar questions.

9.8 Asking the question/making a statement at the meeting

- (a) A copy of every question/statement to be read at Full Council will normally:
 - (i) be circulated to Members at the meeting;
 - (ii) be made available to the public attending the meeting; andeither recorded verbatim in the minutes or summarised.

- (b) The Chairman will invite the person presenting the question/statement to ask it.

9.9 Discussion and referral of questions and statements

Unless the Chairman decides otherwise, no discussion will take place on matters raised by questions and statements by the public. Any Member may suggest however that the matter might be better dealt with by the relevant Committee or Sub-Committee. If the Chairman agrees, the Chairman may direct that the matter is referred to such Committee or Sub-Committee as s/he considers appropriate.

9.10 Replying to a question or statement

- (a) A reply to any question/statement shall take such form as the Member replying considers appropriate, including:
 - (i) an oral reply;
 - (ii) where the desired information is in a publication of the Full Council or other published work, a reference to that publication;
 - (iii) a referral of the matter to a Committee or Sub-Committee for consideration; or
 - (iv) where an oral reply cannot conveniently be given, a written reply to the person asking the question.
- (b) No reply is required to be given to any question/statement if the Member who is to reply considers it appropriate not to reply.

9.11 Supplementary question

Where a reply has been given to a question/statement no supplementary questions will be permitted

9.12 Inability to present a question/statement

- (a) If the person asking the question or making the statement is unable to attend the meeting, the Chairman may indicate that a written reply will be given to the question/statement or that the question/statement will not be dealt with and/or read out.
- (b) Any question/statement which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will be dealt with by the sending of a written reply within a reasonable timescale.
- (c) Where written reply is given to a question/statement the Proper Officer will arrange for question/statement and any reply to be copied to all Members.

10 PETITIONS AND DEPUTATIONS

10.1 Petitions

- (a) Any Members of the public may submit a petition to the Council. However the Council will not normally accept any petition that does not comply with the Petition Scheme.
- (b) Petitions which are accepted for consideration will be dealt with under the Petition Scheme.

10.2 Deputations

A deputation may be received at any ordinary meeting of Full Council (and any extraordinary meeting where identified above) provided:

- (a) written details containing:
 - (i) the intended subject matter/reason for the deputation;
 - (ii) the contact name, address and telephone number of one of the people intending to form part of the deputation (“the Deputation Leader”);
 - (iii) any statement/explanation that the Deputation Leader wants to read out about the deputation;
 - (iv) the full names of not more than four additional persons who will accompany the Deputation Leader to the meeting; and
 - (v) the date of the ordinary meeting of Full Council which it would be preferred to attend,have been received by the Proper Officer, and
- (b) the subject matter/reasons for the deputation is about a matter for which the Council is responsible or which affects the area of the Council.

10.3 Time for deputations

A period of 15 minutes will be set aside at each Full Council meeting to receive any deputations.

10.4 Number of deputations

At any one meeting of Full Council no person or organisation may present or participate in more than one deputation.

10.5 Scope of deputation

- (a) The Chairman in consultation with the Proper Officer may reject any deputation if s/he considers that it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the district;

- (ii) might be construed as defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a topic which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of Full Council in the past six months;
 - (iv) is about a matter that has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints system or the Local Government Ombudsman;
 - (v) is about confidential or exempt information;
 - (vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or
 - (vii) is otherwise inappropriate for such a deputation to be received.
- (b) The Proper Officer will make arrangements to enable the future identification of deputations for the purposes of the provisions above.
- (c) If the Chairman decides that a deputation cannot be received at a meeting of Full Council, then the reason why not will be sent to Deputation Leader.

10.6 Identification of who will reply to a deputation

- (a) The Chairman in consultation with the Proper Officer shall decide the most appropriate person to reply to any deputation (if any). If this differs from that identified by the Deputation Leader then this shall be identified before the deputation is received.
- (b) The Proper Officer will arrange for details of the deputation to be given to the Member who is to reply as soon as reasonably practicable following receipt of the notice.

10.7 Order of deputations

Deputations will be received in the order in which notice of them was received. The Chairman may also decide to group together similar deputations.

10.8 Identification as to where a deputation will be presented

Where the Chairman in consultation with the Proper Officer considers that a deputation is about a matter within the terms of reference of the Executive or a Committee then the Proper Officer may arrange for the deputation to be included on the next suitable agenda of the Executive or Committee.

10.9 Meeting to consider deputation

Unless the details of a deputation have been given to the Proper Officer at least 10 working days before the date of the next ordinary meeting of Full Council, a deputation will normally be considered at the ordinary meeting following

10.10 Presenting a deputation at the meeting

- (a) The Chairman will invite the Deputation Leader to read out any statement/explanation given as part of the details of the deputation or a summary of it. If the Deputation Leader who has submitted the deputation is unable to be present, the Chairman may invite another person on the deputation to read it out.
- (b) A statement/explanation read out about a deputation shall not exceed five minutes unless the Chairman expressly allows.

10.11 Discussion about a deputation

Unless the Chairman decides otherwise, no discussion will take place about any deputation presented pursuant to these procedure rules.

10.12 Replying to a deputation

Any person identified as being the person who will reply to a deputation may reply in such matter as s/he considers appropriate.

10.13 Inability for deputation to be presented

- (a) Any deputation which cannot be dealt with at a meeting of Full Council, which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will normally be dealt with by the sending a written reply within a reasonable timescale.
- (b) Where a written reply is given to a deputation the Proper Officer will arrange for any reply to be copied to all the Members.

11 NOT USED

MEMBERS' QUESTIONS AND REQUESTS

12 REPORTS FROM THE LEADER AND PORTFOLIO HOLDERS

12.1 Receiving reports from the Leader and Portfolio Holders

Every ordinary meeting of Full Council may normally receive a report, usually in writing with oral updates, but may simply be oral, from:

- (a) the Leader on matters affecting the Council which may be verbal or written; and
- (b) each Portfolio Holder on matters relating to their portfolios.

12.2 Presentation of report

- (a) The Proper Officer will make arrangements for a copy of any report to be included on the agenda.

- (b) Where the report has been included on the agenda, there shall not be a requirement for the report to be read out by the Leader/Portfolio Holder at the meeting.

12.3 **Asking and replying to questions**

- (a) Members may ask questions on any oral or written report given by the Leader or Portfolio Holder provided that in the opinion of the Chairman the questions relate to the report.
- (b) The total number of questions that may be asked of the Leader and Portfolio Holders and the subjects allowed are at the discretion of the Chairman, but each member will normally not be allowed to ask more than one question and one supplemental question on a report.
- (c) The Leader or Portfolio Holder may reply to any question as s/he sees fit including:
 - (i) giving an oral answer; or
 - (ii) indicating that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members.

13 **MEMBERS' QUESTIONS**

13.1 **General**

Any Member may ask:

- (a) the Leader;
- (b) the Chairman;
- (c) a Portfolio Holder; or
- (d) the Chairman of any Committee;

a Valid Member Question at a meeting (other than an extraordinary meeting) of the Full Council on any matter about which the Council has powers or duties or which affects the district and in either case is within their area of responsibility of the person to who the question is asked.

13.2 **Valid Member Question and number of Valid Member Questions allowed**

- (a) A Valid Member Question is a single question, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than five clear working days before the Full Council meeting and which in the opinion of the Chairman does not:
 - (i) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (ii) contain defamatory, inappropriate or inflammatory language.

- (b) A question may be a Valid Member Question if written notice has not been given in accordance with paragraph (a) if in the opinion of the Chairman the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Unless the Chairman agrees, a Member may only ask two Valid Member Questions at a meeting of the Full Council.
- (d) The Proper Officer will arrange for a copy of each Valid Member Question to be given to the Member who is to reply to it as soon as reasonably practicable.

13.3 Asking and replying to a Valid Member Question

- (a) Every Valid Member Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Member Question will take longer than two minutes to read out and the Chairman will stop the Member asking the question when that time has lapsed.
- (b) The Member who has been asked a Valid Member Question may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Member who has been asked a supplementary question may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (d) No further supplemental questions may then be asked.

14 MEMBER REQUESTS FOR CONSIDERATION AT FULL COUNCIL

14.1 Making a Request

Any eight Members may request that an issue or subject is considered at a meeting of Full Council by way of a Valid Notice of Motion. If having made a Valid Notice of Motion, the Member identified as the Proposer may withdraw the Valid Notice of Motion at any time.

14.2 **Valid Notice of Motion and number of Valid Notices of Motion allowed**

- (a) A Valid Notice of Motion is a proposal of which written notice has been given to the Proper Officer not less than 10 clear working days before the Full Council meeting and which in the opinion of the Proper Officer in consultation with the Chairman:
 - (i) is about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council or the district,
 - (ii) is clearly identifiable as a notice of motion;
 - (iii) identifies which of the Members is to be the Proposer and which is to be the Secunder; and
 - (iv) is signed by the Members submitting it (unless submitted by e-mail) and the date it was submitted to the Proper Officer; but
 - (v) does not relate to the personal affairs or conduct of any individual Member or Officer; nor
 - (vi) contain defamatory, inappropriate or inflammatory language.
- (b) A notice of motion may be a Valid Notice of Motion despite written notice not having been given in accordance with paragraph (a) if in the opinion of the Chairman the notice of motion is about an urgent matter and the notice of motion was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Any Member may only propose, second or be a supporter of one Valid Notice of Motion on the agenda for any one meeting of the Full Council.

14.3 **Where Valid Notice of Motion is to be considered**

- (a) Subject to paragraph (b), a Valid Notice of Motion will normally be considered at the next ordinary meeting of Full Council. The Valid Notice of Motion may be considered at a later ordinary meeting if the Members who submitted it prefer and the Chairman of Council considers this appropriate.
- (b) Where the Proper Officer considers that a Valid Notice of Motion is about a matter within the terms of reference of a Committee or other Council body then subject to prior discussion with the Chairman of Council s/he may arrange for the Valid Notice of Motion not to be included on an agenda of a meeting of Full Council but included on the next suitable agenda of the Committee or body considered most appropriate to consider it.

- (c) Valid Notices of Motion will be listed on the relevant agenda in the order they have been received unless the Chairman considers a different order is appropriate

14.4 Presenting a Valid Notice of Motion

The Member identified in the Valid Notice of Motion as the Proposer or one of the other signatories on his/her behalf will read out Valid Notice of Motion and propose it. In the absence of the Proposer or if the Proposer declines to read it then the Valid Notice of Motion shall be dealt with as the Chairman considers appropriate.

14.5 Consideration of a notice of motion

- (a) If a Valid Notice of Motion is not at the time it is presented to a meeting of the Full Council:

- (i) moved either by the Proposer of it or by one of the other signatories on his/her behalf; and

- (ii) seconded,

then unless postponed by consent of the Chairman, it shall be treated as withdrawn and may not be moved without a new notice.

- (b) A Valid Notice of Motion shall not be debated unless it is both moved and seconded. If it is both moved and seconded then the normal rules of debate as set out below shall apply.

14.6 Valid Notice of Motion referred to a Committee

- (a) A Committee to which a Valid Notice of Motion has been referred shall report on it to the next suitable meeting of Full Council. The Committee's report shall be presented by the Committee's Chairman during that part of the Full Council meeting set aside to consider Valid Notices of Motions.

- (b) When the Committee Chairman has presented the Committee's report, the Valid Notice of Motion shall be read to the meeting. If the Valid Notice of Motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new notice of motion.

- (c) If the Committee decided that a different motion to the Valid Notice of Motion should be considered by Full Council then:

- (i) if the Valid Notice of Motion is proposed and seconded the Committee Chairman shall propose the alternative motion as an amendment. If that is proposed and seconded it shall be debated and voted upon in accordance with the rules of debate below; or

- (ii) if the Valid Notice of Motion is not proposed and seconded then the Committee Chairman shall move the alternative motion identified by the Committee. Such a motion may be moved

without notice. If seconded it shall be debated and voted upon in accordance with the rules of debate below.

- (d) Any amendment to either motion if it has been moved and seconded shall be debated and voted upon in accordance with the rules of debate below.

15 **ANNUAL BUDGET**

A Member wishing to move an amendment to any recommendation from the Executive on the annual budget must give written notice to the Proper Officer not less than two clear working days before the meeting at which the budget or review of charges are being considered setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget.

16 **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) about the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the agenda for the meeting;
- (f) to receive reports and/or propose motions/amendments relating to recommendations (whether verbal or written) of the Executive, any Joint Committee, Committee, Sub-Committee, or Officer and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now asked;
- (k) to adjourn a debate;
- (l) to extend or adjourn a meeting;
- (m) to suspend a procedure rule subject to any limitation as provided for in the Constitution;
- (n) to exclude the public and press as provided for in the Access to Information Rules;

- (o) to not hear further a Member named by the Chairman or to exclude a Member from the meeting in both cases as provided for in these procedure rules;
- (n) by the Chairman of a Committee to identify an alternative motion to that considered by the Committee in reply to a notice of motion (Member issue) referred to it pursuant to the provisions of these procedure rules above;
- (o) to provide a reply to a question/statement/deputation or petition from a member of the public to such extent as these Council Procedure Rules or any Petition Scheme allow; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

17 RULES OF DEBATE

17.1 No discussion until motion seconded

Subject to the rights relating to the proposer in the Proposer's and Seconder's speech rule below, a motion or amendment shall not be discussed unless it has been proposed and seconded.

17.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

17.3 Proposer's and Seconder's speech

- (a) The proposer of a motion or an amendment shall have the right to speak immediately after making the proposal or may opt to exercise that right at a later stage in any debate (such right to be in addition to the proposer's right to speak before a vote is taken).
- (b) The seconder of a motion or amendment shall have the right to speak:
 - (i) immediately after seconding a motion or amendment; or
 - (ii) may opt to reserve his/her speech until later in the debate.

17.4 Content and length of speeches

- (a) Speeches must be directed to the matter under discussion or to a personal explanation or point of order.
- (b) No speech may exceed three minutes without the consent of the Chairman of Council except for the Proposer and the relevant member of the Executive who may each speak for up to five minutes.

17.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since s/he last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- (d) to exercise any right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; or
- (g) with the consent of the Chairman.

17.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and add others; or
 - (iv) to add words,so long as the effect of the amendment is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

17.7 Alteration of motion

- (a) A Member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

- (b) A Member may alter a motion or amendments which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

17.8 **Withdrawal of motion**

Subject to Council Procedure Rule 13.1, a Member may withdraw a motion which s/he has moved with the consent of both the meeting and any seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the Proposer has asked permission to withdraw it unless permission is refused.

17.9 **Right to reply**

- (a) The Proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is voted upon.
- (b) If an amendment is moved, the Proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The Proposer of an amendment has no right of reply to the debate on his or her amendment.

17.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except any of the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) that the question be now asked;
- (e) to adjourn the debate;
- (f) to adjourn the meeting;
- (g) to exclude the public and press as provided for in the Access to Information Rules; and
- (i) to not hear further a Member named by the Chairman or to exclude a Member from the meeting.

17.11 **Closure motions**

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) that the question be now asked;

- (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.
- (b) If a motion that the question be now asked is seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the Proposer of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the Proposer of the original motion the right of reply.

17.12 Point of order

A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these procedure rules or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chairman on the matter will be final.

17.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

18 RECISSION OF PREVIOUS DECISIONS AND MOTIONS

18.1 Subject to Rule 18.2, no motion to rescind a decision made within the past six months and no motion or amendment in similar terms to one that has been rejected in the past six months shall be proposed unless the notice of motion is supported by at least 24 Members. Once the motion or amendment is dealt with, a similar motion or amendment cannot be proposed for a further period of six months.

18.2 Rule 18.1 shall not apply:

- (a) in respect of a decision or motion for which the Head of Paid Service or Monitoring Officer consider there are exceptional circumstances justifying reconsideration;
- (b) in respect of any motion that may be moved without notice including for the avoidance of doubt to receive reports and/or propose motions/amendments relating to recommendations of any Committee, Sub-Committee or Officer and any resolutions following from them; or
- (c) to give effect to a revised budgetary decision of Full Council as provided for in the Budget and Policy Framework Procedure Rules.

19 VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is asked.

19.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There is no restriction on how the Chairman chooses to exercise a casting vote.

19.3 Ways of voting

Unless a recorded vote is demanded, the Chairman will take the vote by show of hands, electronic voting or if there is no dissent, by the affirmation of the meeting.

19.4 Recording number of votes

The number of votes for and against a proposal shall be recorded if ten or more Members at the meeting demand it, immediately before or after the vote is taken. The Chairman of Council will announce the numerical result of the vote immediately the result is known.

19.5 Recorded vote

If ten or more Members present at the meeting demand it, before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.6 Recorded votes at budget meetings

Recorded votes shall be taken on all decisions at a budget decision meeting on the budget and on the setting of council tax. The names of Members who cast a vote for or against the decision, or who abstain from voting shall be recorded in the minutes.

19.7 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

19.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20 **MINUTES**

20.1 **Signing the minutes**

Subject to Rule 20.2 the Chairman will sign the minutes of the proceedings at the next meeting of Full Council. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

20.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

21 **RECORD OF ATTENDANCE**

A record of Members attending at a meeting of Full Council will be made by the Proper Officer or his/her representative attending at the meeting.

22 **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded from a meeting either as provided for in the Access to Information Procedure Rules or in accordance with Rule 24.

23 **MEMBERS' CONDUCT**

23.1 **Chairman standing**

When the Chairman indicates that s/he wishes to speak, any Member speaking at the time must stop. The meeting must be silent.

23.3 **Member not to be heard further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 **Member to leave the meeting**

If in the opinion of the Chairman a Member continues to behave improperly at a meeting, the Chairman may move that either the Member should leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as s/he thinks necessary.

24 DISTURBANCE BY PUBLIC

24.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman may order his/her/their removal from the room.

24.2 Clearance of part of room

If there is a general disturbance in any part of the room open to the public, the Chairman may call for that part to be cleared.

25 APPOINTMENT OF AND DISCIPLINARY ACTION AGAINST OFFICERS

Where Full Council is to appoint any Officer or is proposing or considering any disciplinary action against an Officer then such appointment proposals or consideration shall be carried out in accordance with the Officer Employment and Dismissal Procedure Rules.

26 INTERPRETATION OF COUNCIL PROCEDURE

The ruling of the Chairman as to any proceedings of the Full Council, shall not be challenged at any meeting.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

Any of these procedure rules except any rule except Rules 19.6, 19.7, and 20.2, may be suspended by a notice of motion or without notice as provided for in Article 16 of this Constitution.

27.2 Amendment to the Council Procedure Rules

Any motion to add to, vary or revoke these procedure rules will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Audit and Governance Committee unless such addition, variation or revocation is contained in a report seeking to formally alter the terms of the Constitution.

**PART 2 - MEETINGS OF COMMITTEES AND
SUB-COMMITTEES**

28 APPLICATION OF RULES TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules in Part 1 apply to meetings of Full Council. Rule 4 (but in Rule 4.1 there will be general principle that meetings will be held locally where it is practicable to do so); Rules 5–7.2 (excluding Rule 7.1), 16-27 (excluding Rule 17.5; and in Rule 19.5 a recorded vote may be requested by

three members of a Committee) (speaking only once) shall as far as practicable together with Rules * - * apply to meetings of committees and sub-committees (unless expressly specified otherwise in their terms of reference). References to “the Chairman” shall be deemed to be references to the Chairman of the relevant Committee:

29 APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

- (a) The Full Council shall, at its Annual Meeting, appoint such Committees and Sub-Committees as it is required to appoint by or under statute or it considers expedient for the performance of its functions.
- (b) All Members and co-opted persons shall be appointed to Committees and Sub-Committees by name.

30 ELECTION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEES/SUB-COMMITTEES

- (a) The Annual Meeting of Full Council will elect the Chairman and Vice-Chairman of each Committee to the extent as provided for in the articles of the Constitution or if no provision exists then the Annual Meeting shall make the election in any event. No Member shall at one and the same time be Chairman of more than one Committee and Vice-Chairman of more than one other Committee except with the consent of the Full Council.
- (b) Unless the Constitution otherwise provides or a meeting of Full Council decides otherwise the election of such Chairman and Vice-Chairman shall be for the period up to the first meeting of the Committee following the next Annual Meeting of Full Council.
- (c) In the absence of a Chairman and Vice-Chairman at a Committee or Sub-Committee the remaining Members present may move and elect a Member of that body to preside at that meeting.

31 SPECIAL MEETING OF A COMMITTEE/SUB-COMMITTEE

- (a) A special meeting of a Committee or Sub-Committee (as the case may be) may be called:
 - (i) by the Chairman of Council;
 - (ii) by the Chairman of that Committee or Sub-Committee (as the case may be);
 - (iii) on the requisition of a quarter of the whole number of the Committee or Sub-Committee, delivered in writing to the Proper Officer, but in no case shall less than five Members requisition a special meeting;
 - (iv) by the Head of Paid Service; and/or
 - (v) by the Monitoring Officer or Section 151 Officer where either are of the opinion that a meeting needs to be called to consider a matter that requires a decision.

- (b) The agenda of the special meeting shall set out the business to be considered, and subject to any matters of urgency approved by the Chairman no business other than that set out in the agenda shall be considered at that meeting.

32 **QUORUM OF A COMMITTEE/SUB-COMMITTEE**

The quorum of:

- (a) any Committee shall be as provided for in the Articles of the Constitution or in the absence of such provision shall be one quarter of the membership of that Committee or three Members (whichever is the greater);
- (b) any Sub-Committee shall be decided as provided for in the Articles of the Constitution or in the absence of such provision then as decided by the Sub-Committee itself at its first meeting provided that in under no circumstance should a quorum be less than three Members.

33 **ATTENDANCE OF MEMBERS AT A COMMITTEE/SUB-COMMITTEE**

- (a) Subject as provided for below a Member not appointed to a Committee or Sub-Committee may only speak at the invitation of the Chairman of that Committee or Sub-Committee.
- (b) Any Member not appointed to a Committee or Sub-Committee attending a meeting of that Committee or Sub-Committee (as the case may be) shall sit separately from the main body of the Committee or Sub-Committee.

34 **ORDER OF BUSINESS OF A COMMITTEE/SUB-COMMITTEE**

- (a) Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of a relevant Committee/Sub-Committee (as the case may be) the following will normally be the order of business at a Committee/Sub-Committee:
 - (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (ii) receive any declarations of interest from Members;
 - (iii) approve the minutes of the last meeting;
 - (iv) receive any questions, statements, petitions, deputations or motions referred to the Committee/Sub-Committee in accordance with the provisions of these Council Procedure Rules/Petition Scheme;
 - (vi) consider any item of urgency approved by the Chairman for consideration;
 - (vii) receive any matter referred to it for consideration by Full Council;

- (viii) receive any report or recommendations from a Committee or Sub-Committee (as the case may be) and reply to matter(s) arising about it;
 - (ix) receive and reply to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any); and
 - (xi) consider any other business set out in the agenda of the meeting.
- (b) The Executive Procedure Rules – Part 2 of the Constitution set out to the normal order of business of the Executive.

35 REFERRAL OF A QUESTION, STATEMENT, PETITION, DEPUTATION OR MOTION TO A COMMITTEE OR SUB-COMMITTEE

35.1 General

- (a) Where a matter is referred to a Committee or Sub-Committee under these procedure rules/Petition Scheme then that Committee or Sub-Committee shall deal with such matter in accordance with the provisions of these procedure rules/Petition Scheme as if it was being considered by an ordinary meeting of Full Council unless there are express provisions in these rules and Petition Scheme as to how a Committee or Sub-Committee (as the case may be) should deal with such a referral in which event those rules should take precedence.
- (b) For the avoidance of doubt nothing in this Rule shall prevent a Committee or Sub-Committee suspending any rule in accordance with the provisions of the procedure rules and Article 16 – Suspension, Interpretation and Publication of the Constitution.

35.2 Attending and speaking about a referred matter

Where a matter to which Rule 35 applies is referred to a Committee or Sub-Committee of the Council, then if the matter was submitted:

- (a) by a member of the public or an organisation then any such person/representative of the organisation shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council; or
- (b) by a Member, then that Member may attend that meeting and shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council, provided that the Member shall not be entitled:
 - (i) to move any motion relating to the matter, but may instead ask any Member of the Committee or Sub-Committee to move it, in which case any such Member may at his/her absolute discretion choose to move it or not; or
 - (ii) to vote on any motion at that Committee or Sub-Committee,

unless in either case the Member is also an appointed Member of the Committee or Sub-Committee to which the referral has been made.

36 SUBMISSION OF QUESTIONS AT COMMITTEES/SUB-COMMITTEES

36.1 Submitting a question

Subject as provided for in this Rule 35 a Member appointed to a Committee or Sub-Committee (including quasi-judicial and joint Committees) may ask the Chairman of that Committee or Sub-Committee any question relating to the business of the Committee or Sub-Committee ("Valid Committee Question")

36.2 Valid Committee Question and number of Valid Committee Questions allowed

- (a) A Valid Committee Question is a single question related to the business of the Committee or Sub-Committee, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than five clear working days before the Committee or Sub-Committee meeting and which in the opinion of the Proper Officer does not:
 - (i) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (ii) contain defamatory, inappropriate or inflammatory language.
- (b) A question may be a Valid Committee Question if written notice has not been given in accordance with paragraph (a) if in the Proper Officer's opinion the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Unless the Chairman agrees, a Member may only ask two Valid Committee Questions at a meeting of the Committee or Sub-Committee.
- (d) The Proper Officer will arrange for a copy of each Valid Committee Question to be given to the Chairman as soon as reasonably practicable.

36.3 Asking and replying to a Valid Committee Question

- (a) Every Valid Committee Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Committee Question will take longer than two minutes to read out and the Chairman will stop the Member asking the question when that time has lapsed.
- (b) The Chairman may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;

- (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Chairman may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (d) No further supplemental questions may then be asked.

EXECUTIVE PROCEDURE RULES

For the purposes of Article 6.05 of this Constitution these Executive Procedure Rules apply to any meetings of the Executive and to meetings of any Executive Committees.

1. MEETINGS OF THE EXECUTIVE

1.1. Dates of Meetings

- (a) Each year the Executive will decide the schedule for meetings of the Executive. The Leader may direct that a meeting shall be cancelled or held on another date.
- (b) An extraordinary meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

1.2. Business

Without prejudice to Council Procedure Rule 28 at each meeting of the Executive the following business shall, subject to the remaining provisions of these Executive Procedure Rules, be conducted:

- (a) consideration of the record of decision and record of the last meeting;
- (b) declarations of interest, if any;
- (c) a statement from the Leader, if any;
- (d) any other matters set out in the agenda that are Key Decisions (except those containing confidential or exempt information);
- (e) any decisions referred to the Executive for reconsideration;
- (f) consideration of any report and/or recommendation from any Overview and Scrutiny Committee; and
- (g) other matters set out in the agenda including review of the Forward Plan and other ongoing or outstanding matters.

2. CHAIRING MEETINGS OF THE EXECUTIVE

If the Leader is present s/he will preside. In his/her absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, or where they agree, the Executive shall elect another member of the Executive to preside.

3. QUORUM

The quorum for a meeting of the Executive or an Executive Committee will be three (both including the Leader, if present).

4. AGENDA ITEMS

4.1. Items requested by members of the Executive

Any Executive Member may request the Proper Officer to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council on the agenda of the next available meeting of the Executive.

4.2. Items requested by other Members

- (a) Any Member of the Council may ask the Leader to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council to be placed on the agenda of the next available meeting of the Executive for consideration. The Leader, or in his/her absence Deputy Leader, has a discretion to limit the number of such items of business at the meeting of the Executive.
- (b) Where the Leader has agreed to the Member's request the Notice of the Meeting shall state the name of the Member who requested the item of business to be considered. This Member shall be invited to attend the meeting, whether or not it is a meeting in public session.

4.3. Referrals from an Overview and Scrutiny Committee or Council

- 4.4. Any item of business resolved by an Overview and Scrutiny Committee or the Council for referral to the Executive shall be placed on the agenda of the next available meeting of the Executive or as soon as practicable after that meeting

4.5. Items by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer

- 4.6. The Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may include one or more items of business for consideration on the agenda of a meeting of the Executive and may require a meeting to be called. If there is no meeting of the Executive in time to deal with the matter in question, then the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may also require that a meeting be convened at which the matter will be considered.

5. ATTENDANCE AT MEETINGS OF THE EXECUTIVE

- 5.1. The Access to Information Procedure Rules in Part 4 of this Constitution set out the rights of access of the press and public to meetings of the Executive or its committees.
- 5.2. Except where the Executive is to meet in private every member of the Council shall be entitled to attend meetings of the Executive or its committees unless the Executive decides otherwise.

6. SPEAKING AT MEETINGS OF THE EXECUTIVE

- 6.1. The Chairman of any Overview and Scrutiny Committee is entitled, at any formal public meeting of the Executive, to speak to any matter on the agenda for that meeting.
- 6.2. Other Members may also speak at such meetings with the agreement of the Leader or person presiding in his/her absence.

- 6.3. The mover of a Valid Member's Motion under Council Procedure Rule 13 which has been referred to the Executive for consideration may attend the meeting of the Executive when his/her motion is under consideration and to explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers

7. **KEY DECISIONS AND THE FORWARD PLAN**

A Forward Plan of Key Decisions to be taken by the Executive, an Executive Committee or an individual member of the Executive, will be prepared in accordance with the Access to Information Rules set out later in this Part 4 of the Constitution.

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OFFICER EMPLOYMENT AND DISMISSAL PROCEDURE RULES

For the purposes of Article 12 of this Constitution these Officer Employment and Dismissal Procedure Rules apply to the employment and dismissal of Council officers.

1. Declarations

- 1.1 The Council will require any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- 1.2 No candidate who is related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her. For the purposes of this paragraph "related" shall mean those relationships set out in Officer Employment and Disciplinary Procedure Rule 1.1.
- 1.3 Any candidate who fails to disclose such a relationship can be disqualified for the appointment and, if appointed, will be liable to dismissal without notice.

2. Seeking support for appointment

- 2.1 Subject to Officer Employment and Disciplinary Procedure Rule 2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 2.2 Subject to Officer Employment and Disciplinary Procedure Rule 2.3, Members must not seek support for any person for any appointment with the Council.
- 2.3 Nothing in Officer Employment and Disciplinary Procedure Rules 2.1 or 2.2 will prevent a Member from giving a written reference for a candidate for submission with an application for appointment.

3. Appointments on merit

- 3.1 Every appointment of a person as an officer shall be made on merit subject to the qualifications set out in section 7(2) of the Local Government and Housing Act 1989.

4. Recruitment of Head of Paid Service and Chief Officers

- 4.1 Where the Council proposes to appoint a Head of Paid Service or a Chief Officer (meaning statutory chief officers, non-statutory chief officers and deputy chief officers) and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:
 - (a) draw up a statement specifying:
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to

bring it to the attention of such persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement to be sent to any person on request.

5. Appointment of Head of Paid Service, Monitoring Officer, Chief Finance Officer and Chief Officers

5.1 Full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and Chief Officers following the recommendation of such an appointment by the Staffing Committee or a sub-committee of the Staffing Committee (which included among its membership at least one member of the Executive). Until the full Council has approved the appointment no offer of appointment is to be made.

5.2 Before approving the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and Chief Officers, the Proper Officer will give notice to every member of the Executive of:

- (a) the name of the person to who it is wished to make the offer;
- (b) any other particulars relevant to the appointment of which the Proper Officer has been informed; and
- (c) the period within which any objection to the offer being made is to be made by the Leader on behalf of the Executive to the Proper Officer.

5.3 If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that neither he nor any other member of the Executive has any objection to the making of the offer, the Proper Officer shall inform the Council accordingly.

5.4 If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that either he or another member of the Executive objects to the making of the offer, the Proper Officer shall inform the Council and the Council may not make the offer unless Council is satisfied that the objection is not material or is not well-founded.

6. Other appointments

6.1 The appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Members.

6.2 The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. Disciplinary action and dismissal of Head of Paid Service, Monitoring Officer Chief Finance Officer

7.1 For the purposes of these Officer Employment and Disciplinary Procedure Rules “disciplinary action” in relation to an officer means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personnel file, and includes any proposal for dismissal of an officer for any reason other than redundancy, permanent ill-health or infirmity of mind

or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.

- 7.2 **Suspension.** Notwithstanding Officer Employment and Disciplinary Procedure Rule 7.3 the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will normally last no longer than two months.
- 7.3 **Procedure for dismissal or taking disciplinary action.** No decision to dismiss the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer may be made, or notice of dismissal given unless:
- (a) a Panel comprising the Staffing Committee (which includes among its membership at least one member of the Executive) and the Independent Person for the purposes of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 (“the Panel”) has met;
 - (b) the Panel has made a recommendation to the Council to dismiss or to take other disciplinary action against the officer;
 - (c) before making that recommendation the Panel has appointed a designated independent person (“the Qualified Person”) for the purposes of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 to investigate and report on the alleged misconduct;
 - (d) the appointment of the Qualified Person was agreed in advance with the officer (unless the officer unreasonably refuses to agree or delays the appointment);
 - (e) the Qualified Person has prepared a report into the alleged misconduct and the report contains any representations by the officer to the report’s findings; and
 - (f) the recommendation of the Panel was made only after considering the Qualified Person’s report.
- 7.4 In deciding whether or not to approve the Panel’s recommendation, the Council must take into account:
- (a) any advice or further recommendations from the Panel;
 - (b) the views of the Qualifying Person;
 - (c) the conclusions of the report into the investigation into the proposed dismissal or disciplinary action; and
 - (d) any representations from the officer or made on his behalf.
8. **Disciplinary action and dismissal of other Chief Officers**
- 8.1 No decision to dismiss a Chief Officer may be made, or notice of dismissal given unless:
- (a) the Head of Paid Service has undertaken a preliminary investigation which has identified that there is a potential case to answer, a Sub Committee of the

Staffing Committee of no fewer than three elected members has been established, as set out in the JNC Constitution conditions of service and salaries for Chief Officers has met; and

- (b) the Sub-Committee has made a recommendation to the Council to dismiss or to take other disciplinary action against the Chief Officer;

8.2 In deciding whether or not to approve the Sub-Committee's recommendation, the Council must take into account:

- (a) any advice or further recommendations from the Sub-Committee;
- (b) the conclusions of any report into the investigation into the proposed dismissal or disciplinary action; and
- (c) any representations from the officer or made on his behalf.

9. **Disciplinary action and dismissal of other officers**

9.1 Members will not be involved in disciplinary action or the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

OVERVIEW AND SCRUTINY PROCEDURE RULES

For the purposes of Article 7.06 of this Constitution these Overview and Scrutiny Procedure Rules apply to any Overview and Scrutiny Committees and sub-committees that the Council has appointed in accordance with Article 6.

1. MEETINGS OF OVERVIEW AND SCRUTINY COMMITTEES

1.1. Dates of Meetings

Unless Full Council has determined the number of meetings every Overview and Scrutiny Committee may determine their own cycle of meetings.

1.2. Business

Without prejudice to Council Procedure Rule 28 Overview and Scrutiny Committee meetings shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;
- (d) responses of the Executive to reports of the committee; and
- (e) the business otherwise set out on the agenda for the meeting.

2. QUORUM

2.1. Subject to Overview and Scrutiny Rule 2.2, the quorum for any overview and scrutiny committees or sub-committees shall be as set out in Council Procedure Rule 32.

2.2.

3. CHAIRING MEETINGS

3.1. The Chairman and Vice Chairman of any overview and scrutiny committee shall be appointed in accordance with Article 7.03.

3.2. In the absence of the Chairman or Vice-Chairman Council Procedure Rule 30(c) shall apply.

4. CO-OPTES, CHURCH AND PARENT REPRESENTATIVES

4.1. Overview and Scrutiny Committees and their sub-committees can include people who are not Members. The law identifies various situations when such people can both speak and vote at such committees including in accordance with a scheme produced by the Council.

4.2. The Church and Parent Representatives may not however remain in the meeting (other than as a member of the public) when the overview and scrutiny committee or sub-committee is considering matters other than those relating to the Council's education functions.

- 4.3. Church and Parent Representatives have the same rights of access to information relating to the Council's education functions as Members.

5. **WORK PROGRAMME**

- 5.1. The overview and scrutiny committees will be responsible for setting their overall work programme.

6. **AGENDA ITEMS**

6.1. **Rights of overview and scrutiny committee members to have matters put on the agenda of the committee**

- (a) Any member of an overview and scrutiny committee shall be entitled to give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- (b) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda for that meeting.
- (c) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

6.2. **Rights of Members to have matters put on the agenda of an overview and scrutiny committee (including councillor call for action)**

- (a) Any Member has the right to refer to an overview and scrutiny committee of which s/he is not a member any matter which is relevant to the functions of the committee and is not a local crime and disorder matter or a matter of any description prescribed by the Secretary of State.
- (b) A Member wishing to refer a matter must give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- (c) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda for that meeting.
- (d) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

6.3. **Requests from Council and the Leader/Executive**

Full Council (by resolution) and the Leader/the Executive, may request that any matter is included on the agenda of an overview and scrutiny committee and the relevant Overview and Scrutiny Committee shall include the request in its work programme permits.

7. **REPORTS AND RECOMMENDATIONS**

7.1. Once it has formed proposals, an overview and scrutiny committee will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals relate to an executive function and are consistent with the existing budget and policy framework), or to the Council as appropriate (for example, if the recommendation would require a departure from or a change to the agreed budget and policy framework).

7.2. The Council or Leader/Executive shall consider and respond to the report and/or recommendations of the overview and scrutiny committee, indicating what (if any) action is proposed within two months of the report being submitted.

7.3. Where an overview and scrutiny committee submit a report for consideration by the Executive in relation to a matter where the Leader has delegated decision-making power to a Portfolio Holder, the report will be submitted to him/her for consideration. The Portfolio Holder must consider the report and respond in writing to the relevant Overview and Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the relevant Overview and Scrutiny Committee to present their response if requested to do so.

8. **FAILURE TO CONSIDER REPORT**

In the event that Leader/Executive fails to consider and to respond to the relevant Overview and Scrutiny Committee within two months of the report being submitted, the Chairman of the relevant Overview and Scrutiny Committee shall be entitled to refer the matter to the next meeting of the full Council.

9. **RIGHTS OF OVERVIEW AND SCRUTINY MEMBERS TO DOCUMENTS**

In addition to their rights as Members, members of an overview and scrutiny committee or sub-committee have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.

10. **MEMBERS AND OFFICERS GIVING ACCOUNT**

10.1. Overview and scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation they may require any officer or Executive Member to attend a meeting to answer questions. This will normally be confined to the Leader, any Portfolio Holder, the Head of Paid Service, and any statutory or chief officer. Attendance by officers below these will require the prior agreement of the Head of Paid Service.

10.2. Where a specific request has been made it is the duty of those persons to attend if so required. This requirement extends to sub-committees and task and finish groups

established by an overview and scrutiny committee. In addition a standing invitation exists for the Leader/Executive to attend overview and scrutiny committees.

- 10.3. Where the Leader, Portfolio Holder or officer is required to attend an overview and scrutiny body under this Rule, the designated scrutiny officer shall inform the member or officer in writing giving sufficient notice of not less than 10 working days' notice. The notice will state the nature of the matter on which s/he is required to give an account and whether any written evidence needs to be produced for the meeting. Sufficient notice should be given to allow reasonable time to produce the written evidence.
- 10.4. The Chairman of the relevant Overview and Scrutiny Committee shall determine the reasonableness of the notice if disputed.

11. **ATTENDANCE BY OTHERS AND EVIDENCE GATHERING**

Overview and scrutiny committees may appoint advisors and invite people to attend at their meetings to provide information. Attendees at a meeting should be treated with respect and courtesy.

12. **CALL-IN**

- 12.1. Call-in should only be used in exceptional circumstances.
- 12.2. When a decision is made by the Leader/Executive, Portfolio Holder, or a an Executive Committee, or is made by an officer with delegated authority or under executive joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman of the relevant Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 12.3. The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, subject to the provisions of this Rule on the expiry of five clear working days after the publication of the decision.
- 12.4. If any six members of the same relevant Overview and Scrutiny Committee consider that a Key Decision has breached or will breach the principles for good decision-making in Article 13.02 or a decision has been made that was not treated as being a Key Decision, they may give a written call-in notice to the Monitoring Officer or in his/her absence to the Head of Paid Service. The call-in notice shall identify the decision to be called-in and the grounds for the call-in.
- 12.5. The Monitoring Officer or in his/her absence to the Head of Paid Service, will if satisfied that there are reasonable grounds for the proposed call-in, notify the decision-maker of the call-in within five clear working days and arrange for a meeting of the relevant Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, as soon as reasonably practicable after receipt of the call-in notice.
- 12.6. If, having considered the decision, the relevant Overview and Scrutiny Committee is concerned about it, then:

- (a) in the case of a decision that was not treated as being a Key Decision, the Committee may require the decision-maker to submit a report to the full Council within such reasonable period as it may specify setting out the particulars of the decision, the reasons for the decision and if the decision-maker considers that the decision was not a key decision, the reasons for that opinion; or
 - (b) in the case of a Key Decision the Committee may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.
- 12.7. If, having considered the decision, the relevant Overview and Scrutiny Committee is not concerned about it, then the decision will come into force, and may then be implemented immediately
- 12.8. If the latter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with Overview and Scrutiny Procedure Rule 12.12.
- 12.9. The Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 12.10. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider the Council's view as soon as reasonably practicable.
- 12.11. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- 12.12. If the Council meets, but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.

13. **EXCEPTIONS TO CALL-IN**

Call-in will not apply to the following decisions:

- (a) non-executive decisions, e.g. individual planning decisions;
- (b) executive decisions made by Area Committees (if any);
- (c) decisions made on any appeal;
- (d) decisions already called-in once;
- (e) non-key decisions made by officers; and
- (f) urgent decisions (subject to compliance with Overview and Scrutiny Procedure Rule 14).

14. URGENT DECISIONS EXCLUDED FROM CALL-IN

- 14.1. The call-in procedure set out in Overview and Scrutiny Procedure Rule 12 shall not apply where the decision being taken by the Council, Leader/Executive or officer is urgent. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 14.2. The Chairman of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Chairman of another Overview and Scrutiny Committee; if there is no such Chairman able to act, the Chairman of the Council; or in his absence, the Vice-Chairman of Council must agree.
- 14.3. Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.
- 14.4. For the purposes of this Rule a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

15. MONITORING AND REVIEW OF CALL-IN RULES

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the Proper Officer with proposals for review if necessary.

16. THE PARTY WHIP

If a member of an overview and scrutiny committee is subject to a party whip in respect of a matter to be considered by the committee, the Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

17. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

Where a matter for scrutiny consideration falls within the remit of more than one overview and scrutiny committees, the decision as to which committee will consider it will be resolved by agreement between the respective chairmen, and in default of agreement, by the Proper Officer.

**PETITION SCHEME
(Council Procedure Rule 10.1)**

1. Introduction

- 1.1 Anyone who lives, works or studies in the Council's area may sign or organise a petition and trigger a response. This includes anyone under the age of 18. This petition scheme explains the rules that the Council will apply to any petition it receives.

2. Petitions

- 2.1 Petitions submitted to the Council under this scheme must:

- 2.1.1 include a clear and concise statement covering the subject of the petition.
- 2.1.2 state what lawful action the petitioners wish the Council to take;
- 2.1.3 be signed by at least 20 people supporting the petition;
- 2.1.4 include the name and address (in a legible format) and signature of any person supporting the petition together with their connection with the Council's area ie lives, works or studies; and
- 2.1.5 contact details, including name, address, telephone number (and where possible, an e-mail address) of the petition organiser.

- 2.2 The petition organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.

- 2.3 A petition template is available at * which the Council suggests is used as when complete it will ensure that all the information that is needed to consider a petition has been provided.

- 2.4 If a petition does not include all of the information required by this scheme may not be accepted by the Proper Officer. In that case, the Council will write to the petition organiser to explain the reasons why.

3. Petitions not included in this scheme

- 3.1 The Council will not take action on any petition which the Proper Officer considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in the acknowledgement of the petition.

- 3.2 This petition scheme does not apply to:

- 3.2.1 any petition which is not about a matter for which the Council has a responsibility or which affects its area;
- 3.2.2 any petition relating to a planning or licensing application or decision (which will be referred by the Proper Officer to the relevant officer/committee so that regard may be had to it in reaching any decision where this is appropriate in accordance with arrangements that the relevant committee has agreed);

- 3.2.3 a statutory petition (for example requesting a referendum on having a directly elected mayor);
 - 3.2.4 is related to confidential staffing matters; or
 - 3.2.5 a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- 3.3 In addition, any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months is excluded.
- 3.4 Details of petitions affecting particular wards that have been excluded will be sent to the Members representing those wards.
- 4. Guidelines for submitting a petition**
- 4.1 Petitions can be submitted in paper format or if the Council has an e-petition portal, electronically through that portal.
- 4.2 Paper petitions can be sent to:
- The Proper Officer, Dorset Council, South Walks House, Dorchester
- 4.3 The Council will accept e-petitions hosted by third parties (for example, Change.org), or as paper petitions information about e-signatories downloaded from third party e-petition hosts.
- 4.4 Petitions can also be presented to a meeting of the Council if it meets the threshold. Where the threshold is met the petition organiser should contact the Proper Officer at least 10 working days before the Council meeting.
- 5. How the Council will respond to a petition**
- 5.1 The Council will acknowledge receipt of a petition within 10 working days setting out what the Council plans to do with the petition. The acknowledgment will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. The petition will be published on the Council's website, except in cases where this would be inappropriate. Where the subject matter of the petition affects particular wards, the Members representing those wards will be notified of the receipt of the petition.
- 5.2 If paragraph 3.3 applies to the petition then the Council's acknowledgement will include details any previous petition on the same topic. If the Council is still considering a petition on the same or similar topic, the acknowledgement will tell the petition organiser that the new petition has been amalgamated with the first petition.
- 5.3 The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:
- 5.3.1 taking the action requested in the petition;
 - 5.3.2 considering the petition at a meeting of the Council or Executive;

- 5.3.3 holding an inquiry into the matter;
- 5.3.4 holding a public meeting;
- 5.3.5 holding a meeting with petitioners or the petition organiser;
- 5.3.6 undertaking research into the matter;
- 5.3.7 writing to the petition organiser setting out the Council's views about the request in the petition
- 5.3.8 referring the petition to an Overview and Scrutiny Committee or another Committee of the Council for consideration.

- 5.4 The Council's response may also depend on the number of people who have signed the petition. The table below sets out the thresholds:

Number of signatories	Response
20 - 49	Response from relevant director/service head (treated as standard correspondence).
50 – 4,999	Response from relevant Executive Member
5000+	Referred for debate at a meeting of the full Council

- 5.5 If the Council is able to do what a petition asks, the acknowledgement to the petition organiser may confirm that the Council has taken the action requested and the petition will be closed.
- 5.6 Where the petition is referred to the relevant Executive Member for a response, the petition organiser will be invited to make a written statement in support of the petition (if one has not already been included in the petition).
- 5.7 If the petition has enough signatures to be referred to trigger a debate at a meeting of the full Council, then the acknowledgment will confirm this and inform the petition organiser when and where the relevant meeting will take place. The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 5.8 Where the petition is referred to the full Council, the petition organiser (or any person authorised by him/her) will, if they so wish, be given a period not exceeding three minutes to present the petition at the meeting and unless the petition is referred to the Overview and Scrutiny Committee or another Committee or sub-committee for consideration without debate; the petition will be debated by Members. Members may ask questions of the petition organiser. The petition organiser (or any person authorised by him/her) will be granted a right of reply for a further period not exceeding three minutes at the end of the debate and before a final decision or vote is taken.

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ACCESS TO INFORMATION PROCEDURE RULES

For the purposes of Article 3.01 of this Constitution these rules apply to all formal meetings of the Council, its Committees and Sub-Committees, public meetings of the Executive, and where appropriate individual executive decisions.

1. SUMMARY OF THE PUBLIC'S RIGHTS

A copy of these Access to Information Procedure Rules which are a written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and made available to the public at the Council's offices.

2. ADDITIONAL RIGHTS TO INFORMATION

These Access to Information Procedure Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all public meetings subject only to the exceptions in these Access to Information Procedure Rules.

4. NOTICES OF MEETING

The Council will normally give at least five clear days' notice of any meeting by posting details of the meeting at the designated office and publishing on its website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1. The Council will normally make copies of the agenda and reports open to the public available for inspection at the designated office of the Council at least five clear days before the meeting.

5.2. If an item is added to the agenda later, the revised agenda (or where reports are prepared after the agenda has been sent out), the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to Members.

5.3. Nothing in this requires a copy of the agenda, item or report to be available for inspection by the public until a copy is available to Members.

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection; and
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda

6.2 If the Proper Officer thinks fit, copies of any other documents supplied to Members in connection with an item may be supplied to any person on payment of a charge for postage and any other costs.

7. ACCESS TO DECISION MAKING PAPERS

7.1. The Council will make available for inspection by members of the public copies of the following for six years after a meeting:

- (a) the minutes of the meeting, or records of decisions taken for all formal meetings of the Council and the Executive excluding any documents which disclose exempt or confidential information;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

7.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers excluding any documents which disclose exempt or confidential information.

8. BACKGROUND PAPERS

8.1. List of background papers

The officer with responsibility for the report (usually the report author) will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report, but do not include published works or those which disclose exempt or confidential information (as defined in Access to Information Procedure Rule 9).

9. EXCLUSION OF THE PUBLIC FROM MEETINGS

9.1. Confidential information – requirement to exclude public

The public must be excluded from meetings if it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.2. Exempt information – discretion to exclude public

The public may be excluded from meetings if it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

9.3. Meaning of confidential information.

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

9.4. Meaning of exempt information.

Exempt information means information falling within the following seven categories (subject to any qualification):

General Note: In all categories information is not exempt if it relates to development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Subject to this, and the qualification in Category 3, Information in Categories 1 to 7 is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it.

Category	Condition
1. Information relating to any individual.	<i>See General Note above.</i>
2. Information which is likely to reveal identity of an individual.	<i>See General Note above</i>
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information in Category 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the building Societies Act 1986, or the Charities Act 1993. <i>Also see General Note above</i>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute. <i>Also see General Note above</i>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	<i>See General Note above</i>
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	<i>See General Note above</i>

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	<i>See General Note above</i>
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10. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Access to Information Procedure Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11. **PROCEDURE BEFORE TAKING KEY DECISIONS**

11.1. A Key Decision is an executive decision, which is likely:

- (a) to result in the Council incurring expenditure which is, or the making savings which are, significant having regard to the council's budget for the service or function to which the decision relates, or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more one or two-member wards in the area of the Council or any one or more three-member wards.

For the purpose of this definition savings or expenditure will not normally be considered to be significant if less than £500,000

11.2 Subject to Access to Information Procedure Rules 13 and 14, a Key Decision may not normally be taken unless:

- (a) notice of the Key Decision has been included in the Forward Plan;
- (b) at least 28 clear days have elapsed since the publication of the Forward Plan in which the Key Decision was first included; and
- (c) where the Key Decision is to be taken at a meeting of the Executive or an Executive Committee, notice of the meeting has been given in accordance with Access to Information Procedure Rule 4.

12. **FORWARD PLAN**

12.1. **Advance notice of Key Decisions**

Where the Executive, an Executive Committee, individual members of the Executive, Officers, or under joint arrangements intend to take a Key Decision, a Forward Plan or other document will be published at least 28 days before the Key Decisions referred to in it are to be made.

12.2. **Contents of Forward Plan.**

The Forward Plan or other document will normally contain matters which the Leader and/ or Head of Paid Service has reason to believe will be subject of a Key Decision to be taken by the Executive, an Executive Committee, individual members of the

Executive, Officers, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will usually include the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken; the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (f) a list of the documents submitted to the decision taker for consideration in relation to the matter.

13. **GENERAL EXCEPTION**

13.1. If it is impracticable to comply with the Forward Plan requirements of Access to Information Procedure Rule 12 above then, subject to Access to Information Procedure Rule 14, the decision may still be taken if the Proper Officer:

- (a) is satisfied that it is appropriate for the decision to be taken in any event;
- (b) has informed the Chairman of the Overview and Scrutiny Committee that s/he considers most relevant to the Key Decision, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;
- (c) has made copies of that notice available to the public at the designated office of the Council and on the Council's website; and

at least 5 clear days have elapsed since the Proper Officer complied with (b) and (c).

13.2. As soon as reasonably practicable after the Proper Officer has complied with Access to Information Procedure Rule 13.1, s/he must make available at the Council's designated office a notice setting out the reasons why compliance with Access to Information Procedure Rule 12 is impracticable; and publish that notice on the Council's website.

13.3. Where this Rule applies, Access to Information Procedure Rule 12 need not be complied with.

14. **SPECIAL URGENCY**

14.1. Where the date by which a Key Decision must be made, makes compliance with Access to Information Procedure Rule 13 impracticable, the Key Decision may only be made where the decision-maker has obtained agreement from:

- (a) the Chairman of the Overview and Scrutiny Committee that s/he considers relevant; or
- (b) If there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of Council, or where there is no chair of the relevant Overview and Scrutiny Committee or Chairman of the Council, the Vice Chairman of Council,

that the making of the decision is urgent and cannot reasonably be deferred.

14.2. As soon as reasonably practicable after the decision-maker has obtained agreement under Access to Information Procedure Rule 14.1, the decision-maker must make available at the Council's designated office a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred; and publish that notice on the Council's website.

15. **REPORT TO COUNCIL**

15.1 **When an Overview and Scrutiny Committee can require a report**

If an Overview and Scrutiny Committee thinks that a decision has been taken which:

- (a) was not treated as being a Key Decision; and
- (b) a relevant Overview and Scrutiny Committee are of the opinion that the decision was a Key Decision,

that Overview and Scrutiny Committee may require the Executive to submit a report to the Council within such reasonable time the Committee specifies.

15.2 **The Executive's report to Council**

For the purposes of Access to Information Procedure Rule 15.1 the Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

15.3 **Quarterly reports on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Access to Information Procedure Rule 14 in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

16. RECORD OF DECISIONS

As soon as reasonably practicable after any meeting of the Executive or an Executive Committee, whether held in public or private, the Proper Officer or, if the Proper Officer was not present, the person presiding at the meeting, will produce a record of every decision taken at that meeting. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service

17. PROCEDURES PRIOR TO PRIVATE MEETINGS OF THE EXECUTIVE

- 17.1. A private meeting of the Executive shall include any meeting or part of a meeting at which members of the public are to be excluded in accordance with Access to Information Procedure Rule 9.
- 17.2. At least 28 clear days prior to any private meeting of the Executive, the Proper Officer shall publish Notice of the Executive's intention to hold all or part of the meeting in private, together with a statement of reasons for the meeting to be held in private.
- 17.3. At least five clear days prior to any private meeting of the Executive, Proper Officer shall publish a further Notice on the agenda for the meeting and the Council's website confirming the Executive's intention to hold all or part of the meeting in private, a statement of the reasons for privacy and details of any representations received by the Council as to why the meeting should be held in public and the Executive's response to those representations.
- 17.4. Where the date by which a meeting must be held makes compliance with Access to Information Procedure Rules 17.2 and 17.3 impracticable, the meeting may still be held in private where the Proper Officer has obtained the agreement from:
 - (a) the chairman of the relevant Overview and Scrutiny Committee; or
 - (b) If there is no such person, or if the chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of Council, or where there is no chair of the relevant Overview and Scrutiny Committee or Chairman of the Council, the Vice Chairman,

18. NOTICE OF PRIVATE MEETING OF THE EXECUTIVE

Members of the Executive or its committees will be entitled to receive five clear days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

19. ATTENDANCE AT PRIVATE MEETING OF THE EXECUTIVE

- 19.1. All Members of the Executive will be given notice of all private meetings of an Executive Committee, whether or not they are Members of that committee.
- 19.2. All Members of the Executive are entitled to attend a private meeting of any Executive Committee.
- 19.3. Members other than Executive Members will not be entitled to attend private meetings of the Executive and any Executive Committee.
- 19.4. The Head of the Paid Service, the Chief Financial Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and any Executive Committee.
- 19.5. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- 19.6. A private Executive meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

20.1. Reports intended to be taken into account.

Where an individual Member of the Executive receives a report which s/he intends to take into account in making any Key Decision, then s/he will not normally make the decision until at least five clear days after receipt of that report.

20.2. Record of individual decision.

As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive s/he will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

21. OVERVIEW AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

21.1. Rights to copies

Subject to Access to Information Procedure Rule 21.3 below, Overview and Scrutiny Committees (and their sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Executive or its committees; or
- (b) any decision taken by an individual Member of the Executive; or

- (c) any decision taken by an officer of the authority exercising an Executive function.

21.2. Provision of copies

Copies of documents requested under this Rule must be supplied within 10 clear days of receipt of the request.

21.3. Limit on rights

An Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

22. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

22.1. Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive; and: contains material relating to any business to be transacted at a public meeting or; contains material relating to any business transacted at a private meeting, any decision made by an individual member in accordance with executive arrangements, or a decision made by an officer in accordance with executive arrangements, at the times and in accordance with the timescales set out in Regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 except where it appears to the Proper Officer the document or part contains exempt information or advice provided by a political advisor or assistant.

22.2. Nature of rights

These rights of a member are additional to any other right a Member may have.

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Officer scheme of delegation for Dorset Council – April 2019

Introduction

1. Local authority decisions are made by elected members but in order for the Council to be able to function on a day to day basis the law enables the Leader (in relation to executive functions) and the Council (in relation to other matters) to delegate its functions to Officers to exercise on behalf of the Leader and the Council. In addition, there are some functions which the law says must be exercised by specific officers.
2. This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Scheme of Delegation."
3. This Scheme of Delegation is set out as follows:

Title	Contents
Introduction	Sets out what this Part of the Constitution (the "Scheme of Delegation") covers, conditions, limitations and indemnity and relevant definitions.
General Delegations to all Officers	Sets out the delegations which apply to all "Officers"
Delegations to Chief Executive/Head of Paid Service	Sets out the delegations which apply to this officer
General Delegations to all Chief Officers	Sets out the delegations which apply to all "Chief Officers"
Delegations to the s151 Officer	Sets out the delegations which apply to this officer
Delegations to the Executive Director Corporate Development	Sets out the delegations which apply to this officer
Delegations to the Corporate Director, Legal and Democratic (Monitoring Officer)	Sets out the delegations which apply to this officer
Delegations to the Executive Director Place	Sets out the delegations which apply to this officer
Delegations to the Executive Director, People – Adult Services (DASS)	Sets out the delegations which apply to this officer
Delegations to the Executive Director People – Children's Services (DCS)	Sets out the delegations which apply to this officer
Delegations to the Shared Director of Public Health	Sets out the delegations which apply to this officer
Appendix 1 Authorisations for Regulation of Investigatory Powers Act 2000 (RIPA)	
Appendix 2 Principles for Officer Delegation and Decision Making for People Management and Manager Self Service	Sets out the principles which apply to all decision making by officers at different levels of seniority.
Appendix 3 Principles for general Officer Delegation, Nomination and Decision Making	Sets out the principles which apply to all decision making by officers at different levels of seniority.

Appendix 4 Arrangements for Proper Officer functions	Sets out the legal requirements for "proper officers", what this means and a link to the Statutory and Proper Officer Register
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4. "Officers" is the term used to refer to the people employed, retained or appointed by the Council to advise and support Councillors and implement their decisions. The term "officers" in this Constitution includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers.
5. The Council operates a cascade principle of delegation to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.
6. In order to ensure the smooth functioning of the Council and the efficient delivery of services, Full Council, the Leader and the Executive have delegated to Chief Officers (and other named Officer)] all of the powers that they and their Officers need to perform their roles.
7. Certain officers have specific legal duties to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as "Statutory" or "Proper" Officers and some have specific legal titles in addition to their job titles.
8. The way the Council structures its services and its officer arrangements may change from time to time to reflect changes in service delivery and best practice. The current arrangements include a **Chief Executive/Head of Paid Service** (as the most senior officer of the Council) supported by six other senior roles which are set out below and which together are referred to as the "**Chief Officers**":
 - Chief Executive/Head of Paid Service
 - Executive Director Corporate Development/s151 Officer
 - Corporate Director Legal and Democratic/Monitoring Officer
 - Executive Director Place
 - Executive Director, People – Adult Services
 - Executive Director, People – Children's Services
 - Shared Director of Public Health
9. The Head of Paid Service, the Section 151 Officer and the Monitoring Officer are also called "Statutory Officers" (because every Council is required by statute – the law – to have these posts).
10. It is possible (subject to any legal restrictions) for the roles of the Section 151 officer and/or the Monitoring Officer to be combined with another of the Chief Officer posts (or with other officer posts in the Council) so the roles in paragraph 8 might be delivered by a different number of officers, depending on the arrangements in place at any time.
11. There are also a number of formal functions which the Council has to allocate to named officers called "Proper Officers". There is a Proper Officer Register which sets out these details.

12. The cascade principle under which this scheme operates means that any Chief Officer given powers under this scheme can further delegate those powers to other nominated officers either:
- naming them as “Authorised Officers” in this scheme;
 - through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas); or
 - through a Specific Delegation in relation to an individual decision which must be evidenced in writing, dated and signed by the officer delegating the power with a copy supplied to the Officer responsible for Democratic Services. A Specific Delegation does not need to be given where an officer is given delegated powers to action a particular decision by Council, the Executive or a Committee or Sub Committee.
13. Where a function has been delegated to an officer (including delegations to nominated officers through the Cascade principle), the person or body making the delegation may at any time take back responsibility for the function and may therefore exercise the function (make the decision) despite the delegation.

Conditions on the exercise of delegated authority by officers

14. Any power delegated or cascaded under this Scheme can be exercised by the relevant Chief Officer or Statutory Officer and in all cases by the Chief Executive personally.
15. The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time – not to the individual person. The powers are automatically transferred to any successor officer, to whom the functions are allocated following any reorganisation of the Council's management arrangements, irrespective of a change in the title/name of the officer post.
16. These conditions apply not only to named Officers but also to anyone else authorised or nominated by them to exercise delegated authority on their behalf. In authorising others to act on their behalf attention must be drawn to the requirements of these conditions and limitations and through line management ensure that they are complied with.
17. Any action by Officers under delegated powers must be exercised in accordance with:-
- the principles for making delegations, nominations, and for decision making:
 - For general matters, in Appendix 1;
 - For people management under Manager Self-Service matters, in Appendix 2.
 - the overall policies approved by the Council, the Executive or a sub-committee of the Executive;
 - the Council's Procedure and Financial Rules;
 - the officer Code of Conduct;
 - the decision-making requirements set out in the Constitution including requirements for decision-records and access to information
 - identification and appropriate management of strategic and operational risks within the officer's area of responsibility

- the approved budget and policy framework approved by the Council and approved budget for the service (or separate approval must be sought)
- any appropriate legislative, regulatory, consultation, equalities or procedural requirements that may be required.
- the need to take and follow legal and other appropriate professional advice when required.

Limitations on the exercise of delegated authority by officers

18. Officers may not take decisions:

- where a matter is prohibited by law from being delegated to an officer;
- where a matter has been specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee
- to create new or change approved policies which require Member approval
- to increase the totality of the service budget, or the Council's approved revenue or capital budgets.

19. Officers may not take Key Decisions unless specifically provided for within the constitution or specifically delegated by Cabinet, a committee of Cabinet or a Portfolio Holder.

Consultation

20. In exercising delegated powers Officers shall consult other Officers as appropriate and shall have regard to any advice given.

21. Before exercising any delegated power staff must consider whether the decision to be made is of such a nature, sensitivity or significance that a Chief Officer, Executive Member or local Member should be consulted before any decision is made. Similarly consideration must be given to the need in appropriate cases to refer a matter for decision by the Executive or a Committee, with prior consultation with the chairman.

22. The Council acts as lead authority or host for a number of partnerships involving the joint exercise of executive functions. Before exercising any delegated power to act in relation to partnership activity Officers must consider the appropriate consultation to be undertaken with Members. If necessary, this will involve consulting with the appropriate Chairman or lead member for the partnership in place of, or in addition to, consultation with the appropriate Executive Member.

23. Where a proposed exercise of delegated authority is such that the Leader should be consulted and the Leader is absent or otherwise unavailable then the Deputy Leader is to be consulted. Similarly, in the absence of the Chairman of a Committee the Vice-Chairman is to be consulted. In the absence of an Executive Member the Leader should be consulted.

General Indemnity

24. All elected Members and Officers involved in decision making on behalf of the Council are protected by a "general indemnity" which protects each of them from personal liability for the consequences of action taken in good faith on behalf of

the Council. This indemnity includes the provision of financial support for Members and Officers to enable them to:-

- resist criminal proceedings
- resist defamation proceedings.

25. The Council undertakes not to sue (or join others in an action as co-defendant versus) a Member or an Officer of the Council in respect of any neglect, error or omission by him/her in the course of his/her role as a Member or as an employee, but subject to the same exceptions below.
26. This indemnity and undertaking apply retrospectively to any neglect, act, error or omission which may have occurred before this date; and after the retirement or resignation of the Member or Officer concerned, as well as during their term of office or employment with the Council.
27. The above indemnity and undertaking shall be without prejudice to the right of the Council: -
- (i) through the Audit and Governance Committee to take action in respect of a locally referred allegation of a breach of the Code of Conduct for Members or the breach of a local protocol, or
 - (ii) to take disciplinary action against an employee in respect of any neglect, act, error or omission.
28. The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:-
- (i) fraud, dishonesty or criminal offence committed by the Member or Officer;
 - (ii) any neglect, act, error or omission by the Member or Officer otherwise than in the course of his/her employment; and
 - (iii) the indemnity will not apply if a Member or Officer, without the express permission of the authority, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.

Advice and interpretation

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

Delegations to All Officers	
Ref	Delegation
1	To act as a witness: (a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or (c) in any other circumstance with the prior written approval of the Monitoring Officer.
2	To undertake all action relevant to that Officer that is required by or identified in Financial Regulations and/or Contract Procedural Rules as applicable to that Officer.
3	To undertake all action relevant to any matter to which an Officer is given a role, power or activity pursuant to any provision set out in the Constitution, ensuring compliance with Appendix 1 and 2.

Delegations to the Chief Executive/Head of Paid Service		
Ref	Delegation	
	Statutory Power	Section and Summary Function
	Section 4(1) of the Local Government and Housing Act 1989	To be the Statutory Officer, Head of Paid Service
Governance		
	To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting.	
	Localism Act 2011	To decide on individual cases for Officer exemptions from political restriction.
		To determine whether to grant a dispensation: (a) under the Localism Act 2011 and/or any Member code of conduct adopted by the Council; and/or (b) in relation to any actual or perceived conflict of interest.
	To agree changes to appointments to outside bodies arising from changes in the Executive, Members or group nominations.	
	To approve Member attendance at any conference and the payment of any expense or allowance in accordance with the adopted scheme of member allowances as set out in this Constitution.	
	To consider and undertake any investigation into a complaint against a Member and/or a town/parish councillor, including determining: (a) the extent and nature of any initial information gathering; (b) whether to proceed with a formal investigation; (c) the format that any investigation should take; (d) who should undertake any initial information gathering and investigation; (e) the consultation to undertake for any investigation; (f) whether there has been any breach of any Council policy; (g) whether to adopt any different process to that normally followed; and/or (h) action in relation to the outcome of any investigation or determination that a breach exists.	
	s31(2) Anti Social Behaviour Act 2003	Following consultation with the Leader, give the necessary consent to the Police to authorise the designation of areas of the Council within which the powers under s 30 and 36 of the Act are to be exercised.
	To undertake all action in connection with the arrangement of civic and ceremonial functions.	
Officer Designations		
	To designate Officers as authorised Officers to exercise the Council's powers under any statutory provisions.	
Emergency and Urgency		
	In an emergency, power to authorise, incurring expenditure, in consultation with the Executive Director for Corporate Development, even if there is no specific provision in the budget of the Council or Executive for this to be done. In the event of this power being exercised, the decision shall be	

	reported as soon as reasonable to the Strategic Body that the Chief Executive considers most appropriate
	In cases of urgency, power to incur expenditure, acquire or dispose of land or any other step or transaction (not limited to land and property matters) which is considered to be in the best interests of the Council, (which shall include making Key Decisions) after consultation with the Chairman and Vice-Chairman of the Executive and after taking advice from the s151 Officer and the Monitoring Officer. Any decision made shall be reported to the Strategic Body that the Chief Executive considers most appropriate.
Operational Decisions	
	The Chief Executive is empowered to operate all the services of the Council and except where powers, duties and functions are delegated to a Councillor decision-making body or Cabinet Member, to exercise all powers, duties and functions of the Council, including those delegated to other officers.
	The Chief Executive may take steps to secure compliance with any decision of Council, Executive, a Committee or Panel.
	To exercise the delegated power of any Officer and/or group of Officers (whether set out in this Scheme or otherwise) provided that this does not include exercising the statutory powers of the Monitoring Officer and the Section 151 Officer.
	The Chief Executive may (except where matters are reserved by statute for other individual Officers) exercise any powers delegated under this scheme to any Chief Officer.
	Any power exercisable by the Chief Executive in this Scheme will be exercisable in the absence of the Chief Executive by any other Chief Officer designated as his/her Deputy.
	If considering the exercise of a delegated power which would normally be exercised by one of the other Chief Officers, the Chief Executive shall consult with the Chief Officer if available and the Chairman, Executive or the relevant Portfolio Holder concerned if available.
	To the extent it is not covered by this Scheme or the Constitution, to be the Proper Officer and the person authorised to carry out any function or action described in: (a) any regulations relating to referendums, petitions and/or directions; (b) the Criminal Procedure and Investigations Act 1996 relating to the appointment of Disclosure Officers; (c) any other legislative provision; and/or (d) the Constitution not otherwise specifically delegated to another Officer, including if the law allows, the power to appoint or nominate (as the case may be) any other Officer to act.
	To sign any Council document not otherwise covered by this Scheme.
	To determine the content and be responsible for any publication scheme (including determining any charges) under freedom of information and/or data protection legislation.
	To issue any licences or control any registration of persons or premises on behalf of the Council under any legislation except where this is specifically delegated by this Scheme or reserved by law to a Chief Officer or other named Officer.
	To publish notices as required on behalf of the Council under any legislation except where this is specifically delegated by this Scheme or reserved by law to a Chief Officer or other named Officer.
	With the Corporate Director, Legal and Democratic Services inspect and

	take copies of any books, documents, papers or records of whatever description, wherever held and in whatever form.
	Subject to prior consultation with at least one Executive Member, to determine whether to close any of the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period.
Seal documents	
	To affix and attest the seal to any order, deed or other document to give effect to a decision of the Council, Executive, Committee, sub-committee or Officer acting under delegated powers and authorize and nominate any other Officer to do so.
People Management	
	To deal with all matters relating to the paid employment of Council officers.
	To determine any change to the whole or any part of the employee / Officer establishment / structure of the Council including power to incur expenditure subject to prior consultation with the Section 151 Officer.
	To approve the grading and regrading of posts (subject to NJC to Local Government Services, Soulbury and Youth and Community Worker Conditions of Service) where the proposed maximum grade is G17 or above (or equivalent).
	To approve the original grading of individual posts, (subject to JNC Chief Officer Conditions) and regradings of such posts providing that the proposed grading is no more than one grade higher (or lower) than the current grade.
	To approve the composition of Appeal Panels convened by the Officer responsible for Human Resources to deal with disciplinary, grading or other issues.

Delegations to all Chief Officers		
Ref	Delegation	
	Statutory Power	Section and Summary Function
		To take steps to implement any decisions taken by Council, Executive or any of its Committees or under delegations.
Emergency and Urgency		
	Civil Contingencies Act	<p>In a declared emergency or major incident, the Chief Officers (when acting in a decision making capacity at the Local Resilience Forum Strategic Command Group or at the Council's own Gold emergency group) are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a Key Decision) and to suspend aspects of business as usual to comply with the Council's duties in the Act.</p> <p>Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chairman and Vice Chairman of the Executive, the relevant service portfolio holder and Chief Officers will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Executive as is appropriate in the circumstances of the emergency.</p>
	Urgency	<p>To act on behalf of the Council in cases of urgency, to discharge any function and deliver any service within the Chief Officers responsibility, other than those functions which can only be discharged by the Council or a specific Committee. This delegation is subject to the conditions that any urgent action:</p> <ul style="list-style-type: none"> • shall be reported to the Executive, the appropriate Executive Member or the appropriate Committee; • shall take account of advice of the Monitoring Officer and the Section 151 Officer; and, • shall be exercised in consultation with the appropriate Executive Member or the Chairman of the appropriate Committee.
Operational Decision Making		
	Local Authority Social Services Act 1970	These delegations enable the Executive Directors of People (Children's and Adult Services), and Shared Director, Public Health to act under these powers in respect of all Health, Education and Social Services matters as defined within the.
		To have overall responsibility for the operational management of the relevant area of service and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to exercise the

	functions for which the service is responsible.
	To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject: (a) to prior consultation with an appropriate Member; and (b) to prior consultation with an Overview and Scrutiny Committee.
	To enter into contracts and incur expenditure.
	To determine the level of fees or charges payable in respect of any goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery.
Local Authorities (Goods and Services) Act 1970	To administer the supply of goods and services to other public authorities and bodies.
	To enforce of the terms of any agreement, contract, licence, lease or any other legal instrument to which the Council is a party provided that the subject matter relates wholly or partly to the work undertaken by the Chief Officers Service.
	To enter into an agreement with any voluntary agency, charity or public sector organisation, where the Council has or is proposing to offer financial and/or other assistance to that body, provided that no agreement shall commit the Council to utilise resources that have not been authorised for this purpose and there is relevant insurance provision in place.
	To appoint private consultants of any profession within the Chief Officer's service areas, where there are insufficient staff or there is a need for particular specialist assistance. In making any appointments the Chief Officer must comply with Contract Procedure Rules and may not engage professional services where that discipline or profession is within the responsibility of another Chief Officer.
	To authorise the acquisition of assets or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Executive for which a budget has been approved.
	To manage land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
	To make applications for planning permission, after consultation with the Executive Director, Corporate Development as s151 Officer, the Monitoring Officer and the Executive Director, Place.
	To undertake any inspection of land and/or buildings and/or exercise any related powers of entry for the Chief Officer's Service area(s) with the power to undertake action as a consequence the inspection (excluding authorising the initiation of any formal court proceedings).
	For fixed penalty notices: (a) to determine any relevant content; and/or (b) to determine whether or not to issue a notice; provided that the fixed penalty notice relates wholly or partly to a Chief Officer's Service area (excluding authorising the initiation of any formal court proceedings).
	To set any fee, charge and/or any method of charge for any matter relating wholly and/or partly to the Chief Officer's Service area(s) provided that: (a) the Council has not already formally determined the fee and/or charge for that work for the proposed period of time to be covered; and (b) the amount of the fee and/or charge is not expressly set by legislation.

		To authorise and take action to secure a warrant in relation to any work being undertaken by the Chief Officer's Service area.
		To authorise any Officer with the appropriate qualifications and prior training: <ul style="list-style-type: none"> (a) to carry out any Inspection and/or examination; (b) to carry out any action arising during and/or out of any Inspection and/or examination (including analysis, certification, checking, destruction, detention, measurement, purchasing, sampling, seizure and/or, testing); (c) to exercise any power of entry available to the Council; (d) to issue any document relating to an Inspection and/or examination including any notice; (e) to serve any document; (f) to undertake any work in default and/or supervision or management; (g) to undertake any enforcement activity; and/or (h) to seek a warrant; provided that in all cases: <ul style="list-style-type: none"> (i) the authorisation relates wholly to a service or delegated power of the Chief Officer; and (j) the Chief Officer believes that any cost associated with the authorisation can be met from within their existing budget and/or the prior approval of the Section 151 Officer is obtained.
		To investigate and/or enforce: <ul style="list-style-type: none"> (a) any actual, perceived or potential breach of any statutory provision; and/or (b) any consent, authorisation, permit, registration, certificate, license, notice, order or other document of a similar nature (including any condition, obligation, restriction, limitation or any other provision) given, issued or made by the Council, provided that the subject matter of that statutory provision and/or document relates wholly or partly to the work undertaken by any Service for which s/he has any responsibility.
	Localism Act 2011	To determine any review or appeal arising in connection with the Council's powers and duties in relation to assets of community value.
		To take action in relation to any blight notice including: <ul style="list-style-type: none"> (a) determine whether to issue a counter notice; and/or (b) incur expenditure from working balances and/or reserves subject to prior consultation with the Section 151 Officer.
	Localism Act 2011	To take action in connection with the receipt of any expression of interest in relation to the community right to challenge. This power includes the power to receive and validate any expression of interest, provided that: <ul style="list-style-type: none"> (a) in making a decision whether to accept or reject an expression of interest there has been prior consultation with appropriate Members; and (b) the expression of interest is reported to the appropriate Strategic Body within three months of receipt.
		To determine whether to authorise the release of information or other documentation to the press, any member of the public or external body.
Signing Documents		

	To sign any documentation in order to give effect to any decision of the Council, Executive, Committee, Sub-Committee or of an officer acting under delegated powers and authorize and nominate any other Officer to do so.
Financial	
	To manage the finance of their departments to ensure value for money and the development of budget policy options with a detailed assessment of financial implications.
	To submit applications for external funding in support of Council priorities subject to the Council's contribution being less than the threshold for a Key Decision, funding being included within an approved budget and where a change of the Council's policy is not required.
	To determine whether to write off any debt of up to £10,000 or any higher sum identified in the Financial Regulations subject to the prior approval of the Section 151 Officer.
People Management	
	To appoint staff (excluding the posts of Chief Executive, Monitoring Officer, Section 151 Officer, and Directors) within structures and budgets approved by the Council and the Executive where Procedure Rules allow and to exercise control and discipline in accordance with the Council's agreed policies and personnel procedures and this Scheme.
	To exercise day to day management of those services, staff and resources placed under the control of the Chief Officer in accordance with the principles for people management in Appendix 2.
	To implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council.
s113 Local Government Act 1972.	With advice from the Officer responsible for Human Resources to make agreements with other local authorities to place staff at the disposal of those authorities.
	To approve changes to the number and distribution of posts (subject to NJC for Local Government Services, Soulbury and Youth and Community Worker Conditions of Service) for which they are responsible subject to financial provision for the current and future years being available. Where changes are proposed to the Chief Officer structure a report to the Chief Executive will be required before any such changes are implemented. All other changes to structures remain delegated to Chief Officers.
	To approve changes to the grading of posts (subject to NJC for Local Government Services, Soulbury and Youth and Community Worker Conditions of Service), taking account of job evaluation outcomes for posts covered by these schemes and subject to financial provision for the current and future years being available; and the proposed maximum grade being below G17 (or equivalent).
	To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to prior consultation with Executive Director, Corporate Director in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit.
	To authorise the issue of and/or sign the identity card of any Officer.
Complaints	
	To resolve a complaint, including the approval of compensation in respect of: (a) any complaint made through the Council's complaint procedure; and/or (b) any finding of maladministration by the Local Government and Social

	Care Ombudsman, including the power to incur expenditure from working balances and /or reserves subject to prior consultation with the Section 151 Officer.	
Governance		
	To sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part.	
Communications		
	To take any action in response to a request for radio, television and/or other coverage or recording of any meeting of the Council.	
RIPA		
	Regulation of Investigatory Powers Act 2000	To exercise the role of authorising officer and designated person as set out in Appendix 1.

Delegations to the s151 Officer		
Ref	Delegation	
	Statutory Power	Section and Summary Function
	Local Government Act 1972, as amended	To be Proper Officer in relation to the following provisions of the:- (a) Section 115(2) - the officer who shall receive all money due from every officer employed by the Council; (b) Section 146(1) - the officer in relation to transfers of securities on alteration of area, etc.; (c) Section 151 - responsible for the proper administration of the Council's financial affairs.
	Section 6 of the Local Government and Housing Act 1989, as amended	To be Chief Financial Officer.
Audit		
	Accounts and Audit Regulations 2003, as amended	To be responsible for Internal Audit.
	To consider and make any recommendation in respect of the strategic and annual audit plans.	
Financial Management and Accounting		
	To determine financial management and accounting procedures and the form and extent of financial records.	
	To operate the Council's banking arrangements.	
	To pay all sums properly authorised as due.	
	To pay salaries and allowances.	
Income		
	To collect all income due to the Council, including appropriate interest and costs, including: (i) the recovery of unpaid income due to the Council by the issue of summonses or otherwise, including proceedings in tribunals and inferior courts. (ii) the issue and recovery of penalties (or their waiver and writing off) under the Third Schedule to the Local Government Finance Act 1988 and the Third Schedule to the Local Government Finance Act 1992.	
	To remit income in the following classes:- (a) arrears of contributions in respect of children and young persons in care; (b) charges to residents in homes, hostels and boarding establishments.	
Expenditure		
	Section 31 of the Local Government Act 2003	To agree to grant terms and conditions for and on behalf of the Council.
	To authorise sponsorship and advertisement arrangements for any Council	

	property.
Investment	
	To exercise (so far as may be lawful) the powers of the Council to borrow and invest and to lend and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time.
Council Tax, non-Domestic rates and Benefits	
	To determine and undertake all calculations necessary for the purposes of determining the council tax base for the Council for any year.
	To: (a) determine and undertake all calculations necessary to determine any amounts which a Secretary of State requires to be notified to him in relation to non-domestic rating income; (b) determine and undertake all calculations necessary to determine any other amounts which s/he at his absolute discretion considers to be related to any such requirements of any Secretary of State as are identified in (a) above which for the avoidance of doubt but without prejudice to the generality of the foregoing includes the amount of authorities' shares calculated for purposes related to shale oil and gas; and/or (c) complete any related form and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.
	To write-off of court costs in respect of national non-domestic rates and council tax.
	Make requests to the Executive Director, Place to revise valuation lists by e.g. the inclusion of newly completed properties and appeals against valuations of Council property.
	Determine on-costs and rates of interest in respect of any sums due where such on-cost or interest is properly chargeable.
	To determine all claims, administer and collect payment in relation to Council Tax, National Non-Domestic Rates and Housing Benefits (including the exercise of all discretions conferred upon the Council by the relevant schemes).
	To deal with all insurances against loss to or liability of the Council including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer).
Overspends/borrowing	
	To authorise the overspend of any approved Service budget up to a maximum of £150,000 (one hundred and fifty thousand pounds) in any one instance (including the use of expenditure from reserves or working balances) provided that: (a) the authorization is reported to the next available meeting of the appropriate Strategic Body and/or Executive Member; and (b) the total amount of any approved overspend across the Council pursuant to this delegation does not exceed £150,000 in any one financial year without there having been prior consultation with the Executive Member responsible for finance and/or other appropriate Member(s).
	To incur overdraft on the Council's bank accounts, the net pooled balance not to exceed £10M overdrawn at any one time.
	To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Executive Member responsible for finance.
Virements	

	Subject to prior consultation with the Executive Member responsible for finance, to approve any virement within the capital programme of up to £10,000 in any one transaction or any higher sum in accordance with the Financial Regulations.
	To authorise any virement following any consultation required in this Scheme provided the virement is not financially imprudent regarding the Council's overall financial circumstances or there are exceptional circumstances which warrant such action.
	To authorise any virement: <ul style="list-style-type: none"> (a) between any one or more budget lines within the same Service [Unit]; (b) between any one or more budget lines (excluding reserves) of different Services [Units] of up to £30,000 in any one transaction; and/or (c) where urgent up to £10,000 from reserves in one transaction, subject to prior consultation with the Executive Member with responsible for finance.
	To: <ul style="list-style-type: none"> (a) act as a co-signatory for any cheque drawn on the Council's accounts; and/or (b) sign any amendment to any cheque drawn on the Council's accounts.
General	
	To determine whether to write off any debt provided that it is in accordance with the Financial Regulations.
	The payment of sums properly payable from the Collection Fund .
Pensions	
	To make investment decisions for the Dorset Council Pension Fund in accordance with a strategy agreed by the Pension Fund Investment Committee.
	Superannuation <ul style="list-style-type: none"> - admission to the Scheme - application of interchange rules - surrender of allowances - re-introduction of child's pension
	(a) To make awards in accordance with the Superannuation Regulations (Injury Allowances) equal of 50% of:- <ul style="list-style-type: none"> (i) the pension the employee would have received but lost completely because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension; (ii) the additional pension the employee would have received but for the enforced early retirement; (iii) the additional pension the employee would have earned had they not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) because of the injury. (b) In all cases such allowances, together with any State Injury Award, must not exceed the total pension the employee could have earned. (c) Where in any particular case and for whatever reasons, an allowance within these guidelines is considered inappropriate then the Chief Officer shall consult with the Executive Member responsible for Finance before making a determination.
Regulation E5(6)(b) of the Superannuation Regulations	To approve applications under where the second marriage is dissolved or the husband dies subject to the wife not being materially better off by reason of her second marriage.

	1986	
General		
	To act, make all determinations and sign proxies on behalf the Council in respect of bankruptcies, liquidations and/or receiverships.	
	To authorise and make any payment to any parish and/or town council who provide support to customers in relation to any Council matter.	
Governance		
	To maintain the Council's Financial Rules.	
	Where urgent, to waive any provision within the Financial Regulations provided that a written record is kept of such a decision.	
	In conjunction with the Monitoring Officer, maintain the Council's Contract Procedure Rules.	

Delegations to the Executive Director, Corporate Development

To be the Executive Director, Corporate Development and to exercise the functions and responsibilities below:

1. Taking all operational and people management decisions necessary, within approved budgets, to secure the provision of services and/or discharge of statutory functions, including power to enter into contract in accordance with the Constitution and approved policies.

2. Holding officers to account for performance of their service areas.

- Finance
- Human Resources and Organisational Development
- Pension Fund Administration
- Audit
- Revenues and Benefits
- Data and Intelligence
- Procurement
- Commissioning And Performance
- Communications
- Customer Services
- Digital and ICT
- Project Management Office
- Business Support
- Risk Management
- Fraud
- Emergency Planning
- Corporate Health and Safety
- Policy Development

13. Delegations to the Corporate Director, Legal and Democratic (Monitoring Officer)

To be the Corporate Director, Legal and Democratic and the Monitoring Officer and to exercise the functions and responsibilities below.

1. Taking all operational and people management decisions, within approved budgets, necessary to secure the provision of services and/or discharge of statutory functions, including power to enter into contract in accordance with the Constitution and approved policies in relation to the following areas.

2. To authorize, institute, defend, appear in and settle legal proceedings or disputes in contemplation of legal proceedings (including any appeal, review of similar proceedings against any action or proceedings in any tribunal, inquiry, hearing or other forum of legal proceedings) by or on behalf of the Council, together with preliminary or further work as appropriate, including engaging Counsel.

3. Taking all operational decisions regarding the level and nature of support services for Councillors including ICT provision.

4. Holding officers to account for performance of their service areas.

- Monitoring Officer
- Legal
- Democracy and Governance
- Data Protection
- Freedom of Information
- Electoral Services
- Information Governance
- Land Charges

Ref	Delegation		
	Statutory Power	Section and Summary Function	Authorised Officer
	Section 5 of the Local Government and Housing Act 1989, and the Local Government Act 2000	To act as "Monitoring Officer".	
		To act as solicitor for the Council and to instruct other Solicitors or Barristers to represent the Council.	
		To authorise steps or take any legal proceedings, to secure compliance with any notice served or injunction granted.	
		Subject to consultation with the Executive Director, Place to take action in respect of any trespass on Council owned land including action to secure the cessation of trespass and/or to seek to prevent its recurrence.	
		To investigate and take action (including drafting relevant documentation), to enforce any actual or perceived breach of	

	<p>any legislative provision, license, authorisation, consent, approval, notice, order or other document (including any condition, restriction, limitation, obligation or other requirement) given, issued or made by or on behalf of the Council including, any issue about:</p> <p>(a) any Food Provisions; and/or</p> <p>(b) any Town and Country Planning Legislation.</p>	
	<p>To investigate and take action (including drafting documentation) to enforce the terms of any agreement, contract, lease and/or any other legal instrument to which the Council is a party (including any condition, restriction, limitation, obligation or other requirements), including taking proceedings in any court, tribunal or other body.</p>	
	<p>To take action to prepare and issue any:</p> <p>(a) licence, lease, transfer, conveyance concerned with the acquisition and/or disposal of any interest in land or property (including rental levels and fees); and/or</p> <p>(b) easement and/or wayleave.</p>	
	<p>In connection with any actual or perceived proceeds of crime and under the Proceed of Crime Act 2002 or otherwise:</p> <p>(a) subject to appropriate consultation with a Member, to determine whether or not to pursue any application on behalf of the Council; and</p> <p>(b) power to undertake all action including necessary preliminary and subsequent action to secure and then progress the outcome of any determination.</p>	
	<p>In consultation with appropriate Chief Officers (if any) to determine whether to accept or reject (and whether or not subject to conditions) any purchase notice served on the Council pursuant to any Town and Country Planning Legislation if a decision is required before the next normal meeting of the relevant Committee.</p>	
	<p>To consider and determine whether to seek to secure a closure order pursuant to the Scrap Metal Dealers Act 2013.</p>	
	<p>To determine the terms/content, prepare and issue any contract, notice, order, permit, certificate, requisition or other document including any:</p> <p>(a) byelaw;</p> <p>(b) contract relating to the supply of any good and/or service;</p> <p>(c) order for the control of drinking in public places and/or a public spaces protection order;</p> <p>(d) notices and/or order relating to any vehicle;</p> <p>(e) stop notice;</p> <p>(f) temporary stop notice;</p> <p>(g) road closure; and</p> <p>(h) application for late night shopping,</p> <p>provided that there has been approval to progress the matter via the exercise of a delegated power under this Scheme or otherwise.</p>	
	<p>To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including power to determine whether or not to issue any certificate or other document in relation to the provisions of any planning obligation together with power to undertake all actions to give effect to and as a consequence of any</p>	

	determination.	
	To take appropriate steps to enable or effect compliance with any Council, Executive or Committee resolution.	
	To authorise Trading Standards Officers to institute legal proceedings, lay informations and make complaints, and appear on behalf of the Council before any Court of Summary Jurisdiction.	
	To act as the person specified by the Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme referred under the Local Government Pension Scheme (Amendment) Regulations 2004, for Stage two reconsideration (deputising to be undertaken by the Deputy Monitoring Officer).	
	Local Government (Contracts) Act 1997	To issue on behalf of the Council certificates and report the issue of certificates to the next meeting of the Executive.
	To determine applications to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).	
	After consultations with the Chairman of the Committee responsible for Roads and Rights of Way matters, to make public path diversion, extinguishment and creation orders where pre-order consultations relating to proposals give rise to no indication of opposition (in cases not involving Council properties)	
	To confirm published public path orders to which no objections have been received (in cases not involving Council properties).	
	To make payment or provide other benefits in cases of maladministration etc, as set out in Schedule 1 to the Functions Regulations.	
	To determine applications for the apportionments of rights of common in the Register of Common Land.	
	s16 Local Government (Miscellaneous) Provisions Act 1976	To serve notices requiring particulars of ownership.
	Seal Documents	
	To affix and attest the seal to any order, deed or other document to give effect to a decision of the Council, Executive, Committee, sub-committee or Officer acting under delegated powers and authorize and nominate any other Officer to do so.	
	Governance	
	Maintain the Contract Procedure Rules with the s151 Officer.	
	To act as the Council's Electoral Registration Officer and Returning Officer for Local and European Parliamentary elections and Acting Returning Officer for national Parliamentary elections, referenda and all other elections.	
	In accordance with any Council scheme and/or policy (if any) to determine whether to authorise Member allowances and expenses and administration payment including to determine any increase to Member travel and subsistence allowances.	

	Subject to consultation with Member(s) as appropriate (if any) to determine whether to approve any expenditure on civic hospitality.	
	To action Member attendance at any conference, session and workshop provided that attendance could be of benefit to a Member.	
	Subject to prior consultation with Member(s) as appropriate (if any) to organise and conduct a review of any principal area internal ward, polling area boundary, polling place and/or any parish electoral arrangement including, undertaking any consultation and formulating any draft proposal.	
	Subject to such prior consultation with any Chairman as appropriate, to make arrangements for any site visit for Members.	
	To make arrangements for (including the holding of) any referendum.	
	To determine any changes to the Constitution with consultation set out in the Article 15 of the Constitution relating to Review and Revision to the Constitution (if any).	
	To authorise officers of the Council to appear in courts or tribunals where permitted by law.	
	Where employees are physically assaulted by the public whilst undertaking official duties, or in circumstances associated with those duties, and the police have reason not to prosecute, in appropriate cases, to instruct outside solicitors to pursue prosecutions against the individual(s) concerned and to apply to the County Court for injunctions to safeguard employees in appropriate circumstances.	
	Member Complaints	
	To investigate, report and determine any complaint against a Member, parish or town councillor including: <ul style="list-style-type: none"> (a) the extent and nature of any initial information gathering; (b) whether to proceed with a formal investigation; (c) who should undertake any initial information gathering and investigation; (d) the format that any investigation should take; (e) any consultation required in relation to any investigation; and/or (f) whether to adopt any different process to that normally followed. 	

14. Delegations to the Director, Place

To be the Executive Director, Place and to exercise the functions and responsibilities below:

1. Taking all operational and people management decisions, within approved budgets, necessary to secure the provision of services and/or discharge of statutory functions, including power to enter into contract in accordance with the Constitution and approved policies in relation to the following areas.

2. Holding officers to account for performance of their service areas.

- Economy (economic development)
- Commercial
- Culture and Leisure
- Transport and Infrastructure
- Highways
- Property and Facilities
- Localities
- Housing Demand, Supply and Maintenance
- Planning and Policy
- Gypsy and Travellers
- Parking
- Waste and Recycling
- Environmental Health
- Trading Standards
- Health and Safety enforcement
- Community Protection
- Food Authority
- Animal health and welfare
- Flood Management
- Prevention and Reduction of crime and disorder
- Libraries
- Country parks

15. Delegations to the Executive Director, People - Adult Services

To be the statutory director of adult services and to exercise the functions and responsibilities below.

1. Taking all operational and people management decisions, within approved budgets, necessary to secure the provision of services and/or discharge of statutory functions, including power to enter into contract in accordance with the Constitution and approved policies in relation to the following areas.
2. Holding officers to account for performance of their service areas.

Adult Care

- Learning and Organisational Development
- Acute Hospital Teams
- Locality Teams

Early Help and Community Services

- Registration Service
- Dorset History Centre
- Safeguarding Quality and Improvement
- Safeguarding,
- Quality,
- mental capacity assessment,
- deprivation of liberty
- community safety
- Disability
- Older people
- Residential services
- Day services
- Housing (allocation)
- Adult Social Care Commission Services
- Health

Delegations to the Executive Director People - Children's Services

1. To be the statutory director of children's services and to exercise the functions designated in section 18 of the Children Act 2004 and associated regulations
2. To exercise the functions and responsibilities below.
3. Taking all operational and people management decisions, within approved budgets, necessary to secure the provision of services and/or discharge of statutory functions, including power to enter into contract in accordance with the Constitution and approved policies in relation to the following areas.
4. Approving school governor appointments for which the Council has responsibility and reporting these quarterly to the relevant Committee.
5. Holding officers to account for performance of their service areas.

Care and Protection

- Care and Support (0-12) (13-25)
- Safeguarding
- Family Assessment Specialist Team (FAST)
- Family Focus Team
- Fostering
- Help and Protection
- Independent Reviewing Services (LAC)
- Looked After Children Health Team (LACHT)
- Multi Agency Safeguarding Hub (MASH)
- Permanency Service

Commissioning and Partnerships

- Family Information Service
- Family Partnership Zones
- Outdoor Education
- Workforce Development

Schools and Learning

- Children who are disabled
- Education Psychology
- Dorset Music Service
- Early Years and Childcare
- Governor Services
- Physical and Medical Needs Service
- SAFSO
- SEN
- Sufficiency and Funding
- Vision Support Service
- Youth Offending service (Jointly with Bournemouth, Christchurch and Poole Council)

Delegations to the Shared Director for Public Health

1. To be the Shared Director, Public Health for Dorset, in accordance with the MOU agreed by Bournemouth, Dorset and Poole Councils which applies to Dorset Council and Bournemouth Christchurch and Poole Council, and to exercise public health functions and responsibilities.
2. Taking all operational and people management decisions, within approved budgets, necessary to secure the provision of services and/or discharge of statutory functions, including power to enter into contract in accordance with the Constitution and approved policies in relation to the Public Health services.
3. Holding officers to account for performance of their service areas.

Appendix 1

Regulation of Investigatory Powers Act 2000 (RIPA)

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

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

<u>Post</u>	<u>Purpose of Authorisation</u>
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Executive Director, Corporate Development (s151 Officer)	All purposes for Corporate Development (and including where there is a likelihood of acquiring confidential information but only in the absence of both the Chief Executive and the Monitoring Officer)
Executive Director, People – Adult Services	All purposes for Adult Services (but excluding where there is a likelihood of acquiring confidential information)
Executive Director, People - Children's Services	All purposes for Children's Services (but excluding where there is a likelihood of acquiring confidential information)
Executive Director Place	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)
Officer responsible for Planning Services	All purposes for Development Control (but excluding where there is a likelihood of acquiring confidential information)

Appendix 2

Principles of Delegation and Decision Making for People Management and Manager Self-Service

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

Management Level for MSS		Proposed Delegation (all to be used in line with any relevant guidance on Sharepoint)
0	Chief Executive and Chief Officers	(a) Early retirement recommendation.
1	Officers reporting direct to Level 0 (normally Heads of Service)	(a) Lease Cars – agreement to early termination of contract. (b) Redundancy recommendation. (c) Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). (d) Overpayments – recommendation for write off. (e) Approval of giving lectures by employees at courses during office hours and retention of any fees received.
2	Officers reporting to Level 1 (typically service managers)	(a) Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.). (b) Premature retirement on grounds of permanent ill health recommendation. (c) Flexible retirement recommendation. (d) Payment of honoraria (paragraphs 35(b)(i) and (ii)).
3	Officers reporting to Level 2 (typically team managers)	(a) Accelerated incremental progression in exceptional cases/merit increments. (b) Creation of new post within existing budget (subject to establishment control). (c) Creation of new post from new funding (subject to establishment control). (d) Changes to post (subject to establishment control).
4	Officers reporting to Level 3 (typically assistant team managers)	(a) Recruitment and appointment of all employees up to and including second tier, including placing an advertisement, appointment (internal and external), commencing salary within service/competence increments of position. (b) The payment of 'planned overtime'/additional hours to employees to whom they have line management responsibility for. (c) Granting of special leave of absence with/without

		<p>pay.</p> <p>(d) Granting of approval for employees to undertake private work (outside of office hours).</p> <p>(e) Ex gratia payments.</p> <p>(f) Acting up arrangements.</p> <p>(g) Move to a different position within the establishment.</p> <p>(h) Review of discrete post of job evaluation request.</p> <p>(i) Labour market increments request.</p> <p>(j) Annual Leave carry forward.</p> <p>(k) Occupational Health referral.</p> <p>(l) Travel status authorisation.</p> <p>(m) Maternity leave approval.</p> <p>(n) Paternity leave approval.</p> <p>and</p>
5	Officers reporting to Level 4 (typically team leaders)	<p>(a) Incremental progression - approval of competency increments through the salary grade.</p> <p>(b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level).</p> <p>(c) Sick leave (including return to work and trigger point interviews etc.)</p> <p>(d) Annual leave approval.</p> <p>(e) Change to employment within current position.</p> <p>(f) Performance and Development Review completion.</p> <p>(g) Notification of staff leaving.</p> <p>(h) Exit interviews.</p> <p>(i) Probation sign off.</p> <p>(j) Flexible working – approval of change to working patterns.</p> <p>(k) Travel expenses claim authorisation.</p>
<p>Specific delegations to the Officer responsible for Human Resources Financial Services</p> <p>(a) Extension to full and half sick pay</p> <p>(b) Approval of injury allowance payments</p> <p>(c) Redundancy payments for teachers</p>		

Officer Role	Management Level	Proposed Delegation (to be used in accordance with Contract Procedure Rules and Financial Regulations and relevant Guidance)
Signing contract documents		
Corporate Director for Legal and Democratic as Monitoring Officer		(a) Signing of contracts under seal of any value. (b) Signing of contracts valued in excess of £500,000. (c) Signing of inter authority, collaboration, partnering and framework agreements. (d) Approval to terminate contracts early with a value in excess of £500,000. (e) Approval to extend contracts where the original contract value exceeds £500,000 and within the original terms and advertised scope of the contract. (f) Authorisation and signing of letters of intent committing the Council to expenditure in excess of £500,000.
Chief Executive, and Chief Officers	0	(a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care. (b) Approval to terminate contracts early with a value not exceeding £500,000. (c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract. (d) Authorisation and signing of letters of intent committing the Council to expenditure not in excess of £500,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	(a) Signing of contracts (not under seal) up to but not exceeding £500,000 and signing of contracts for urgent special educational needs or urgent social care. (b) Approval to terminate contracts early with a value not exceeding £500,000. (c) Approval to extend contracts where the original contract value does not exceed £500,000 and within the original terms and advertised scope of the contract. (d) Authorisation and signing of letters of intent committing the Council to expenditure not in excess of £500,000.
Expenditure		
Executive Director, Corporate Development as s.151 Officer		Authorisation of expenditure over £500,000 in conjunction only with the exercise of the Chief Executive's delegated authority in cases of urgency.
Senior managers reporting direct to Level 0 (normally	1	Approval of expenditure over £100,000 and not exceeding £500,000.

Heads of Service)		
Officers reporting to Level 1 (typically service managers)	2	Approval of expenditure over £50,000 and not exceeding £100,000.
Officers reporting to Level 2 (typically team managers)	3	Approval of expenditure over £1,000 and not exceeding £50,000.
Officers reporting to Level 3 & 4 (typically assistant team managers)	4&5	Approval of expenditure not exceeding £1,000.
Exemptions		
Corporate Director, Legal and Democratic as Monitoring Officer Executive Director, Corporate Development as s.151 Officer		Approval of requests for exemption to the Contract Procedure Rules for contracts valued over £100,000 but not exceeding EU procurement thresholds.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Approval of requests for exemptions to the Contract Procedure Rules for contracts with a value not in excess of £100,000.
Procurement Tender Evaluation Models		
Officer responsible for Procurement		Authorisation of procurement tender evaluation models for contracts with a value in excess of £100,000.
Senior managers reporting direct to Level 0 (normally Heads of Service)	1	Authorisation of procurement tender evaluation models for contracts with a value not exceeding £100,000.
Specific Officer Delegations		
Delegations to the Executive Director, Corporate Development as Section 151 Officer		
Approval of finance appraisals for all supplier tenders for procurements contracts valued over £150,000.		
Approval of financing routes.		
Approval of finance lease agreements.		
Approval of disposal of assets not otherwise covered in the scheme not exceeding £500,000 in value.		
Delegations to the Corporate Director, Legal and Democratic as Monitoring Officer		
Responsibility for safe custody of the Council's seal and the execution of documents under seal.		
Delegations to the Officer responsible for Procurement		
Approval of EU procurement routes for over EU threshold procurement.		
Delegated to the Officer responsible for Fleet		
Approval of acquisition and disposal of all vehicles with a value not exceeding £500,000.		
Delegated to the Officer responsible for Property		
Approval for the acquisition and disposal of interests in land and buildings with a		

value not exceeding

Note

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

Proper Officer Provisions

The following Officers have been appointed as 'Proper Officers' for the purposes of the legal provisions set out in the table below and any future changes. Where the legislation refers to the need to make proper arrangements the Officer identified shall have primary responsibility for seeking to secure such arrangements. Where more than one Officer is identified in relation to any particular provision the intention is that the first named Officer will have primary responsibility to act as the relevant Proper Officer but the further named Officers may still act for and on behalf of that person and in particular shall be regarded as having primary responsibility in the event of the first Officer being unavailable or absent.

The Chief Executive shall be the Proper Officer for all purposes not listed below as provided for in the delegations to the Chief Executive above.

In the event of the exercise of any nomination rights pursuant to this Officer Scheme of Delegations that relate to the exercise of any power of a Proper Officer then any Officer so nominated shall also be deemed to be appointed a Proper Officer subject as may be provided for in any such nomination.

[the highlighted items below are still under discussion to identify the most appropriate role in Dorset council to be the Proper Officer]

Corporate Director, Legal and Democratic (Monitoring Officer)

Marriage Act 1949

Section of Act	Proper Officer's functions
Sections 9, 13 & 20	Registration of Births, Deaths and Marriage
Section 57(4)	Reimbursement of fees

Registration Service Act 1953

Section of Act	Proper Officer's functions
Sections 6(1), 6(3) 10(1) and 14(1)	Dealings with registration officers

Local Government Act 1972

Schedule 16 (Section Para. 28 54(4) of the Town and Country Planning Act, 1971)	Receipt on deposit of lists of protected buildings
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Local Government Act 1974

Section of Act	Proper Officer's functions
Section 30 (In the event of his/her being absent or otherwise unable to act, the Chief Executive is appointed Proper Officer)	Receipt of Ombudsman Reports

Local Government and Housing Act 1989

Section of Act	Proper Officer's functions
Section 15	Calculation of Political Balance on Committees

Regulation of Investigatory Powers Act 2000

Section of Act	Proper Officer's functions
Sections 28 and 29	To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000.

Crematorium Regulations 1930

Section of Act	Proper Officer's functions
17	Registrar to the Crematorium

S151 Officer

Building Act, 1984

Section of Act 78	Proper Officer's functions Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.
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Public Health Act, 1961

Section of Act 37	Proper Officer's functions Disinfection or destruction of verminous article.
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Housing Act, 1985

Section of Act 606(1)	Proper Officer's functions Report to Council as to unfitness of a house or as to a clearance area.
606(2)	Complaint by a Justice of the Peace or a Parish Council as to unfitness of a house or as to a clearance area.

Local Government and Housing Act 1989

Section of Act 204(3)	Proper Officer's functions Receipt of Applications for licences under Schedule 2 of the Licensing Act, 1964.
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Local Government and Housing Act 1989

Section of Act 179	Proper Officer's functions To exercise power of entry by an authorisation within the meaning of Parts 3 and 4 of the Act and within the meaning of Section 108(5).
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Legislative Provision	Function	Proper Officer
Public Health Act 1936		
All	For all proper officer purposes identified in the legislation	Officers responsible for Community Protection, Housing and environmental health functions;
National Assistance Act 1948		
s.47	Persons in need of care and attention	Executive Director, People – Adult Services
National Assistance (Amendment) Act 1951		
s.1	Persons in need of care and attention	Executive Director, People – Adult Services
Public Health (Control of Disease) Act 1984		
All	For all proper officer purposes identified in the legislation	Officers responsible for Community Protection and environmental health functions;
Local Government Act 1972		
S13	Parish Meeting	Chief Executive

S.83	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Corporate Director, Legal and Democratic
S.84	Receipt of notice of resignation of elected member	Corporate Director, Legal and Democratic
S.88	Arranging a Council meeting to appoint the Mayor	Chief Executive;
S.89	Notice of casual vacancy in office of councillor	Chief Executive Corporate Director, Legal and Democratic
S.100(B)(2)	Designation of reports 'not for publication' to the press and public	Chief Executive and Chief Officers
S.100(B)(7)	Supply of copies of documents	Corporate Director, Legal and Democratic
S.100(C)	Written summary of the proceedings at Committees and sub-Committees	Corporate Director, Legal and Democratic
S.100(D)	Background papers	Chief Executive and Chief Officers
S100(F)	Exempt information	Chief Executive and Chief Officers
S.100(G)(1)	Register of Elected Members	Corporate Director, Legal and Democratic
S.100(G)(2)	List of delegated powers of Officers	Corporate Director, Legal and Democratic
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents	Corporate Director, Legal and Democratic
s. 101	To enter into a Service Level Agreement on behalf of the Council with another appropriate local weights and measures authority to enable this Council to meet and discharge its metrological functions under Sections 4 and 5 of Weights and Measures Act 1985 relating to Local and Working Standards respectively on terms to be finalised in consultation with the Director (Law and Democratic Services	Executive Director, Place
S.115)	Receipt of money due from Officers	Executive Director, Corporate Development
S137A	Deposit of accounts	Executive Director, Corporate Development
s.138	Emergency disaster powers	Chief Executive
S.146	Declarations and certificates with regard to transfer of securities	Executive Director, Corporate Development

s.151	Proper administration of the Council's financial affairs	Executive Director, Corporate Development
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Chief Executive
S.210	Charities	Chief Executive
S.224	Custodian of documents	Chief Executive and Chief Officers
S.225	Deposit of documents	Chief Executive and Chief Officers
S.229	Certification of photographic copies of documents	Corporate Director, Legal and Democratic and Chief Officers
S.234	Signing /authentication of documents	Chief Officers
S236	Sending of copies of byelaws to the Council	Corporate Manager, Legal and Democratic
S.238	Certification of byelaws	Corporate Director, Legal and Democratic
S.248	The Roll of Freemen	Chief Executive; Corporate Director, Legal and Democratic
Schedule 12	Signing of summons to Council meeting	Chief Executive; Corporate Director, Legal and Democratic; any other person identified for such purpose in the procedural rule of the Constitution
Schedule 14	Certification of resolution for legal proceedings.	Corporate Director, Legal and Democratic
Local Government and Housing Act 1989		
S. 2	Deposit list of politically restricted posts with Proper Officer	Officers responsible for Human Resources and Organisational Development
s.4	Head of paid service	Chief Executive
s.5	Monitoring Officer	Corporate Director, Legal and Democratic
S. 37	Statement of accounts from a voluntary body	Executive Director Corporate Development
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Corporate Director, Legal and Democratic
Representation of the People Act 1983		
All	For all proper officer purposes identified in the legislation	Chief Executive;
Weights and Measures Act 1985		
S73	Chief Inspector of Weights and Measures	Officer holding the required certificate of qualification (Officer responsible for Trading Standards)
Local Government (Committees and Political Groups) Regulations 1990		
All	For all proper officer purposes identified in the regulations	Chief Executive; Officers responsible for Democratic and Electoral Services
Local Government Finance Act 1992		
s.38(2)	Giving notice in the press of the amounts of Council Tax that have been set; and the maintenance of the	Executive Director, Corporate Development

	Loans Register and signing of certificates issued under the provisions of the Local Authority (Stocks and Bonds) Regulations, 1974.	
Local Government Act 2000		
All	For all proper officer purposes identified in the legislation and all subordinate legislation	Chief Executive;
Local Authorities (Standing Orders) (England) Regulations 2001		
All	For all proper officer purposes identified in the regulations	Chief Executive; Officers responsible for Human Resources and Organisational Development;
Local (Principal Area) (England and Wales) Rules 2006		
Schedule 2 Rule 54	Retention Officer - public Inspection of documents after an election	Chief Executive; Officers responsible for Democratic and Electoral Services
Local Democracy, Economic Development and Construction Act 2009		
s.31	Statutory Scrutiny Officer	Officer Responsible for Audit
Localism Act 2011		
All	For all proper officer purposes identified in the legislation	Chief Executive

Responsibility for Functions

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS		
	General matters relating to application of provisions	<p>(a) Where more than one body / person is identified in relation to any function then each may exercise the function independently from and without reference to any other body / person.</p> <p>(b) Where a function is given to a Committee or Board, then that Committee or Board may delegate that function to a Sub-Committee unless the law or the Articles – Part 1 of the Constitution provide otherwise.</p> <p>(c) Where a body/person is identified as having power to exercise a local choice function then such a body/person shall have that power in addition to any other power that may be identified as applicable to that person/body in any other part of the Constitution.</p>
No.	FUNCTION	DECISION MAKING BODY / DELEGATION OF FUNCTION
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	<p>(a) Leader; and</p> <p>(b) any other body or person as the Leader may provide for in executive arrangements.</p>
2.	The determination of an appeal against any decision made by or on behalf of the Council.	<p>(a) Appeals Committee; and</p> <p>(b) any Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.</p>
3.	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Non Executive decision - Corporate Director – Legal and Democratic Services

4.	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Non Executive decision - Corporate Director – Legal and Democratic Services
5.	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies)	Non Executive decision - Corporate Director – Legal and Democratic Services
6.	Any function relating to contaminated land	Non-executive decision (a) Executive Director of Place; and (b) any other Officer to such extent as may be provided in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
7.	The discharge of any function relating to the control of pollution or the management of air quality	Non-executive decision (a) Executive Director of Place; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
8.	The service of an abatement notice in respect of a statutory nuisance	Non-executive decision (a) Executive Director of Place; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
9.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Non-executive decision (a) Executive Director of Place; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
10.	The inspection of the authority's area to detect any statutory nuisance	Non-executive decision (a) Executive Director of Place; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution

11.	The investigation of any complaint as to the existence of a statutory nuisance	Non-executive decision (a) Executive Director of Place; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive decision (a) Executive Director – Place; (b) Corporate Director – Legal and Democratic Services; and (c) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
13.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Non-executive decision (a) Executive Director – Place; (b) Corporate Director – Legal and Democratic Services; and (c) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
14.	The making of agreements for the execution of highways works	Non-executive decision (a) Executive Director – Place; (b) Corporate Director – Legal and Democratic Services; and (c) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
15.	The appointment of any individual— (a) to any office other than an office in which he is employed by the authority; (b) to any body other than— (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body,	Non- executive decision (a) Full Council, and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution

	and the revocation of any such appointment.	
16.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Non-executive Decision (a) Full Council; and (b) any Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.
17.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of Schedule 2 Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Non-executive decision (a) Harbours Committee to the extent as provided for in its functions, (b) Full Council to such extent as it does not fall within the functions of the Harbours Committee; and (c) any Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.

No.	Power	Related Operational Requirements
	RESPONSIBILITY FOR EXECUTIVE FUNCTIONS	The discharge of executive functions is subject to various notification and call in provisions as set out in the Overview and Scrutiny Procedure Rules – Part 2 of the Constitution.
A.	LEADER	
1.	Power at any time to discharge any matter arising from any executive function, including in particular the following:	
	1. to determine and alter the arrangements for the discharge of any executive function;	The Leader will maintain a list setting out arrangements for the discharge of executive functions. This list will form part of the Constitution. Further details in relation to this can be found in Article 6 - The Executive– Part 1 of the Constitution. Executive functions delegated to Officers can also be found in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.

	RESPONSIBILITY FOR COUNCIL FUNCTIONS (NON-EXECUTIVE)	
	General matters relating to application of provisions	<ul style="list-style-type: none"> (a) The Officer Scheme of Delegations – Part 3(ii) contains details as to the extent that such functions have also been delegated to Officers. (b) The Proper Officer is responsible for maintaining an up to date list of various other arrangements relating to certain Council functions including in relation to Sub-Committees. Further information on this can be found in Article 8 - Committees and Boards – Part 1 of the Constitution.
	Interpretation issues relating to functions	<ul style="list-style-type: none"> (a) Where a function of a Committee or Board involves the making of a determination then the function shall be interpreted as including power to make any incidental and ancillary decision (including on any procedural issue and all matters identified in regulations 2 to 4 (inclusive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)) of relevance to that function. (b) References to a policy shall be deemed to include reference to a protocol, scheme, strategy and / or plan. (c) Unless the law or a requirement in the Articles – Part 1 of the Constitution provides otherwise any Committee or Board: <ul style="list-style-type: none"> (i) that can have a Sub-Committee can delegate and/or refer any of its powers to such a Sub-Committee; and. (ii) Can delegate and/or refer any of its powers to an Officer.

					<p>(d) Where more than one Committee, Board and/or an Officer has a delegated power or a power of recommendation then each may exercise that power independently from and without reference to any other body / person.</p> <p>(e) Where a determination will require financial expenditure then the Committee or Board should normally seek the agreement of the relevant budget holder prior to making any decision or if no such budget exists then with the Section 151 Officer.</p>
	COMMITTEES AND BOARDS	FUNCTIONS			
No.			DELEGATIONS	No.	POWER TO RECOMMEND
1.	Appeals Committee	1.	<p>To determine any appeal and/or review against a decision made by or on behalf of the Council or for which the Council is required to provide arrangements for an appeal/review body that includes Members. However, this only applies in the following circumstances:</p> <p>(a) a right of appeal/review exists by virtue of legislative provision and/or an extant policy of the Council;</p> <p>(b) the appeal/review does not relate to a personnel issue concerning an Officer; and</p> <p>(c) the appeal/review does not relate to a matter within the functions of the Strategic Planning Committee, Area Planning Committee, Licensing Committee and/or in respect of which the Constitution provides should be dealt with elsewhere.</p>		

		2.	<p>To determine:</p> <ul style="list-style-type: none"> (a) any application for discharge from mental health guardianship; (b) any application / request for revocation relating to any parking concession concerning a disabled person where there is any suggestion of misuse; and (c) any financial assessment dispute relating to residential and/or nursing home accommodation being provided to a person where the Council is responsible for funding all or part of that person's care. 		
2.	Area Planning Committee	1.	<p>Within the identified area of the Area Planning Committee, to exercise all powers of the Council directly or indirectly relating to the exercise of those functions set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (including for the avoidance of doubt the determination of any application (including any application for reserved matters and/or technical details consent) and/or enforcement issue). However, this does not include making a determination of any matter that in the opinion of the Executive Director of Place (and any other Officer as that Executive Director may nominate) falls within the remit of the Strategic Planning Committee.</p>	A.	<p>To make recommendations on any matter directly or indirectly relating to any highway wholly or partly within the area of the Area Planning Committee (including for the avoidance of doubt any order) for which an Area Planning Committee does not have the power to make a determination.</p>

		2.	Within the identified area of the Area Planning Committee, to exercise all powers of the Council (including for the avoidance of doubt the determination of any application and/or enforcement issue) directly or indirectly relating to the exercise of those functions set out in Part 1 of Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).		
		3.	Within the identified area of the Area Planning Committee, to exercise all powers of the Council not expressly reserved to Full Council identified in Part 2 of Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) that concern any functions of the Council directly or indirectly relating to the following: (a) any tree; (b) any hedge; and/or (c) any hedgerow, (including for the avoidance of doubt the making and/or confirming of any orders and the determination of any complaints).		
		4.	To determine any application and/or any other matter identified in: (a) any extant Town and Country Planning General Permitted Development Order; and/or		

			(b) any extant Town and Country Planning General Management Procedure Order, that falls within the identified area of the Area Planning Committee. However, this does not include any matter that crosses the boundary of an Area Planning Committee.		
		5.	To determine a response relating to any town and country planning matter arising in relation to Crown land. However, this does not include any matter that crosses the boundary of more than one Area Planning Committee.		
3.	Audit and Governance Committee	1.	To determine any response to the Annual Internal Report and opinion.	A.	In relation to Internal Audit, to make recommendations on: (a) its terms of reference; (b) the proposed and actual Internal Audit coverage and whether this provides adequate assurance on the main business risks; (c) cooperation arrangements between Internal Audit, External Audit and any other review bodies; and (d) whether there is sufficient funding to fulfil internal audit requirements including preparation of an Internal Audit Strategy.
		2.	To determine whether to accept (with or without modification) an annual report evaluating the adequacy of the application	B.	In relation to External Audit to: (a) make recommendations on the proposed and actual External Audit coverage and its adequacy;

			of the Council's Annual Governance Statement.		(b) make recommendations arising from the External Auditor's report on the audit of the annual financial statements; and (c) receive updates from External Audit on External Audit findings, opinions and adequacy of management response to External Audit advice, recommendations and action plans and make recommendations in relation to them.
		3.	To determine whether to accept (with or without modification) the annual Statement of Accounts including any subsequent amendments.	C.	To make recommendations on the adequacy of arrangements for identifying and managing the Council's business risk including the Council's risk management policy and strategy and the implementation of both.
		4.	To determine any matter referred to it by or on behalf of the Monitoring Officer in relation to any complaint concerning an alleged breach of a Member Code of Conduct (including in relation to any parish or town council), Protocol for Member and Officer Relations and/or any other code or protocol relating to Members and/or co-opted persons including any appointed representatives of external bodies.	D.	To make recommendations on the robustness of the strategic risk register and the adequacy of associated risk management arrangements.
		5.	To determine whether to grant a dispensation to any Member, co-opted person including any appointed	E.	To review reports on the risk environment and associated management action and make recommendations in relation to them.

			<p>representatives of external bodies arising in relation to:</p> <ul style="list-style-type: none"> (a) any code of conduct; (b) any provision of the Localism Act 2011; and/or (c) any conflict of interest. 		
		6.	To determine procedures associated with the appointment of any independent remuneration panel.	F.	<p>In relation to internal control arrangements to make recommendations on:</p> <ul style="list-style-type: none"> (a) the Statement of Internal Control, including the procedures followed for its completion and supporting documentation; (b) the effectiveness of internal controls across the Council and the adequacy of action take to address any weaknesses; (c) the Council's Anti-Fraud and Corruption Policy and Strategy and the effectiveness of its application; and (d) the adequacy of arrangements to deal with situations of suspected or actual fraud and corruption.
				G.	In relation to Corporate Governance to make recommendations on the adequacy of the corporate governance strategy, any improvement action plan and any updates on improvement actions.
				H.	To make recommendations on any matter arising from:

					<ul style="list-style-type: none"> (a) the audit of the Council's accounts, including any auditor's opinion on the accounts; and (b) any issues considered as part of any powers for which the Audit and Governance Committee have delegated power.
				I.	To make recommendations on any findings / reports produced by the Local Government Ombudsman including in relation to any compensation payment.
				J.	To make recommendations on: <ul style="list-style-type: none"> (a) the operation of the Members' Code of Conduct; (b) the promotion and maintenance of high standards of conduct by Members and co-opted persons; (c) any consultations relating to principles of conduct; (d) any code of practice relating to Members appointment to an external body; and (e) general advice to Members and co-opted persons regarding disclosure of interests and granting dispensations.
4.	Harbours Committee	1.	To exercise all functions of the Council as a harbour authority that relate to any matter concerning issues of administration, harbour operations and/or the management of Lyme Regis, Bridport and Weymouth harbours and associated harbour land (the terms "harbour		

			<p>authority”, “harbour authority” and “harbour land” all being as defined in section 57 Harbours Act 1964). This power includes power to determine income and expenditure matters relating to the harbours and harbour land in respect of which the Harbours Committee has functions. However:</p> <p>(a) in the case of income, only in relation to such matters as Full Council has expressly resolved may be determined by the Harbours Committee; and</p> <p>(b) in the case of expenditure, only to the extent that such expenditure is within such budget as may be allocated to the Harbours Committee.</p>		
5.	Health and Wellbeing Board	1.	<p>To formulate, approve (with or without modification), implement and review as necessary:</p> <p>(a) the joint strategic needs assessment;</p> <p>(b) all joint health and wellbeing strategies;</p> <p>(c) any pharmaceutical needs assessment; and</p> <p>(d) the Better Care Fund.</p>	A.	<p>To make recommendations in relation to any plan, strategy and/or policy that has health and /or wellbeing implications adopted for the whole or any part of the Council’s area including any:</p> <p>(a) Clinical Commissioning Group strategy;</p> <p>(b) local transformation plan relating to children and young people’s mental health and wellbeing; and</p> <p>(c) prevention at scale and integrated community services / primary care elements of the Sustainability and Transformation Plan.</p>

		2.	To provide advice, assistance and such other support as the Health and Wellbeing Board considers appropriate to encourage the making of arrangements in connection with the provision of services between such health bodies as identified in any relevant legislation.	B.	To make recommendations on outcome and investment priorities for any groups that report to the Health and Wellbeing Board.
				C.	To make recommendations to encourage improved integrated working between health and social care commissioners and any others providing and/or responsible for health related services in the Council area including the Health and Wellbeing Board.
				D.	To make recommendations on ways to ensure that patient / service user voice, including any hard to reach groups, is intrinsic to the commissioning cycle and any commissioning decisions.
				E.	To make recommendations on how to tackle health inequalities in Dorset.
				F.	To make recommendations if and when required as to how the Council and other relevant health bodies can better meet their obligations to have regard to any joint needs assessment or health and wellbeing strategy produced by the Health and Wellbeing Board.
6.	Licensing Committee	1.	To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part B of Schedule 1 of the Local Authorities	A.	To make recommendations on any policy matter relating to any function delegated to the Licensing Committee but for which the Licensing Committee does not have a power of determination.

			<p>(Functions and Responsibilities) (England) Regulations 2000 (as amended) including (for the avoidance of doubt) the determination of any application, suspension or revocation. However, this does not include the exercise of any powers for the purpose of:</p> <ul style="list-style-type: none"> (a) any matter relating to the registration of common land including the variation of rights of common; (b) any matter relating to the registration of any town or village green; and/or (c) a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution. 		
		2.	<p>To exercise all powers of the Council that are non-executive arising pursuant to the Licensing Act 2003. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.</p>		
		3.	<p>To exercise all powers of the Council that are non-executive arising pursuant to the Gambling Act 2005. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.</p>		

		4.	To determine any matter relating to any function of the Council referred to the Licensing Committee for determination but which is not itself a licensing function (as defined by the Licensing Act 2003).		
		5.	To exercise all non-executive functions of the Council arising in relation to the licensing (including for the avoidance of doubt the determination of any application) and enforcement of the manufacture and/or storage of explosives.		
7.	Overview and Scrutiny Committees	1.	Each Overview and Scrutiny Committee can exercise all delegated functions given to an Overview and Scrutiny Committee by any legislation, including in particular those identified in Chapter 2 Local Government Act 2000. However, only the Overview and Scrutiny Committee with primary responsibility for place shall exercise such powers in relation to any education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive. Certain Overview and Scrutiny Committees may also be able to exercise additional powers (if any) to the extent identified in this section of Part 3 of the Constitution.	A.	Each Overview and Scrutiny Committee can exercise all powers of recommendation given to an Overview and Scrutiny Committee by any legislation, including in particular those identified in Chapter 2 Local Government Act 2000. However, only the Overview and Scrutiny Committee with primary responsibility for place shall exercise such powers in relation to any education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive. Certain Overview and Scrutiny Committees may also be able to exercise additional powers (if any) to the extent identified in this section of Part 3 of the Constitution.
		2.	The Overview and Scrutiny Committee with primary responsibility for place shall be the Council's Crime and Disorder	B.	The Overview and Scrutiny Committee with primary responsibility for place shall be the Council's Crime and Disorder

			Committee can exercise any additional delegated functions of a Crime and Disorder Committee provided for in any legislation including the Police and Justice Act 2006 and its relevant regulations.		Committee and can exercise any additional powers of recommendation available to a Crime and Disorder Committee provided for in the Police and Justice Act 2006 and its relevant regulations.
		3.	The Overview and Scrutiny Committee with primary responsibility for health can exercise any additional delegated powers relating to the review and scrutiny of the planning, provision and operation of the health service in the area of Council given to an Overview and Scrutiny Committee appointed for this purpose by the National Health Service Act 2006 and its relevant regulations.	C.	The Overview and Scrutiny Committee with primary responsibility for health can exercise any additional powers of recommendation relating to the review and scrutiny of the planning, provision and operation of the health service in the area of Council given to an Overview and Scrutiny Committee appointed for this purpose by the National Health Service Act 2006 and its relevant regulations.
8.	Pension Fund Committee	1.	To exercise all powers of the Council that relate to any pension scheme for which the Council is the administering authority, including for the avoidance of doubt all powers directly or indirectly relating to the exercise of those functions set out in Part H of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)		
9.	Staffing Committee	1.	To determine the appointment of any Officer post as may be provided for in accordance with any relevant policy of the Council.		
		2.	To determine the appointment process and recommend an appointee for the		

			posts of Head of Paid Service, Monitoring Officer and Section 151 Officer.		
		3.	To determine: (a) any actual or potential disciplinary and/or dismissal process relating to the Head of Paid Service, Section 151 Officer, Monitoring Officer; (b) any actual or potential disciplinary and/or dismissal process relating to such other Officers as may be identified in any relevant policy of the Council as being for determination by a Committee; and (c) any disciplinary matter relating to an Officer and/or whether an Officer should be dismissed but only to such extent as the law allows and is provided for in any relevant policy of the Council.		
		4.	To determine any appeal against a decision relating to the cessation of employment of any Officer where such an appeal is required to be undertaken by a Committee in any relevant policy of the Council.		
		5	To determine any issue arising in relation to any potential or actual cessation of employment of any Officer including: (a) whether an Officer post should be regarded as redundant, no longer required in the interests of the efficient exercise of the Council's functions or otherwise;		

			<ul style="list-style-type: none"> (b) whether to agree to any request for voluntary redundancy; (c) whether to grant, and the amount of, any discretionary compensation, additional pension or any other discretionary payment that may be available; and (d) the terms of any agreement relating to any cessation of employment. 		
10.	Strategic Planning Committee	1.	<p>To exercise all powers of the Council directly or indirectly relating to the exercise of those functions set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (including for the avoidance of doubt the determination of any application (including any reserved matters application and/or an application for technical details consent) and/or enforcement issue) of relevance to the following:</p> <ul style="list-style-type: none"> (a) any matter involving energy production: <ul style="list-style-type: none"> (i) exceeding 5MW energy generation capacity; and/or (ii) with a site area exceeding 10 hectares; (b) any matter that crosses the boundary applicable to any Planning Area Committee; (c) any matter involving infrastructure that in the opinion of the Executive 		

			<p>Director for Place (and any other Officer as that Executive Director may nominate) is primarily concerned with improving / changing the strategic infrastructure network; and/or</p> <p>(d) any matter that:</p> <p>(i) in the opinion of the Executive Director for Place (and any other Officer as that Executive Director may nominate) primarily relates to minerals and/or waste; and</p> <p>(ii) requires or has required an environmental impact assessment.</p>		
		2.	<p>To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) of relevance to the following:</p> <p>(a) the registration of common land including the variation of rights of common; and/or</p> <p>(b) the registration of any town or village green.</p>		
		3.	<p>To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part I of</p>		

			Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) of relevance to the protection of common land and/or any town or village green (whether registered or unclaimed) including for the avoidance of doubt the authorising of any enforcement action and/or proceedings.		
		4.	To determine any matter directly or indirectly relating to any register that the Council is required to compile and/or maintain in connection with any of its town and country planning functions.		
		5.	To determine a response relating to any town and country planning matter arising in relation to Crown land that is not within the power of an Area Planning Committee.		
		6.	Power to: (a) make, amend, revoke and/or re-enact any byelaw relating to any street; and /or (b) to determine whether to take any enforcement action including any proceedings relating to any such byelaw.		

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CODE OF CONDUCT FOR COUNCILLORS

The Code of Conduct, as set out below, was adopted by Shadow Dorset Council with effect from 1 April 2019.

1. Introduction

- 1.1 Dorset Council has a duty to promote and maintain high standards of conduct by its councillors. This Code of Conduct sets out the conduct that is expected of councillors when carrying out Council business or representing the Council.
- 1.2 The Code of Conduct is to be interpreted in a way that is consistent with the following principles:

Selflessness	Councillors should act solely in terms of the public interest.
Integrity	Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Councillors should be truthful.
Leadership	Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. General Obligations

- 2.1. A Councillor must
- comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;
 - treat others with respect;
 - when using or authorising the use by others of the Council resources act in accordance with the Council's reasonable requirements;

- (d) take into account any relevant advice provided by the Chief Finance Officer; or Interim/Appointed Monitoring Officer, when reaching decisions on any matter
- (e) inform the Interim/Appointed Monitoring Officer of the receipt of any gifts and hospitality that they estimate has a value of more than £50 and the name of person providing the gift or hospitality.

2.2 A Councillor must not –

- (a) do anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- (e) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the Council's reasonable requirements;
- (f) prevent another person from gaining access to information to which that person is entitled by law; or
- (g) behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute;
- (h) use or attempt to use their position improperly to confer on or secure for them or any other person, an advantage or disadvantage; or
- (i) use the Council's resources improperly for political purposes (including party political purposes).

3. **Disclosable Pecuniary Interests**

3.1 A Councillor must register any disclosable pecuniary interest (see Appendix A) that they or their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests, when they know about them.

3.2 A Councillor must register any disclosable pecuniary interests with the Monitoring Officer within 28 days of:

- (a) being elected or appointed to office;
- (b) this Code of Conduct being adopted;
- (c) declaring an unregistered interest at a meeting of the Council; and
- (d) becoming aware of any new interests or changes in those interests

3.4 A Councillor who is aware or ought reasonably to be aware that they have a disclosable pecuniary interest in any business of the Council who attends a meeting of the Council at which that business is discussed, must disclose to the meeting the existence and nature of the interest at the beginning of the meeting or when it becomes apparent that they have such an interest. Where information about an interest has been agreed with the Monitoring Officer to be sensitive, the Councillor need only declare the existence of the interest.

3.5 A Councillor who has a disclosable pecuniary interest in any business of the Council must not take part in the consideration of that business and must withdraw from the room where the meeting is being held unless they have been granted a dispensation by the Monitoring Officer

4. **Sensitive interests**

Where you have an interest (whether or not it is a disclosable pecuniary interest) and the nature of the interest is such that you and the Monitoring Officer consider the disclosure could lead to you or a person connected with you being subject to violence or intimidation, special rules apply to registration of the interest. The elements of the Register of Interests that are in the public domain must not include details of the interest but will instead refer to the details being withheld in accordance with section 32 of the Localism Act. You need to disclose the interest at a meeting, but the disclosure is limited to a statement that you have a disclosable pecuniary interest which falls within an exemption in the Act without further details being given.

5. **Gifts and Hospitality**

The Council will maintain a public Register of Gifts and Hospitality to you and your party. This is for Gifts and Hospitality which exceed an estimated £50 in value at any one time. You are asked to keep this Register up to date by notifying (in writing) the Monitoring Officer within 28 days of any receipt of such a gift or hospitality so that this can be entered in the Register. Such matters are not included in the Regulations for disclosable pecuniary interests and therefore will not require a disclosure and withdrawal at a business meeting.

6. **Monitoring and review**

This Code will be kept under review by the Council.

APPENDIX A

Disclosable Pecuniary Interests

1. For the purposes of this Appendix

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act; and

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

2. The following are disclosable pecuniary interests.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)– (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or; (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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OFFICER CODE OF CONDUCT

1. Introduction

- 1.1 This Code together with the policies described in paragraph 3 set out the standards of conduct expected of all council employees ("Officers").
- 1.2 Officers should be aware that a failure to comply with this Code could result in disciplinary action in accordance with the Council's disciplinary policy

2. Officers' obligations

- 2.1 All Officers have a general obligation to maintain the Council's reputation and should not do anything to adversely affect this – whether in work or outside of work.
- 2.2 Officers are expected to:
 - (a) give the highest possible standard of service to the people of Dorset and to provide appropriate impartial advice. This applies whether the service is provided in person, over the phone, via email or any other method.
 - (b) be responsible for their own actions and behaviour and should seek to avoid any conduct that would lead any reasonable person to question their motivation or intentions.
 - (c) raise any concerns about service provision or practice which affect the integrity of the Council, including any fraud, bribery, corruption or other malpractice. Where appropriate, and where raising the concern is in the public interest, the Council's Whistle-blowing Policy should be followed.
 - (d) be politically neutral when advising Members or the Council.
 - (e) avoid inappropriate relationships with Members, Contractors or other Officers.
 - (f) treat everyone with the same professional standards regardless of gender, gender identity, age, marital or civil partnership status, colour, race, nationality or other ethnic or national origin, religion or belief, disability, sexual orientation, pregnancy or maternity, criminal background, trade union activity or political belief.
 - (g) in accordance with arrangements determined by the Council, declare any interest, outside employment or receipt of gifts or hospitality that would have to be declared by Members.
 - (h) avoid conflicts of interest between work for the Council and other employment and interests outside of work. This includes the not using of Council information, resources and intellectual property for personal gain or for the benefit others who might use it in such a way.
 - (i) use public funds in a responsible and lawful manner.
 - (j) to comply with the Supporting Policies where applicable.

3. FRAUD, CORRUPTION AND BRIBERY

3.1 The Council, the Head of Paid Service, Executive Directors and all Corporate Directors have a zero tolerance commitment to issues of bribery and corruption.

3.2 Officers should report to their line manager or any Executive Director any corrupt offer that is made to them. Officers should also inform their line manager of any situation that they identify which they consider could result in the Council, its Members or Officer being vulnerable to fraud, corruption or bribery.

4. SUPPORTING POLICIES AND PROCEDURES

List relevant policies

MEMBER COMPLAINT PROCESS (Article 9.02(a))

1. INTRODUCTION

- 1.1 The Localism Act 2011 requires the Council to adopt its own Code of Conduct and to agree procedures for dealing with alleged breaches of that Code of Conduct. The Code of Conduct sets out the general standards of behaviour that are expected of Councillors and also the arrangements for the registration and declaration of financial and other interests
- 1.2 Parish and Town Councils within the Council's area are also required to adopt their own Code of Conduct. The Localism Act 2011 requires any complaints about breaches of those Codes by Parish or Town Councillors to be dealt with under the Council's arrangements.
- 1.3 References to 'councillors' include elected members and co-opted members of the Council and Town and Parish Councils in its area.

2. MAKING A COMPLAINT

- 2.1 Complaints should be made in writing to the Monitoring Officer, using a form provided by him/her if possible.
- 2.2 Anonymous complaints will not be considered.
- 2.3 In the interests of fairness and natural justice, the Councillor who is the subject of the complaint will normally be told who has complained about them and the details of the complaint. There may be occasions where the complainant requests that their identity is withheld. Such a request will only be agreed in exceptional circumstances.

3. WHO WILL DEAL WITH THE COMPLAINT?

- 3.1 The Initial Assessment of any complaint will be dealt with, in the first instance, by the Monitoring Officer or in the event of a conflict of interest, by a deputy Monitoring Officer.
- 3.2 Any investigation under Stage 2, will be conducted by the Monitoring Officer or a person appointed by him. His/her investigation report will be considered by the Council's Standards (Hearing) Sub-Committee, who will also conduct any hearing under Stage 3.
- 3.3 The Independent Person will be able to attend any meetings held under stages 2 and 3 of the process.

5. HOW WILL ANY COMPLAINT BE DEALT WITH?

5.1 Stage 1 – Initial Assessment

The Monitoring Officer will consider the complaint, in consultation with the Independent Person. The Monitoring Officer will consider whether:

- (a) The complaint is about the conduct of a councillor or lay or co-opted member of the Council or a town or parish council within the Council's area;

- (b) the Councillor was a councillor at the time of the incident giving rise to the complaint;
 - (c) the Councillor was a councillor at the time of the complaint;
 - (d) the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.
- 5.2 If the complaint fails one or more of these tests, or if the Monitoring Officer in consultation with the Independent Person is satisfied that the complaint is immaterial, no further action will be taken.
- 5.3 Unless the complaint is about a failure to disclose a Disclosable Pecuniary Interest or other criminal behaviour, if the complaint satisfies the tests in paragraphs 5.1 or 5.2 the Monitoring Officer will prepare a report for the Standards (Assessment) Sub-Committee to consider. The Councillor, and if they are a Town or Parish Councillor, the relevant Town or Parish Clerk, will be informed of the receipt of the complaint and that a report is being prepared for the Standards (Assessment) Sub-Committee.
- 5.4 In considering the Monitoring Officer's report and assessing the complaint the Standards (Assessment) Sub-Committee will have regard to the criteria set out in Appendix A.
- 5.5 The Standards (Assessment) Sub-Committee may:
- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;
 - (b) seek an informal resolution (including, for example, an apology, or mediation);
or
 - (c) ask the Monitoring Officer to investigate the complaint.
- 5.6 A copy of the complaint and a summary of the Standards (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer.
- 5.7 **Stage 2 – Investigation**
- The person appointed by the Monitoring Officer will examine any available evidence of the alleged breach. They will usually interview the complainant, the councillor and, if appropriate any witnesses. They will prepare a report setting out:
- (a) the agreed facts;
 - (b) any facts which are not agreed and the conflicting evidence; and
 - (c) their conclusion on whether or not there has been a breach of the Code of Conduct.
- 5.8 **Stage 3 – Hearing**
- The Standards (Hearing) Sub-Committee will consider the report. It will reach a view on disputed facts and decide whether or not to accept the conclusion of the

Investigating Officer on the alleged breach of the Code of Conduct. The Sub-Committee may:

- (a) dismiss the complaint;
- (b) refer the complaint to the Monitoring Officer to seek an informal resolution;
- (c) hold a hearing of the Committee.

5.9 The hearing will be to make a final decision on whether or not a Councillor has breached the Code of Conduct and, if so, to decide whether any sanction should be imposed.

5.10 The hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. The Sub-Committee may resolve to exclude the public and press for any part of the hearing where confidential or exempt information is considered and will usually do so when coming to its decision. The Sub-Committee may decide:

- (a) to take no further action;
- (b) to seek an informal resolution between the complainant and the subject councillor (if agreed by both parties);
- (c) to censure the Councillor;
- (d) to recommend to the Councillor's Group Leader (or in the case of an ungrouped councillor recommend to Council) that the Councillor is removed from any Committees or Sub-Committees of the Council, either for a specified period or until the next Annual Meeting of the Council, when seats on Committees will next be allocated;
- (e) to instruct the Monitoring Officer to request the Councillor to attend training;
- (f) to recommend the Group Leader to remove the Councillor from all outside appointments to which they have been appointed or nominated by the Council;
- (g) to withdraw facilities provided to the Councillor by the Council, such as a computer and/or e-mail and internet access for a specified time;
- (h) to exclude, for a specified period of time, the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

APPENDIX A – ASSESSMENT CRITERIA

1 Initial Tests

- 1.1 The complaint is about the conduct of a councillor or lay or co-opted member of a council within the Council's area;
- 1.2 the Councillor was a councillor at the time of the incident giving rise to the complaint;
- 1.3 the Councillor was a councillor at the time of the complaint;
- 1.4 the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.

2 Sufficiency of information

- 2.1 Has the complainant provided sufficient information to allow the Sub-Committee assessing the complaint to understand the issues complained of? If insufficient information is provided, the Sub-Committee will not normally proceed with assessment of the complaint.

3 Seriousness of the Complaint

- 3.1 Does the complaint appear, on the available information, to be trivial, vexatious, malicious, politically motivated or 'tit for tat'?
- 3.2 Other than in particularly serious cases a complaint will not generally be referred for investigation if the Councillor has offered an apology, or if the Sub-Committee takes the view that the complaint can reasonably be addressed by other means.
- 3.3 Given the public interest in financial and other resources being used efficiently referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Sub-Committee to be appropriate.

4 Length of Time Elapsed

- 4.1 Except in exceptional circumstances a complaint will not be referred for investigation when it is made more than 20 working days from the date upon which the event giving rise to the complaint took place.

5 Multiple Complaints

- 5.1 A single event may give rise to similar complaints from a number of complainants. These will generally be treated as a single complaint with multiple complainants.

MEMBERS AND OFFICERS PROTOCOL

1. Introduction

- 1.1 The conduct of both Members and officers is governed by the Codes of Conduct detailed in Part 5 of the Council's Constitution. The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way that ensures that the Council runs smoothly.
- 1.2 The relationship between Members and Officers is based on the following principles:
- (a) the Council is a democratically-elected local authority delivering a range of services to the people of Dorset;
 - (b) the Council is a single entity;
 - (c) the separate functions of the Council are part of the Council as a corporate body;
 - (d) in everything they do, Members and officers of the Council must act within the law and comply with relevant codes of conduct;
 - (e) dealings between Members and officers are based on mutual trust and respect;
 - (f) the relationship must exist on a professional basis only so that the ability of an officer to deal impartially with Members or political groups cannot be questioned;
 - (g) officers should not approach Members on matters to do with employment matters except as agreed by the Head of Paid Service.
- 1.3 Officers and Members each have their own roles to play in the work of the Council and care should be taken to avoid one encroaching upon the other.

The role of Members

- (a) To provide the political direction and leadership of the Council. Members are accountable through the ballot box for their actions as Members.
- (b) As part of the controlling group to see that services are delivered by officers in accordance with the policies and plans approved by the Council.
- (c) To receive appropriate professional advice from officers and to have that advice recorded, so that all Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law.
- (d) To make reasonable comment and ask questions about the Council's decisions and performance both at formal meetings and informally. An officer's seniority and area of responsibility will determine what are reasonable comments and questions.

The role of Officers

- (a) To serve the whole Council as a single corporate body while recognising the differences between the Council's functions.
- (b) To provide wherever practicable, support to all Members in their representational role and act to uphold the rights of Members in law and under this Constitution.

- (c) To take decisions within their area of responsibility which have been delegated and/or nominated to them but recognising that, where functions have not been delegated/nominated to officers, it is the right of Members to take the final decisions in the light of officers' advice.
- (d) To provide factual, honest and objective advice. The advice and the actions officers take should be politically neutral and should serve the interests of the Council as a whole. Officers do not give advice on party political matters.

2. Officer advice to Members and Party Groups

- 2.1 For the proper functioning of the Council as a whole, officers will normally be permitted to share information freely between them.
- 2.2 Where the information has been given on the basis of party political confidentiality:
 - (a) officers will respect that confidentiality unless they believe that any action appears to be in conflict with the law, or would amount to an abuse of the processes of the Council and in those circumstances may share that information with other officers where they believe it to be necessary to check the legality, financial probity or procedural regularity of any action disclosed by that information.
 - (b) The request for party political confidentiality will be honoured by any officers with whom the information is shared.
- 2.3 Where party political confidentiality has been requested, officers may invite those Members requesting confidentiality to agree to the information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Council; however, in the absence of any such agreement to waive confidentiality, officers will continue to respect it.
- 2.4 Where there is a change in the controlling party, officers will act in relation to the new controlling party and opposition parties in the same way as they did for the old and will continue to respect any continuing party political confidentiality.
- 2.5 Officers are not required to attend political party group meetings. They will only do so by invitation, with the express authority of the Chief Executive, an Executive Director and/or a Corporate Director. The Chief Executive, Executive Director and/or Corporate Director will have the right to nominate other officers to attend at his sole discretion.
- 2.6 Where it is possible that persons other than Members will be present at a political party group meeting to which an officer has been invited, the Chief Executive, Executive Director and/or Corporate Director will be informed before the meeting, and s/he will take this into account in arriving at his/her decision.

3. Support services to Members and Party Groups

- 3.1 Support services and resources must only be used on Council business and should never be used in connection with any political or campaigning activity or for private purposes.

4. Members' access to information and to Council documents

- 4.1 Members have various statutory and common law rights to access information.

Members may ask the Chief Executive, an Executive Director and/or any Corporate Director or other officers nominated by them for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

- 4.2 A Member does not have a right to "a roving commission" to examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by Officer holding the document in question. In the event of dispute, the matter shall be determined by the Head of Paid Service, an Executive Director or a Corporate Director,
- 4.3 In addition to the above a Member may request information under the Freedom of Information Act 2000, and various other legislative provisions including the Local Government Acts of 1972 and 2000 provide a statutory right of access to documents. Any document which is in the Council's possession and contains material relating to any business to be transacted at a meeting of the Council, a Committee or Sub Committee is to be open to inspection by any Member. However, there is no right of inspection where it appears to the Chief Executive that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rules.
- 4.4 The Code of Conduct limits the ability of a Member to disclose confidential information. Further information of rights of access can be found in the Access to Information Procedure Rules – Part 2 of the Constitution.

5. **Correspondence**

- 5.1 Openness and transparency should underpin the work of the Council. Accordingly, blind copies ie correspondence where some of the intended recipients are deliberately hidden from others, should not be sent.
- 5.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (eg, representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

6. **Involvement of Ward Members**

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should normally, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be normally be notified at the outset of the exercise.

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PROTOCOL FOR MEMBERS AND OFFICERS ON PLANNING PROCEDURES

1. Introduction

- 1.1. Public confidence in the planning system, whether that is determining planning applications or taking enforcement action against breaches of planning control, is essential to the acceptance of the restrictions which it imposes upon individuals, and that confidence can only be achieved if Members and officers not only act, but are seen to act in a manner which is fair, impartial and in the general public interest of the area as a whole.
- 1.2. Determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that decision makers will act reasonably and fairly. Procedural unfairness can leave planning decisions vulnerable to legal challenge in the High Court.
- 1.3. This Code applies to every Member irrespective of whether or not he or she is a member of the Planning Committee and to all Officers. It is supplemental to the Members' Code of Conduct.

2. Pre-determination

- 2.1. Since any planning matter must be determined on its merits, taking into account all material planning considerations, Members must not make up their minds on a planning issue before they all have all the relevant information. Decisions can only be taken after full consideration of the officer's report and information and discussion at the Planning Committee meeting. This does not mean that Members cannot hold strong views about an application.
- 2.2. However, if a Councillor fully commits him- or her-self to a particular view on a planning application, such that their mind is no longer open to the consideration of the merits of the case, that Councillor should not take part in the debate or vote on an application.

3 Pre-application discussions

- 3.1 Members have an important part to play in community engagement. Members who take part in pre-application discussions either with applicants or objectors need to be aware of the:
 - (a) need to remain impartial;
 - (b) danger of giving inconsistent or inappropriate advice particularly when not all the facts are known so advice should be limited to matters of process;
 - (c) need for an officer to be present during any such discussions where practicable; and
 - (d) the fact that they are not negotiators.

- 3.2 On the basis of “no surprises” where potential issues are brought to Members’ attention during any pre-application discussion at which it was not practicable for an Officer to be present they should alert Officers to the issue as soon as possible and not leave it to the Planning Committee meeting.

4 Lobbying of Members

- 4.1 Lobbying, whether by applicants, objectors or those in support of an application, is a normal part of the political process and can take the form of meetings, both private and public, formal presentations or correspondence. It is an essential part of the process that local concerns can be expressed. However, care must be taken to ensure that lobbying does not call into question the integrity and fairness of the planning process or an individual Councillor. When lobbied, members of the Planning Committee should take care about expressing an opinion which could be taken as an indication that they have already made up their mind on the issue and are no longer open to consideration of the merits of the application. Instead they should give procedural advice including suggesting that contact is made with the case officer.
- 4.2 If Members do express an opinion, care should be taken to state that this is a preliminary view only and the final decision will be reached when all the facts are available at the Planning Committee meeting.
- 4.3 Any written or electronic correspondence received should be passed by the Member who is main addressee (if the e-mail is addressed to all members of the Planning Committee, this will be the Chairman of the Planning Committee) immediately to the case officer for recording on the file and for communication to all Planning Committee members.
- 4.4 Members of the Planning Committee should take care when attending meetings in connection with development proposals or submitted planning applications unless such meetings have been arranged as Councillor briefings as part of the formal process. Members should take advice from the Monitoring Officer before deciding whether to attend meetings that appear to have been organised for lobbying purposes.
- 4.5 Members of the Planning Committee consider whether any contact with an applicant, objector or landowner is significant, and if so, disclose such contact prior to any decision being taken on the application. This should be formally recorded in the record of the Planning Committee meeting.

5 Lobbying by Members

- 5.1 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 Planning Committee. Officers should make a note on the file of any such discussions.

- 5.2 Ward Members who are not members of the Planning Committee can make representations on planning applications in their Ward and may attend meetings of the Planning Committee and, with the Chairman of Planning Committee's agreement, can address the Planning Committee on such applications in accordance with the protocol on public speaking at Planning Committee meetings. Any representations or address should relate to the planning merits of a planning application. This will not apply if the Councillor is also a Parish/Town Councillor and the Parish/Town Council is the applicant.
- 5.3 When making representations on behalf of their constituents, Members should make it clear that it is their constituents' views and not their own that are being expressed. Furthermore, any representations on behalf of constituents must be expressed in such a way that no individual or group feels that they have been unfairly represented.
- 5.4 Members should avoid lobbying Planning Committee Members and exerting of undue pressure on planning officers for a particular recommendation.

6 Membership of another local authority

- 6.1. A Councillor who is also a member of another tier of local government should have regard to the guidance on interests in this Code. If in doubt about the nature of their interest, Members are recommended to seek further advice from the Monitoring Officer.
- 6.2. Members of the Planning Committee who are also members of another tier of local government should adopt the practice of making it clear, when they participate in a debate on development proposals at a Parish/Town meeting, that the views they express are based upon information before them at that time, and might change in the light of further information at the Council's Planning Committee Meeting.

7 Political group meetings

- 7.1 Given that the point at which a decision on a planning application is made cannot be before the Planning Committee meeting when all available information will be to hand and has been duly considered, any political group meeting prior to the meeting of the Planning Committee should not be used to decide how Members should vote. Furthermore, the Ombudsman takes the view that the use of political whips at group meetings in this way may be considered as maladministration.

8 Scheme of delegation

- 8.1 The detail of the Scheme of Delegation is set out in Part 3 of the Constitution.

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

- 8.2 Applications submitted by the Council or made by any person in respect of Council-owned land will be determined by the Planning Committee.

Applications by Members and Officers

- 8.3 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:
- (a) all such applications will be reported to and determined by the Planning Committee.
 - (b) while any application from a Member or Officer should usually be identified as part of the registration process, Members and Officers are encouraged to draw the fact that such an application has been submitted to the attention to both the Head of Service for Planning (or any other Officer nominated by him/her) in writing and also the relevant case officer within 21 days of the date of the application being submitted to help ensure its identification.
 - (c) where an application is submitted by someone other than a Member, but in relation to land or a building in which the Member has a registered legal interest (which for the purpose of this code means a legal interest registered at HM Land Registry in the name of the Member), the Member is also encouraged to provide such notification as identified above. Note that this is in addition to any duty the Member may have regarding the disclosure of any interest including any Disclosable Pecuniary Interest for the purposes of the Member Code of Conduct.
 - (d) any Member or Officer who submits a planning application must not take part in or seek to influence the decision-making process relating to that application.
 - (e) any Member or Officer who acts as an agent for people pursuing a planning matter with the Council must not take part in the decision making process for that proposal, nor seek in any way to influence it.

Reports to the Planning Committee

- 8.6 All planning applications to be determined by the Planning Committee will be the subject of a written report from the case officer. The report should aim to be as accurate as possible and include a summary of the substance of representations received, the relevant policies, identify any other material considerations, 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 will identify this and provide reasoned justification.

- 8.7 Officers may report additional information received after the publication of the Planning Committee report at the meeting.

9 **Decision-making**

The legal framework

- 9.1 The Town and Country Planning Act 1990 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 provisions of the development plan unless material considerations suggest otherwise.

Determination of applications contrary to Officer's advice

- 9.2 Decisions should be based on any written report prepared by Officers. However, Members are not obliged 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 and convincing planning-based reasons for doing so, with evidence to support those reasons whether they are reasons to refuse an application, or to grant planning permission as a departure from the development plan.
- 9.3 The mover of the motion must set out their reasons as part of the motion and if seconded, it may be appropriate for the Planning Committee to adjourn for a few minutes to allow Officers to consider the reasons. Where officers have doubts about the validity of the reasons given, then consideration should normally be given to the deferral of the application to the next meeting so that the reasons may be considered and tested further.
- 9.4 Before a vote is taken or consideration is given to deferral, the Chairman of the Planning Committee should ensure that the Officer is given the opportunity to explain the likely implications of any subsequent decision.
- 9.5 When Members decide to determine an application contrary to the Officer's recommendation, the minute will state the reasons for the decision and if those reasons are to be based on development plan policies, identifying the relevant policies and stating in what way the application supports or infringes those policies. A copy of the minute will be placed on the application file.

10 **Site visits**

- 10.1 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. Exceptionally, where the impact of the proposed development is difficult to visualise both from the submitted plans and other supporting

material a committee site visit may be agreed. The site visit will be carried out in accordance with arrangements that will ensure that it is conducted fairly and without risk of bias or predetermination.

11 Interests

Fundamental principle

- 11.1 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.

Declaration

- 11.2 Members should declare and register those interests identified in the Code of Conduct for Members. Members with a Disclosable Pecuniary Interest in a planning application or enforcement matter should not take part in any discussions about the application or matter and leave the room during any discussions.
- 11.3 Where a Councillor has a personal interest eg the applicant is a relative, friend or close associate or there has been previous personal dealings acrimonious or otherwise, they should think whether their involvement in the decision-making process would compromise the General Principles set out the Code of Conduct for Members. If it would they should not take part.
- 11.4 Officers who discover that they have an interest in a planning matter should, in addition to any requirement of the Officers' Code of Conduct, 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 application.

Monitoring Officer to advise.

- 11.5 Members and Officers who are unsure whether to declare an interest should seek advice from the Monitoring Officer, before the Planning Committee meeting, although the final decision whether to make a declaration and/or to withdraw from the meeting will always be one for the individual.

12 Councillor training

- 12.1 Town and Country Planning is a specialised 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. The Council will provide training that all members of the Planning Committee must undertake before taking part in any Planning Committee meetings. Members have a responsibility to ensure that they

understand the fundamental principles and keep up-to-date with developments.

- 12.2 Training will be arranged for Members when there is a change in the composition of the Planning Committee or when there are material changes in legislation, policy guidance or practice.

13 Officers' professional obligations

- 13.1 Many Planning Officers are Chartered Town Planners and are bound by the Code of Professional Conduct of the Royal Town Planning Institute (RTPI) which imposes certain professional obligations including conflicts of interest and continuing training. Breaches of that Code may be subject to disciplinary action by the RTPI.

14 Breach of this code

- 14.1 If anybody wishes to make an allegation that a Councillor has breached this Code, such allegation should be made to the Monitoring Officer.

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Shadow Dorset Council Overview and Scrutiny Committee

Subject	Decision Maker	Shadow Overview and Scrutiny Meeting Date	Consultation	Background Documents	Member/Officer Contact
TUPE – Progress To Date		3 December 2018, 9.30am			Lead Officer – Nicola Houwayek
Dorset Council Constitution	Shadow Executive Committee	3 December 2018, 9.30am			Lead Officer - Jonathan Mair
Programme Highlight Report, including SWAP Assurance Report Key Decision – No Public Access – Open	Shadow Executive Committee	3 December 2018, 9.30am			Lead Member – Leader of Shadow Dorset Council Lead Officer – Keith Cheesman, LGR Programme Director
Forward Plans/Work Programmes Key Decision – No Public Access – Open		3 December 2018, 9.30am			Lead Officer - Lee Ellis, Scrutiny Officer
Call To Account – Transfer of Assets To Town and Parish Councils		6 December 2018, 9.30am (Special Meeting)			Lead Officer - Lee Ellis, Scrutiny Officer
Readiness of Critical/Key Services		8 January 2018, 6.30pm			
Communications		8 January 2019, 6.30pm			
Programme Highlight Report, including SWAP Assurance Report Key Decision – No Public Access – Open	Shadow Executive Committee	8 January 2019, 6.30pm			Lead Member – Leader of Shadow Dorset Council Lead Officer – Keith Cheesman, LGR Programme Director
Forward Plans/Work Programmes		8 January 2019, 6.30pm			Lead Officer - Lee Ellis, Scrutiny Officer

Key Decision – No Public Access – Open					
Programme Highlight Report, including SWAP Assurance Report	Shadow Executive Committee	4 February 2019, 9.30am			Lead Member – Leader of Shadow Dorset Council Lead Officer – Keith Cheesman, LGR Programme Director
Key Decision – No Public Access – Open					
Forward Plans/Work Programmes		4 February 2019, 9.30am			Lead Officer - Lee Ellis, Scrutiny Officer
Key Decision – No Public Access – Open					
Transformation Road Map	Shadow Executive Committee	7 March 2019, 6.30pm			Lead Officer – Matt Prosser, Designate Chief Executive
Programme Highlight Report, including SWAP Assurance Report	Shadow Executive Committee	7 March 2019, 6.30pm			Lead Member – Leader of Shadow Dorset Council Lead officer – Keith Cheesman, LGR Programme Director
Key Decision – No Public Access – Open					
Forward Plans/Work Programmes		7 March 2019, 6.30pm			Lead Officer - Lee Ellis, Scrutiny Officer
Key Decision – No Public Access – Open					

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Shadow Dorset Council
Shadow Executive Committee - Forward Plan - December 2018

For the period 17 DECEMBER 2018 to 31 MARCH 2019
(publication date – 16 NOVEMBER 2018)

Explanatory Note:

This Forward Plan contains future items to be considered by the Shadow Executive Committee. It is published 28 days before the next meeting of the Committee. The plan includes items for the meeting including key decisions. Each item shows if it is 'open' to the public or to be considered in a private part of the meeting.

Definition of Key Decisions

Key decisions are defined in the Shadow Dorset Council's Constitution as decisions of the Shadow Executive Committee which are likely to -

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates (***Thresholds - Dorset County Council £500k and District and Borough Councils £100k***); or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority."

In determining the meaning of "*significant*" for these purposes the Shadow Council will have regard to any guidance issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000 Act. Officers will consult with lead members to determine significance and sensitivity.

Private/Exempt Items for Decision

Each item in the plan above marked as 'private' will refer to one of the following paragraphs.

- 1. Information relating to any individual.
- 2. Information which is likely to reveal the identity of an individual.
- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6. Information which reveals that the shadow council proposes:-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Subject / Decision	Decision Maker	Decision Due Date	Consultation	Background documents	Member / Officer Contact
Programme Highlight Report Key Decision - No Public Access - Open	Shadow Executive Committee	17 Dec 2018	<u>Consultees:</u> Members Services <u>Means of Consultation:</u> Task and Finish Groups Workshops Ongoing programme activity	None	Lead member - Leader of Shadow Dorset Council <i>Lead officer - Keith Cheesman, LGR Programme Director keith.cheesman@dorsetcc.gov.uk</i>
Risk Management Key Decision - No Public Access - Open	Shadow Executive Committee	17 Dec 2018	<u>Consultees:</u> Sovereign Councils Programme Board <u>Means of Consultation:</u> Meetings Correspondence	None	Lead member - Councillor Rebecca Knox <i>Lead officer - Matt Prosser, Chief Executive Designate matt.prosser@dorsetcouncil.gov.uk</i>
Forward Plan Key Decision - No Public Access - Open	Shadow Executive Committee	17 Dec 2018	<u>Consultees:</u> Shadow Executive Committee Dorset councils Programme Board <u>Means of Consultation:</u> Meetings	None	Lead member - Leader of Shadow Dorset Council <i>Lead officer - Lee Gallagher, Democratic Services Manager - Dorset County Council l.d.gallagher@dorsetcc.gov.uk</i>
Convergence Plan Key Decision - Yes Public Access - Open	Shadow Executive Committee	17 Dec 2018	<u>Consultees:</u> <u>Means of Consultation:</u>		Lead member - Councillor Rebecca Knox <i>Lead officer - Nicola Houwayek, HR Strategic Lead nicola.houwayek@dorsetcc.gov.uk</i>

<p>HR Consultation Programme with Trade Unions</p> <p>Key Decision - No Public Access - Open</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Programme Board Trade Unions</p> <p><u>Means of Consultation:</u> Meetings</p>	None	<p>Lead member - Councillor Peter Wharf</p> <p><i>Lead officer - Keith Cheesman, LGR Programme Director keith.cheesman@dorsetcc.gov.uk</i></p>
<p>Appointment of External Auditor and Creation of an Audit Committee meeting in June/July 2019</p> <p>Key Decision - No Public Access - Open</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Dorset Finance Officers Group</p> <p><u>Means of Consultation:</u> Meeting</p>	None	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i></p>
<p>Voluntary Redundancy Arrangements</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u></p> <p><u>Means of Consultation:</u></p>	None	<p>Lead member - Councillor Peter Wharf</p> <p><i>Lead officer - Nicola Houwayek, HR Strategic Lead nicola.houwayek@dorsetcc.gov.uk</i></p>
<p>Local Area Arrangements</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u></p> <p><u>Means of Consultation:</u></p>	None	<p>Lead member - Councillor Sherry Jespersen</p> <p><i>Lead officer - Stephen Hill, Strategic Director, Dorset Councils Partnership shill@dorset.gov.uk</i></p>
<p>Draft Statement of Common Ground between Dorset local planning authorities, on strategic planning matters</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Strategic Planning Forum</p> <p><u>Means of Consultation:</u> Meeting held on 17 September 2018</p>	Draft Statement of Common Ground National Planning Policy Framework 2018	<p>Lead member - Councillor David Walsh</p> <p><i>Lead officer - Stephen Hill, Strategic Director, Dorset Councils Partnership shill@dorset.gov.uk</i></p>

<p>Highways Asset Management Plan</p> <p>Key Decision - Yes Public Access - Open</p> <p>(Consultation referred from Dorset County Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Highways Maintenance Management Policy Development Panel of the Economic Growth Overview and Scrutiny Committee at Dorset County Council</p> <p><u>Means of Consultation:</u></p>	Highways Asset Management Plan	<p>Lead member - Councillor Daryl Turner</p> <p><i>Lead officer - Debbie Ward, Chief Executive - Dorset County Council d.ward@dorsetcc.gov.uk</i></p>
<p>Highways Maintenance Plan</p> <p>Key Decision - Yes Public Access - Open</p> <p>(Consultation referred from Dorset County Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Highways Maintenance Management Policy Development Panel of the Economic Growth Overview and Scrutiny Committee at Dorset County Council</p> <p><u>Means of Consultation:</u></p>	Highways Maintenance Plan	<p>Lead member - Councillor Daryl Turner</p> <p><i>Lead officer - Debbie Ward, Chief Executive - Dorset County Council d.ward@dorsetcc.gov.uk</i></p>
<p>The Code of Practice for the Classification of Highway Safety Hazards and Defects</p> <p>Key Decision - Yes Public Access - Open</p> <p>(Consultation referred from Dorset County Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Highways Maintenance Management Policy Development Panel of the Economic Growth Overview and Scrutiny Committee at Dorset County Council</p> <p><u>Means of Consultation:</u></p>	Code of Practice for the Classification of Highway Safety Hazards and Defects	<p>Lead member - Councillor Daryl Turner</p> <p><i>Lead officer - Debbie Ward, Chief Executive - Dorset County Council d.ward@dorsetcc.gov.uk</i></p>
<p>Highways Winter Maintenance Plan</p> <p>Key Decision - Yes Public Access - Open</p> <p>(Consultation referred from Dorset County Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Highways Maintenance Management Policy Development Panel of the Economic Growth Overview and Scrutiny Committee at Dorset County Council</p> <p><u>Means of Consultation:</u></p>	Winter Maintenance Plan	<p>Lead member - Councillor Daryl Turner</p> <p><i>Lead officer - Debbie Ward, Chief Executive - Dorset County Council d.ward@dorsetcc.gov.uk</i></p>

<p>Delegation of powers to Bournemouth Borough Council to enable them to decide a planning application for the development of a new road junction and associated works on the A338 Wessex Way to provide a link to the Wessex Fields Business Park and Royal Bournemouth Hospital</p> <p>Key Decision - No Public Access - Open</p> <p>(Decision referred from Dorset County Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u> Regulatory Committee – Dorset County Council</p> <p><u>Means of Consultation:</u> Meeting on 6 December 2018</p>	Regulatory Committee report	<p>Lead member - Councillor Daryl Turner</p> <p><i>Lead officer - Debbie Ward, Chief Executive - Dorset County Council d.ward@dorsetcc.gov.uk</i></p>
<p>North Quay - To review the various options for disposal and related financial implications</p> <p>Key Decision - Yes Public Access - Part exempt</p> <p>(Consultation referred by Bournemouth and Portland Borough Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u></p> <p><u>Means of Consultation:</u></p>	None	<p>Lead member - Councillor Jeff Cant</p> <p><i>Lead officer - Matt Prosser, Chief Executive Designate matt.prosser@dorsetcouncil.gov.uk</i></p>
<p>Changes to Special Educational Needs and Disability (SEND) Transport Policy</p> <p>Key Decision - Yes Public Access - Fully exempt</p> <p>(Consultation referred from Dorset County Council)</p>	Shadow Executive Committee	17 Dec 2018	<p><u>Consultees:</u></p> <p><u>Means of Consultation:</u></p>	None	<p>Lead member - Councillor Andrew Parry</p> <p><i>Lead officer - Nick Jarman, Interim Director for Children's Services nick.w.jarman@dorsetcc.gov.uk</i></p>
<p>Budget 2019/20 and Medium Term Financial Forecast - Update</p> <p>Key Decision - No Public Access - Open</p>	Shadow Executive Committee	7 Jan 2019	<p><u>Consultees:</u> Budget Task and Finish Group</p> <p><u>Means of Consultation:</u> Meetings</p>	None	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer</i></p>

					<i>jvaughan@dorset.gov.uk</i>
Council Tax Discounts, Long Term Empty Charges Key Decision - Yes Public Access - Open	Shadow Executive Committee	7 Jan 2019	<u>Consultees:</u> Budget Task and Finish Group <u>Means of Consultation:</u> Meetings	None	Lead member - Councillor Tony Ferrari <i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i>
Business Rates Relief Key Decision - Yes Public Access - Open	Shadow Executive Committee	7 Jan 2019	<u>Consultees:</u> Budget Task and Finish Group <u>Means of Consultation:</u> Meetings	None	Lead member - Councillor Tony Ferrari <i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i>
Insurance Arrangements Key Decision - Yes Public Access - Open	Shadow Executive Committee	7 Jan 2019	<u>Consultees:</u> Budget Task and Finish Group <u>Means of Consultation:</u> Meetings	None	Lead member - Councillor Tony Ferrari <i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i>
Constitution - Dorset Council Key Decision - Yes Public Access - Open	Shadow Executive Committee Shadow Dorset Council	14 Jan 2019 24 Jan 2019	<u>Consultees:</u> Governance Task and Finish Group Monitoring Officers Group <u>Means of Consultation:</u> Meetings	None	Lead member - Councillor Spencer Flower <i>Lead officer - Jonathan Mair, Interim Monitoring Officer j.e.mair@dorsetcc.gov.uk</i>
Councillor and Democratic Arrangements Key Decision - Yes Public Access - Open	Shadow Executive Committee	14 Jan 2019	<u>Consultees:</u> Governance Task and Finish Group Monitoring Officers Group <u>Means of Consultation:</u> Meetings	None	Lead member - Councillor Spencer Flower <i>Lead officer - Jonathan Mair, Interim Monitoring Officer j.e.mair@dorsetcc.gov.uk</i>

<p>Transition Period Plan (operating arrangements and interim transition)</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee	14 Jan 2019	<p><u>Consultees:</u> Governance Task and Finish Group</p> <p><u>Means of Consultation:</u> Meetings</p>	None	<p>Lead member - Leader of Shadow Dorset Council</p> <p><i>Lead officer - Keith Cheesman, LGR Programme Director keith.cheesman@dorsetcc.gov.uk</i></p>
<p>Weymouth Town Council</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee	14 Jan 2019	<p><u>Consultees:</u> None</p> <p><u>Means of Consultation:</u> None</p>	None	<p>Lead member - Leader of Shadow Dorset Council</p> <p><i>Lead officer - Keith Cheesman, LGR Programme Director keith.cheesman@dorsetcc.gov.uk</i></p>
<p>Equalities Scheme</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee	14 Jan 2019	<p><u>Consultees:</u> Equalities Working Group Lead members Lead officers</p> <p><u>Means of Consultation:</u> Meetings</p>	None	<p>Lead member - Councillor Peter Wharf</p> <p><i>Lead officer - Matt Prosser, Chief Executive Designate matt.prosser@dorsetcouncil.gov.uk</i></p>
<p>Members Allowances Scheme 2019/2020</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Dorset Council	24 Jan 2019	<p><u>Consultees:</u> Independent Remuneration Panel Governance Task and Finish Group Monitoring Officers Group</p> <p><u>Means of Consultation:</u> Meetings</p>	None	<p>Lead member - Councillor Spencer Flower</p> <p><i>Lead officer - Jonathan Mair, Interim Monitoring Officer j.e.mair@dorsetcc.gov.uk</i></p>
<p>Corporate Plan</p> <p>Key Decision - Yes Public Access - Open</p>	Shadow Executive Committee Shadow Dorset Council	11 Feb 2019 20 Feb 2019	<p><u>Consultees:</u> None</p> <p><u>Means of Consultation:</u> None</p>	None	<p>Lead member - Leader of Shadow Dorset Council</p> <p><i>Lead officer - Matt Prosser, Chief Executive Designate matt.prosser@dorsetcouncil.gov.uk</i></p>

<p>2019/2020 Budget</p> <p>Key Decision - Yes Public Access - Open</p>	<p>Shadow Executive Committee</p> <p>Shadow Dorset Council</p>	<p>11 Feb 2019</p> <p>20 Feb 2019</p>	<p><u>Consultees:</u> Public and Business Sector Councillors Budget Task and Finish Group Dorset Finance Officers Group</p> <p><u>Means of Consultation:</u> Meetings Public and Business Sector Consultation</p>	<p>None</p>	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i></p>
<p>Capital Strategy</p> <p>Key Decision - Yes Public Access - Open</p>	<p>Shadow Executive Committee</p>	<p>11 Feb 2019</p>	<p><u>Consultees:</u> Budget Task and Finish Group</p> <p><u>Means of Consultation:</u> Meetings</p>	<p>None</p>	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i></p>
<p>Treasury Management Strategy</p> <p>Key Decision - Yes Public Access - Open</p>	<p>Shadow Executive Committee</p>	<p>11 Feb 2019</p>	<p><u>Consultees:</u> Budget Task and Finish Group</p> <p><u>Means of Consultation:</u> Meetings</p>	<p>None</p>	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i></p>
<p>Local Council Tax Support Scheme</p> <p>Key Decision - Yes Public Access - Open</p>	<p>Shadow Executive Committee</p>	<p>11 Feb 2019</p>	<p><u>Consultees:</u> Budget Task and Finish Group</p> <p><u>Means of Consultation:</u> Meetings</p>	<p>None</p>	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i></p>
<p>Financial Regulations</p> <p>Key Decision - Yes Public Access - Open</p>	<p>Shadow Executive Committee</p>	<p>11 Feb 2019</p>	<p><u>Consultees:</u> Budget Task and Finish Group</p> <p><u>Means of Consultation:</u> Meetings</p>	<p>None</p>	<p>Lead member - Councillor Tony Ferrari</p> <p><i>Lead officer - Jason Vaughan, Interim Section 151 Officer jvaughan@dorset.gov.uk</i></p>

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