

# Shadow Dorset Council

Date of Meeting	3 December 2018
Lead Member	Spencer Flower, Chairman, Governance Working Group
Officer	Jonathan Mair, Interim Monitoring Officer
<b>Subject of Report</b>	<b>Dorset Council Constitution</b>
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"> <li>(a) a copy of the authority's standing orders for the time being;</li> <li>(b) a copy of the authority's code of conduct;</li> <li>(c) such information as the Secretary of State may direct; and</li> <li>(d) such other information (if any) as the authority considers appropriate</li> </ul> <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><b>Budget:</b></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><b>Risk Assessment:</b></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><b>Other Implications:</b></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>
<b>Recommendation</b>	<p>That the Committee:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>
<b>Reason for Recommendation</b>	To comply with the requirements of the local Government Act 2000.
<b>Appendices</b>	1. Draft Constitution
<b>Background Papers</b>	<ol style="list-style-type: none"> <li>1. Shadow Council Constitution (Shadow Council, Item 4, 7 June 2018)</li> <li>2. Overview of Work Being progressed by the Governance Working Group (Shadow Overview and Scrutiny Committee, Item 6, 7 November 2018)</li> </ol>
<b>Officer Contact</b>	<p>Name: Jonathan Mair          Tel: 01305 224181          Email: j.e.mair@dorsetcc.gov.uk</p>
<b>Date agreed by Lead Member</b>	

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.