

CONSTITUTION OF THE COUNCIL

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PART A

SUMMARY

AND

ARTICLES

CONSTITUTION OF THE COUNCIL

This Constitution sets out how West Dorset District 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's 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. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committee (Article 6)
- The Strategy Committee (Article 7)
- Quasi-judicial and other committees (Article 8)
- Standards (of Members) Complaints (Article 9)
- Area committees (Article 10)
- Joint 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)

How the Council operates

The Council is composed of 42 Members elected every four years. 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 Councillor appointed to be the Chairman of the Strategy Committee is also known as the Leader.

Strategic decisions

The Strategy Committee is the part of the Council which is responsible for most strategic decisions which have not been reserved to Full Council to decide. The Strategy Committee is made up of Members appointed by Full Council. Political balance requirements apply to the Strategy Committee in the same way and to the same extent as they apply to any other Committee of the Council. When Key Decisions are to be determined by the Strategy Committee these will normally be published on a Forward Plan, in so far as they can be anticipated. Formal meetings of the Strategy Committee are also open for the public to attend except where certain exempt or confidential 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 (as set out in Part 2- Article 4 of the Council). Such matters will usually be considered by the Strategy Committee in advance who will then make recommendations for Full Council to consider.

Overview and Scrutiny

The Council has a single sovereign Overview and Scrutiny Committee that supports the Council and also has entered into arrangements to create a further Joint Advisory Overview and Scrutiny Committee. The Overview and Scrutiny bodies play an important role in reviewing and scrutinising the Council's policies, budget and service delivery. The Overview and Scrutiny Committee may also be consulted by the Strategy Committee or the Council on forthcoming decisions and the development of policy. The Council operates a 'call-in' process in respect of various decisions by the Strategy Committee that normally enables certain decisions that have been made but not yet implemented to be called in for review. The call in process enables the Overview and Scrutiny Committee to usually make recommendations to the Strategy Committee regarding decisions that have been called in.

Other arrangements

In addition to the Strategy Committee and Overview and Scrutiny Committee, 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 functional responsibility.

In certain cases, in addition to the Joint Advisory Overview and Scrutiny Committee referred to above, the Council has entered into arrangements with other Councils to create joint / shared

opportunities for the performance and delivery of some of its functions and activities. These arrangements take a variety of forms including Joint Committees; further details of these joint arrangements can be found in the Articles – Part A of the Constitution. As part of these arrangements the Council has in particular entered into a partnership with two other Councils to enable the creation of a single Officer core.

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 Guides and Protocols – Part E of this 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 A of this 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;
- obtain a copy of the Constitution;
- attend formal meetings of the Council and its Committees and Sub-Committee except where exempt or confidential matters are being discussed;
- normally find out from the Forward Plan, what key decisions are to be discussed by the Strategy Committee or decided by the Strategy Committee or Officers, and when;
- ask questions, make statements, attend as a deputation and submit petitions at a Full Council meetings as provided for in the Council Procedure Rules – Part B of this 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 District 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 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

1.01 Powers of the Council

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

1.02 The Constitution

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

1.03 Purpose of the Constitution

The purpose of the Constitution is 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.

1.04 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 A.

Standing Orders

- 1.05 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 A, B and D shall also be construed as Standing Orders.

ARTICLE 2 – MEMBERS OF THE DISTRICT COUNCIL

2.01 Composition and eligibility

- (a) **Composition.** The district council comprises forty two (42) Members, otherwise called councillors. One or more Members will be elected by the voters of each ward into which the district is divided.
- (b) **Eligibility.** Generally speaking only registered voters of the district or those living or working in the district for an appropriate period of time will be eligible to hold office as a Member.

2.02 Election and terms of district councillors

Election and terms of office. The regular election of Members will be held on the first Thursday in May every four years beginning in 2003. 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.

2.03 Roles and functions of all district councillors

Key roles. All Members will:

- (a) collectively carry out relevant policy making at Full Council and carry out a number of strategic, scrutiny and / or governance functions;
- (b) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (d) balance different interests identified within the ward and represent the ward as a whole;
- (e) be involved in decision-making;
- (f) be available to represent the Council on other bodies; and
- (g) maintain the highest standards of conduct and ethics.

More specifically: Members will:

- (a) participate constructively in the good governance of the area;
- (b) develop and maintain a prominent position within the community which reflects the Member's position as a democratically elected representative of people within the ward;
- (c) contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery;

- (d) exercise his/her judgement in the best interests of the ward for which the Member was elected, and deal with constituents' enquiries and representations;
- (e) champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment; and
- (f) represent the Council on relevant outside bodies as an observer.

Key tasks. All Members will:

- (a) fulfil the statutory and locally determined requirements of an elected Member of a local authority and the Council itself, including compliance with all relevant Codes of Conduct, and the participation in those decisions and activities reserved to Full Council (e.g. setting budget, overall priorities, various strategic policies);
- (b) participate effectively as a Member of any Committee, Joint Committee and Sub-Committee to which the Member is appointed, including related responsibilities for the services falling within that bodies' terms of reference, and liaison with other public bodies to promote better understanding and partnership working;
- (c) participate in the activities of an outside body to which the Member is appointed, providing two-way communication between the organisations. Also for this purpose, to develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
- (d) Participate in the scrutiny or performance review of the services of the Council including, where the Council so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council.
- (e) Participate, as appointed, in the area and service-based consultative processes with the community and with other organisations.
- (g) Represent the Council to the community, and the community to the Council, through the various forms available including wide participation with the community in community activities taking place within the ward for which the Member was elected.
- (h) Develop and maintain a working knowledge of the Council's services, management arrangements, powers, duties and constraints, and develop good working relationships with relevant Officers and the Council.
- (i) Develop and maintain a working knowledge of the organisations, services, activities and other factors, which impact upon the community's well-being and identity.
- (j) Contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
- (k) Participate in the activities of any political group of which the Member is part.

Rights and Duties

- (a) 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.
- (b) 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.

2.04 Conduct

Members will at all times observe the codes and guidance for Members as set out in Part E of this Constitution.

2.05 Allowances

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme – Part F of this Constitution.

ARTICLE 3 – MEMBERS OF THE PUBLIC AND THE COUNCIL

3.01 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 in Part B of this Constitution:

- (a) **Information.** A member of the public has the right to:
 - (i) attend 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;
 - (ii) access the forward plan to identify potentially significant decisions that have been incorporated in it that are likely to be considered by Strategy Committee;
 - (iii) see publically accessible reports, background papers and retained records of decisions made by the Council, its Committees, Sub-Committees 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 make representations in respect of planning applications considered by the Council, ask questions, make statements, participate in deputations and submit petitions to the Council, make representations in relation to certain licensing matters and may be asked to contribute to investigations by the 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 Ombudsman after using the Council's own complaints scheme;
 - (iii) the Monitoring Officer about an alleged breach of the Members' Code of Conduct – see Guidance and Protocols – Part E of this Constitution.

3.02 Responsibilities of members of the public

A member of the public should 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

4.01 General

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

Meanings

4.02 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 (Committee System) (England) Regulations 2012/1020 to be determined by Full Council:
 - (i) Crime and Disorder Reduction Strategy pursuant to the Crime and Disorder Act 1998;
 - (ii) Licensing Authority Policy Statement pursuant to section 349 Gambling Act 2005;
 - (iii) Development Plan Documents and alterations for the purposes of section 15 of the Planning and Compulsory Purchase Act 2004; and;
 - (iv) Plans and Documents which together comprise the Development Plan for the purposes of Part 2 to Schedule 8 of Planning and Compulsory Purchase Act 2004,

and for this purpose includes also the approval for the purpose of its submission to the relevant Secretary of State or any Minister of the Crown for approval of any of the above (whether or not in the form of a draft) of which any part is required to be so submitted;

- (b) those expressly required by any other relevant legislation to be determined by Full Council, and
- (c) the following further plans and strategies which the Council has identified should also be adopted by Full Council (whether expressly required by legislation or otherwise):
 - (i) Council's Corporate Plan;
 - (ii) Statement of Licensing Policy for the purposes of section 5 Licensing Act 2003;
 - (iii) Food Law Enforcement Service Plan;
 - (iv) Housing Strategy;
 - (v) Economic Development Strategy;

- (vi) Built and Natural Environment Strategy;
- (vii) Recycling Strategy;
- (viii) Tourism Strategy;
- (ix) Sports Strategy;
- (x) Arts Strategy;
- (xi) Museum Strategy; and
- (xii) Local Agenda 21 Strategy.

4.03 **Budgetary Framework**

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

- (a) those financial provisions required by the Local Authorities (Committee System) (England) Regulations 2012/1020 to be determined by Full Council:
 - (i) the approval or adoption of any plan or strategy for the control of the local authority’s borrowing, investments or capital expenditure, or for determining the authority’s minimum revenue position including also the approval for the purpose of its submission to the relevant Secretary of State or any Minister of the Crown for approval of any of the above (whether or not in the form of a draft) of which any part is required to be so submitted;
 - (ii) the amount of any allowance payable:
 - (A) in respect of the Chairman of Council’s expenses pursuant to section 3(5) Local Government Act 1972; and
 - (B) in respect of the Vice Chairman of Council’s expenses pursuant to section 5(4) Local Government Act 1972; and
 - (iii) in relation to a Members’ allowance scheme under section 18 Local Government and Housing Act 1989:
 - (A) the making of any such scheme;
 - (B) the amounts payable in relation to any such scheme; and
 - (C) the rates at which payments by way of any allowance are to be made;
- (b) the approval of the budget which shall mean 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
- (c) any other financial requirements that legislation expressly requires to be determined by Full Council.

4.04 **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 approval of a programme of disposal of residential properties as provided for by relevant Housing legislation or 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.

4.05 **Other Miscellaneous provisions**

For the purposes of this Article, “Other Miscellaneous Provisions” shall unless the context otherwise expressly requires mean those other matters required by the Local Authorities (Committee System) (England) Regulations 2012/1020 to be determined by Full Council:

- (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;
- (c) making an order giving effect to recommendations made in a community governance review under section 86 Local Government and Public Involvement in Health Act 2007; and
- (d) determining a scheme incorporating the voting rights of co-opted members of an Overview and Scrutiny Committee save in relation to the voting rights of co-opted persons in relation to crime and disorder which shall be determined by the Overview and Scrutiny Committee to the extent as provided for in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (as amended).

4.06 **Functions of Full Council**

Only Full Council will exercise the following functions:

- (a) the performance 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; andin the case of any of those matters identified as being required by the Local Authorities (Committee System) (England) Regulations 2012/1020 to be determined by Full Council 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 required 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 / 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 of the Council:
 - (i) agreeing its terms of reference;

- (ii) deciding upon its composition; and
- (iii) appointing Members to it;
- (d) appointing the Chairman and Vice-Chairman of each Committee of the Council where provided for in the Articles / Council Procedure Rules of this Constitution;
- (e) confirming the appointment of the Head of Paid Service;
- (f) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (g) adopting the local Code of Conduct for Members;
- (h) the hearing of deputation and acceptance of petitions referred to Full Council the Part B of this Constitution;
- (i) appointing of the Monitoring Officer and Section 151 Officer;
- (j) so far as the law requires appointment of a local auditor at least once every five years; and
- (k) all other matters which by law must be reserved to Council.

4.06 Council meetings

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

and they will be conducted in accordance with the Council's Procedural Rules - Part B of this Constitution.
- (b) Full Council will normally meet five (5) times a year plus the annual meeting unless it determines otherwise.

4.07 Responsibility for functions

- (a) Further provisions for responsibility of functions are set out in particular in the remaining Articles of the Constitution and also in Part C to this Constitution. In the absence of any express provision to the contrary in the Articles of this Constitution, for the avoidance of doubt and in so far as the law allows:
 - (i) (A) any Committee of the Council may appoint a Sub-Committee and delegate or refer any of its powers or duties to that Sub-Committee; and
 - (B) Full Council, any Committee or Sub-Committee may delegate or refer any of its powers or duties to an Officer,

and in all cases subject to any such condition or limitation as the delegating or referring body determines appropriate; and

- (ii) where any function or matter is delegated to more than one body / person then unless the delegation expressly provides otherwise, each such body / person may exercise the delegation independently from and without

consultation with any other body / person to whom the delegated power has also been given.

- (b) The Council has also entered into arrangements with other Councils in Dorset relating to its functions. Some of these arrangements involve the creation of Joint-Committees, further details of which can be found in Joint Arrangements – Article 11 – Part B below. The Council has also entered into shared service arrangements with two other Councils in the County collectively generally referred to as the Dorset Councils Partnership. Again, further details are contained in the Articles below.

ARTICLE 5 – CHAIRING THE COUNCIL

5.01 Appointment of Chairman and Vice Chairman

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

5.02 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 and 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 Strategy Committee, Portfolio Holders and every Chairman of a Committee to account;
- (d) to promote public involvement in the Council's activities;
- (e) to be the conscience of the Council; and
- (f) 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.

5.03 Attending Committees / Sub-Committees

The Chairman (or in his/her absence the Vice-Chairman) of Council may to the extent as provided for in the Council Procedure Rules – Part B of this Constitution, attend any Committee or Sub-Committee to which they have not been appointed.

ARTICLE 6 – THE OVERVIEW AND SCRUTINY COMMITTEE

6.01 Role /Terms of Reference and Membership

- (a) The Council has resolved to have an Overview and Scrutiny Committee as provided for in the Local Government Act 2000.
- (b) The Overview and Scrutiny Committee shall be responsible for the following functions:
 - (i) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Council;
 - (ii) to make reports or recommendations to any body or Officer of the Council including any Joint Committee on which the Council is represented with respect to the discharge of any functions of the Council; and
 - (iii) to make reports or recommendations to any body or Officer of the Council including any Joint Committee on which the Council is represented on matters which affect the authority's area or the inhabitants of that area.
- (c) The Overview and Scrutiny Committee may not discharge any functions other than those expressly permitted by legislation.
- (d) In exercising or deciding whether to exercise its functions the Overview and Scrutiny Committee should have regard to any guidance for the time being issued by the relevant Secretary of State.
- (e) The role of the Overview and Scrutiny Committee is not to be the opposition, but to ensure that the needs of the community are understood and that proper decision making is undertaken.
- (g) The Overview and Scrutiny Committee shall consist of seventeen (17) Members including its appointed Chairman and Vice Chairman. The quorum of the Committee is four (4).
- (h) The Overview and Scrutiny Committee shall not include any Member appointed to the Strategy Committee whilst so appointed.
- (i) The Overview and Scrutiny Committee may co-opt persons to sit on the Overview and Scrutiny Committee in accordance with a scheme approved by Full Council; such persons shall have such rights to vote as provided for in the scheme (see Article 4 – Full Council – Part A of the Constitution for further information on co-opted persons).

6.02 Member Interests

It is vital that where a review of a decision or action by the Overview and Scrutiny Committee includes a matter in which one or more of the Members appointed to the

Overview and Scrutiny Committee participated then those Members must declare the interest.

6.03 **Appointment of Chairman and Vice Chairman**

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

6.04 **Sub-Committees**

- (a) The 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 the Overview and Scrutiny Committee may not discharge any functions other than those conferred on it by the Overview and Scrutiny Committee.
- (c) The Chairman and Vice-Chairman of an Overview and Scrutiny Sub-Committee shall be appointed by the Sub-Committee unless the Overview and Scrutiny Committee expressly determines otherwise.
- (d) The Overview and Scrutiny Committee shall normally determine the:
 - (i) terms of reference;
 - (ii) arrangements for the holding and frequency of meetings; and
 - (iii) 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.

6.05 **Meetings**

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

6.06 **Joint Advisory Overview and Scrutiny Committee**

The Council has also joined with its other partners in the Dorset Councils Partnership to create a Joint Advisory Overview and Scrutiny Committee. Details of this Joint Committee are set out in the Joint Arrangements – Article 11 – Part A of this Constitution.

6.07 Delegated and Referred (power to recommend) powers of the Overview and Scrutiny Committee

- (a) The Overview and Scrutiny Committee has such delegated and referred power in conjunction with any relevant Overview and Scrutiny Joint Committee as is necessary to undertake all those functions and exercise all powers identified in the Local Authorities (Committee System) (England) Regulations 2012, together with all other relevant legislation that empowers the Overview and Scrutiny Committee to undertake / perform activities / functions.
- (b) For the avoidance of doubt the power of the Overview and Scrutiny Committee in conjunction with any relevant Overview and Scrutiny Joint Committee referred to above shall include:
 - (j) all powers as the Council's crime and disorder committee pursuant to the Police and Justice Act 2006 and all relevant secondary legislation including in relation determining the voting rights of any co-opted persons of the Overview and Scrutiny Committee in relation to crime and disorder; and
 - (ii) power to review and scrutinise any matter relating to the provision, planning and operation of the health service in its area.
- (c) The power of the Overview and Scrutiny Committee includes power to require Members and Officers of the Council to attend before it to answer questions.

6.08 Officers

For the avoidance of doubt and in so far as the law allows,

- (a) the Overview and Scrutiny Committee; and
- (b) unless limited by the Overview and Scrutiny Committee, any Sub-Committee of the Overview and Scrutiny Committee,

may delegate or refer any of its powers to any Officer(s).

6.09 Call-in

- (a) The Overview and Scrutiny Committee also acts as the call-in body of the Council with the authority to review individual decisions and seek their Call In for reconsideration.
- (b) In certain cases it can arrange for those decisions to be reviewed by Full Council.
- (c) The call-in procedure is set out in the Overview and Scrutiny Procedure Rules – Part B of this Constitution. The Overview and Scrutiny Committee may call-in a decision both before it is actually made or afterwards.
- (d) The Chairman of the Overview and Scrutiny Committee will be the person normally consulted before implementation of decisions or in connection with the urgency

process relating to Call-in decisions (see Overview and Scrutiny Procedure Rules - Part B of this Constitution).

6.10 Reference of matters to the Overview and Scrutiny Committee

In addition to the actions identified above, the Overview and Scrutiny Procedure Rules of this Constitution also contains further specific provisions empowering Members to refer various matters to the Overview and Scrutiny Committee.

6.11 Proceedings and Reporting

- (a) The Overview and Scrutiny Committee will generally conduct its business as set out in the Procedure Rules – Part B of this Constitution. However, the intention is that the proceedings of this body will normally be open to the public and will be as informal as possible, particularly when they are conducting wide-ranging reviews. When call-in and detailed reviews are being conducted, meetings will be more formal. There may be occasions when they will not be able to consider and discuss matter in public and will have to take information or evidence in private. These will usually be when the information discussed is exempt from disclosure, for example, detailed information on contractual details or personal details of an employee.
- (b) In most cases where the Overview and Scrutiny Committee make a report or recommendation it will also require the most relevant body to consider and respond to the report within a two (2) month period from receipt. Subject to certain statutory provisions, the Overview and Scrutiny Committee may also decide to publish its report or recommendations and to require a published response.

6.12 Work Plan and Annual Report

- (a) The Overview and Scrutiny Committee will normally at its last meeting prior to the production of its annual report review its plan of work which shall cover a period of a minimum of the subsequent twelve (12) months. The Overview and Scrutiny Committee may at any time subsequently review and amend this plan.
- (b) The work plan will include arrangements at least once in every twelve (12) month period to consider how relevant responsible authorities are performing their crime and disorder responsibilities.
- (c) The Overview and Scrutiny Committee will normally report annually to the Council on its work programme and findings.

6.13 Finance and Resources

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

ARTICLE 7 – THE STRATEGY COMMITTEE

7.01 Role / Terms of Reference and Membership

- (a) The Strategy Committee will take the lead on and may carry out any of the Council's functions which are not the responsibility of Full Council or which by law must be carried out by another Committee.
- (b) It will also usually take the lead on recommending to Full Council matters relating to the Policy Framework and Budgetary Framework which are not taken directly to Full Council for a determination.
- (c) The Strategy Committee will also be the duty holder for the purposes of the Council's responsibilities under the Port Marine Safety Code in relation to harbours within the district for which the Council is the statutory harbour authority.
- (d) The Strategy Committee will consist of nine (9) Members appointed by the Council.
- (e) Members appointed to the Overview and Scrutiny Committee should not also be appointed to the Strategy Committee.
- (f) The quorum of the Strategy Committee is five (5).

7.02 Appoint of Chairman and Vice-Chairman

- (a) The Chairman of Strategy Committee and the Vice-Chairman of Strategy Committee shall be appointed by Full Council unless Full Council determines otherwise.
- (b) The Chairman of the Strategy Committee and the Vice-Chairman of the Strategy Committee will hold office until:
 - (i) the meeting following the next annual meeting of the Council (subject to re-election);
 - (ii) s/he resigns from the office;
 - (iii) s/he is suspended from being a Member (although s/he may resume office at the end of the period of suspension);
 - (iv) s/he is no longer a Member;
 - (v) s/he is removed from office by resolution of Full Council;
 - (vi) s/he is no longer a member of the Strategy Committee in accordance with the wishes of the political group;
 - (vii) Full Council determines otherwise; or
 - (viii) in the opinion of the Monitoring Officer the law otherwise requires.
- (c) The Member appointed to be the Chairman of Strategy Committee shall also be referred to as the Leader whilst still appointed. The Member appointed to the Vice-Chairman of Strategy Committee shall also be referred to as the Deputy Leader whilst still appointed.

7.03 Meetings

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

7.04 **Other Strategy Committee Members**

Every other Strategy Committee Member shall hold office until:

- (a) the start of the meeting after the next annual meeting of the Council;
- (b) s/he resigns from the office;
- (c) s/he is suspended from being a Member (although he/she may resume office at the end of the period of suspension);
- (d) s/he is no longer a Member;
- (e) s/he is removed from office by resolution of the Council;
- (f) s/he is no longer a member of the Strategy Committee in accordance with the wishes of the political group;
- (g) Full Council determines otherwise; or
- (h) in the opinion of the Monitoring Officer the law otherwise requires.

7.05 **Proceedings of the Strategy Committee**

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

7.06 **Substitutes**

There shall be no power to appoint substitutes to the Strategy Committee.

7.07 **Sub-Committees**

- (a) The Strategy 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 the Strategy Committee may not discharge any functions other than those conferred on it by the Strategy Committee.
- (c) The Chairman and Vice-Chairman of a Strategy Sub-Committee shall be appointed by the Sub-Committee unless the Strategy Committee expressly determines otherwise.
- (e) The Strategy Committee shall normally determine the:
 - (i) terms of reference;

- (ii) arrangements for the holding and frequency of meetings; and
- (iii) 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.

7.08 Member rights to attend at and request items to be considered by Strategy Committee

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

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

Delegated and Referred powers of the Strategy Committee

7.09 Delegated powers

- (a) The Strategy Committee shall have delegated power to make any decision relating to any matter arising from any service or function of the Council (including by way of any Local Act) not otherwise:
 - (i) reserved to Full Council; or
 - (ii) expressly allocated/delegated to another Committee by legislation,provided that such power only extends to authorizing the expenditure of money to the extent that such expenditure is in accordance with the budget approved pursuant to the Budgetary Framework as defined in Article 4 – Full Council –Part A of this Constitution.
- (a) For the purposes of clarification:
 - (i) the ability of the Strategy Committee to exercise a delegated power shall not prevent any other Committee, Sub-Committee, Officer or other body exercising a delegated power where it has also been given such power (and vice versa);
 - (ii) where a delegated power has been given to both the Strategy Committee and another Committee or a Joint Committee then the intention is that to the extent that it falls within a function which is the primary responsibility of another Committee or Joint Committee then the matter will normally be dealt with by that Committee or Joint Committee (as the case may be), albeit for the avoidance of doubt, nothing contained in this paragraph shall render invalid any decision made by any Committee pursuant to a delegated power that it has been given; and
 - (iii) in relation to any harbour for which the Council is a statutory harbour authority the delegated powers of Strategy Committee include delegated power to make any decision in respect of such a harbour save any decision which has by law to be dealt with by Full Council (if any).

- (c) Further details relating to the powers of the Strategy Committee in relation to various financial activities including various variation and virement powers can be found in the Policy and Budget Framework Procedure Rules – Part B of this Constitution and also in the Financial Regulations – Part D.

7.10 Referred powers (power to recommend)

The Strategy Committee shall have power to make recommendations on any matter arising from any service or function of the Council for which it does not have delegated power. The power of referral includes power to make recommendations to Full Council as to possible changes to the Constitution.

7.11 Role of the Portfolio holder

- (a) The Strategy Committee shall be responsible for identifying from its membership Members who will perform Portfolio Holder roles. The number of Portfolio Holder posts shall be determined by the Strategy Committee and may be varied by it at any time and from time to time.
- (b) Portfolio Holders will have a special responsibility for one or more areas of the Council's work. The specific responsibilities for each Portfolio Holder will be determined by the Strategy Committee each municipal year and may be varied at any time throughout the year. The general responsibilities of a Portfolio Holder are detailed below:
 - (i) to promote and support the aims and objectives of the Council as set out in the Corporate Plan, which relate to the responsibilities of the Portfolio Holder;
 - (ii) to work with relevant Officers to achieve the objectives set out in service plans;
 - (iii) to facilitate and encourage public consultation and effective communication of policies and strategies relating to the portfolio;
 - (iv) to be the primary contact and spokesperson on matters relating to the Portfolio in conjunction with the communication team;
 - (v) to work in partnership with and represent the Council on external organisations and report on progress as required. There will be a presumption that individual Portfolio Holders will be the Council's representative on specified outside bodies subject where appropriate to appointment by Full Council;
 - (vi) to assist in preparation of responses to government, for example, consultation documents;
 - (vii) to work closely with key Officers supported by the provision of relevant information;
 - (viii) to report to Council on matters of significance relevant to the portfolio;
 - (ix) to engage with Members where appropriate on areas within their portfolio;
 - (x) to promote community cohesion, equality and diversity in matters relating to the portfolio;
 - (xi) to become involved in membership of working groups, specific areas of the Corporate Plan or important initiatives for the portfolio;

- (xii) to speak and respond to questions at meetings of the Council on issues relevant to the portfolio;

Scrutiny role

- (xiii) to attend scrutiny meetings when invited, to give evidence and answer questions;
- (xiv) to consider any report / recommendation of the Overview and Scrutiny Committee and / or Joint Advisory Overview and Scrutiny Committee relating to his/her portfolio in order to form a view on the outcome and so far as s/he considers it appropriate draft a response to go with the report for consideration by Strategy Committee and/or Full Council;
- (xv) to take a lead in the monitoring and review of strategies which cover the area of the portfolio;
- (xvi) to be accountable for performance management and performance within the area(s) of his/her portfolio in conjunction with the Corporate Leadership Team;
- (xvii) where required, to provide performance reports to meetings of the Overview and Scrutiny Committee, as required, in conjunction with the Corporate Leadership Team;
- (xviii) to provide reports to meetings of the Overview and Scrutiny Committee and/or Joint Advisory Overview and Scrutiny Committee, as required, on any corporate priorities within the Corporate Plan;

Policy Role

- (xix) to assist in the development of new policies consistent with Council's priorities;
- (xx) to highlight issues for the Overview and Scrutiny Committee contained in service plans; and
- (xxi) to identify items in the Strategy Committee forward plan (if any) which require input by the Overview and Scrutiny Committee.

ARTICLE 8 – QUASI-JUDICIAL AND OTHER COMMITTEES

8.01 Quasi-judicial and other Committees

For the purposes of giving primary responsibility for performing various functions / exercising various powers which are not expressly reserved to Full Council and to undertake certain powers expressly allocated / delegated to a Committee by legislation, the Council has established the Committees set out below.

8.02 Sub-committees

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

PLANNING COMMITTEE

8.03 Role / Terms of Reference and Membership

- (a) The Planning Committee shall have primary responsibility for and may exercise any of the Council's powers relating to any of the Council's town and country planning functions.
- (b) The Planning Committee will consist of twelve (12) Members appointed by Full Council.
- (c) The quorum of the Planning Committee shall be one quarter of the full membership of the Planning Committee.

8.04 Appoint of Chairman and Vice-Chairman

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

8.05 **Meetings**

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

Delegated and Referred powers of the Planning Committee

8.06 **Delegated powers**

To consider and determine any application or other matter, including procedural issues, directly or indirectly arising pursuant to the exercise of any functions of the Council relating to town and country planning including in particular but without prejudice to the generality of the foregoing:

- (a) all those applications and other matters identified in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) but excluding:
 - (i) approving (with or without modification) or refusing the adoption of any planning document expressly reserved to Full Council for determination; and
 - (ii) any matter expressly delegated to a Joint Committee;
- (b) all those applications and other matters identified in Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) in respect of the preservation of trees, high hedges, the protection of important hedgerow and the stopping up, diversion or extinguishment of highways, footpaths, bridleways or restricted way, together with any other relevant right of way functions;
- (c) all those matters identified in Regulations 2 to 4 (inclusive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) in so far as they are relevant to the exercise of the functions of the Planning Committee;
- (d) the obtaining of information under any relevant powers as contained in the Town and Country Planning Act 1990 (as amended) and / or the Local Government (Miscellaneous Provisions) Act 1976;
- (e) all those applications and other matters identified in any extant Town and Country Planning General Permitted Development Order relating to England;
- (f) all those applications and other matters identified in any extant Town and Country Planning General Management Procedure Order relating to England, and
- (g) to the extent that it is not already covered by any of the provisions above power to:

- (i) determine a response to the appropriate determining authority in relation to “county matters” and circular 18/84 procedures;
- (ii) determine whether to make revocation, discontinuance and modification orders provided that where such a decision will give rise to the payment of compensation then subject to budgetary provision being made available for such purposes; and
- (iii) authorize the issue of any temporary or permanent stop notice, provided that for the avoidance of doubt the Planning Committee’s powers:
- (h) include taking a decision that is contrary to any Development Plan or local development document adopted by the Council, and should the Committee resolve to do so, include it having power to decline to make such a decision and refer the matter to Full Council; and
- (i) do not extend to authorising the expenditure of money by or on behalf the Council in relation to any delegated power save to the extent that the Planning Committee has been allocated a budget for such purposes.

8.07 Referred powers (power to recommend)

To consider and make recommendations on any other matter specifically relating to any town and country planning process.

LICENSING COMMITTEE

8.08 Role / Terms of Reference and Membership

- (a) The Licensing Committee shall have primary responsibility for and may exercise any of the Council’s powers relating to any of the Council’s licensing functions and appeals functions not otherwise expressly delegated elsewhere.
- (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 (eg the Licensing Act 2003). 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 thirteen (13) Members appointed by Full Council.
- (e) The quorum of the Licensing Committee is one quarter of the full membership of the Licensing Committee rounded up to the nearest whole person.

8.09 Appoint 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.

8.10 **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.

8.11 **Licensing Sub-Committees**

- (a) At present there are two (2) standing Sub-Committees of the Licensing Committee. Further details of these specific Sub-Committees are provided for below. Other Sub-Committees may be established as and when required.
- (b) For the avoidance of doubt, the Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.12 **Delegation to Officers**

For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of their powers to any Officer provided that in the case of the Licensing Act 2003 and the Gambling Act 2005 only to the extent as the law permits.

Delegated and Referred powers of the Licensing Committee

8.13 **Delegated powers**

The Licensing Committee shall have the following delegated powers provided that no such power shall extend to either authorising the expenditure of money by or on behalf of Council in relation to any such delegation save to the extent that the Licensing Committee has been allocated a budget for such purposes, or determining any policy statement expressly reserved to Full Council for a determination.

- (a) To determine any application or other matter, including procedural issues, directly or indirectly arising pursuant to the exercise of those functions as set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) including (for the avoidance of doubt) all those matters identified in Regulations 2 to 4 (inclusive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) in so far as they are relevant to the exercise of any of the delegated functions of the Licensing Committee.
- (b) To determine any appeal or undertake a review against a decision made by, or on behalf of the Council, provided that:

- (i) a right of appeal / review exists by virtue of legislative provision and/or any extant policy of the Council (as may be amended from time to time);
 - (ii) the appeal/review does not relate to a personnel issue, a town and country planning issue or a matter in respect of which Full Council or the Constitution expressly provides should be dealt with elsewhere;
 - (iii) it is not a decision of the Licensing Committee; and
 - (D) in the case of determination that relates to the award of a grant there is both prior consultation before any final decision is taken with the person or body with budgetary control over such expenditure, or who otherwise has the power to authorise such expenditure and, no decision will result in expenditure for which there is no existing budgetary provision.
- (c) To the extent it is not already covered by the delegations above, to discharge all the Council's licensing functions as licensing authority within the meaning of the Licensing Act 2003 and the Gambling Act 2005 together with:
- (i) the determination of any function of the Council which relates to a matter referred to the Licensing Committee pursuant to the Licensing Act 2003 ("a licensing function") but which is not itself a licensing function; and
 - (ii) any matter that relates to both a licensing function and another function of the Council which is not a licensing function,
- provided that in either case,
- (iii) the Committee that otherwise has the power to determine the function or matter (as the case may be) resolves that it considers it would be appropriately dealt with by the Licensing Committee; and
 - (iv) in the case of sub-paragraph (d) (ii), the Licensing Committee considers any report from the Committee making the resolution in relation to the matter prior to making a determination.
- (d) To the extent that it is not already covered by the provisions above:
- (i) to determine any application for a permit pursuant to the following:
 - (A) Local Government (Miscellaneous Provisions) Act 1976;
 - (B) Local Government (Miscellaneous Provisions) Act 1982;
 - (C) Lotteries and Amusement Act 1976; and
 - (D) any other legislation relating to charitable and house to house collections;

- (ii) to determine any application or other matter arising in relation to the private hire and hackney carriage and functions of the Council that the Licensing Committee has power to determine including, without prejudice to the generality of the foregoing:
 - (A) any driver, vehicle, operator or proprietor licence;
 - (B) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions including in particular whether to suspend or revoke any licence and any issue relating to any such suspension or revocation; and
 - (C) any application for a private hire plate exemption,
- (iii) to determine whether a charge should be made for any consent, permit or licence for which the Licensing Committee has power to make a determination and where a charge is made, the level of the charge;
- (iv) to determine applications for the designation of public places for the purposes of restricting anti-social drinking / behaviour;
- (v) the obtaining of information under any relevant powers contained in the Local Government (Miscellaneous Provisions) Act 1976 in so far as it relates to the licensing or appeals functions of the Licensing Committee;
- (vi) to determine any application or other matter in relation to the Scrap Metal Dealers Act 2013 including in particular but without prejudice to the following:
 - (A) an application for a collectors licence;
 - (B) an application for any site licence;
 - (C) any application for a transitional licence;
 - (D) any application to vary a licence granted under the Act;
 - (E) an application to transfer a licence;
 - (F) any determination relating to any representation received from an applicant following refusal, revocation or variation of a licence within a relevant time;
 - (G) an application to attach any conditions to a licence;
 - (H) an application to revoke a scrap metal site licence;
 - (I) an application to revoke a collectors licence;
 - (J) any determination following a police recommendation regarding a licence; and

(K) the review of any statement of scrap metal licensing policy.

8.14 **Referred Powers (power to recommend)**

- (a) To consider and make recommendations in respect of any representation received in response to any consultation undertaken by the Council on its Statement of Licensing Policy (as amended from time to time).
- (b) To consider and make recommendations on any policy matter relating to the Gambling Act 2005 for which the Licensing Committee does not have the power of determination.
- (c) To consider and make recommendations on any other policy matter relating to those matters identified in delegated powers above, but for which the Licensing Committee does not have the power of determination.
- (d) To make recommendations to the Strategy Committee on licensing matters other than operational matters authorised to be undertaken by the Committee and its Sub-Committees.

LICENSING SUB-COMMITTEES A AND B

8.15 **Role/Terms of Reference and Membership**

- (a) To determine any application or other matter arising pursuant to:
 - (i) the Licensing Act 2003; and
 - (ii) the Gambling Act 2005.
- (b) To determine any application or other matter relating to hackney carriage or private hire functions of the Council including any issue relating to an actual or alleged breach and applications for private hire plate exemptions.
- (c) One (1) of the standing sub-committees shall consist of six (6) appointed Members (A) and one (1) shall consist of seven (7) appointed Members (B). Each shall have a quorum of three (3).
- (d) The Chairman (and any Vice Chairman) of a Licensing Sub-Committee shall be selected by the Members of that Sub-Committee present at the time of the meeting unless the Licensing Committee determine otherwise.

8.16 **Meetings**

The standing Licensing Sub-Committees (A to B) shall meet on a rotating basis as determined by the Corporate Manager – Democratic and Electoral Services. Each Sub-Committee shall meet as and when required on an ad-hoc basis as determined by the Corporate Manager – Democratic and Electoral Services in consultation with the Chairman of the Licensing Committee (or if unavailable or absent the Vice-Chairman of the Licensing

Committee or if both unavailable or absent, any other Member appointed to the Licensing Committee).

8.17 **Delegated Powers**

With the exceptions of determining proposed policy and determining any fees payable, each of the Licensing Sub-Committees (A and B inclusive) shall have delegated power:

(a) to determine any application or other matter arising pursuant to:

(i) the Licensing Act 2003; and

(ii) the Gambling Act 2005,

that the Licensing Committee has power to determine including, without prejudice to the generality of the foregoing:

(i) the holding and determination of any hearing arising as a consequence of any application or other matter pursuant to the Licensing Act 2003 or the Gambling Act 2005;

(ii) the determination as to whether a hearing needs to be held;

(iii) the determination as to whether a representation is a relevant representation; and

(iv) the determination of the appropriate procedure to follow in relation to the determination of any matter, provided that regard is had to any procedure that may have been adopted by the Licensing Committee.

(b) to determine any application or other matter arising in relation to the private hire and hackney carriage and functions of the Council that the Licensing Committee has power to determine including, without prejudice to the generality of the foregoing:

(i) any driver, vehicle, operator or proprietor licence;

(ii) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions including in particular whether to suspend or revoke any licence and any issue relating to any such suspension or revocation; and

(iii) any application for a private hire plate exemption.

AUDIT COMMITTEE

8.18 **Role / Terms of Reference and Membership**

(a) The Audit Committee shall be primarily responsible for independent scrutiny of the authority's financial performance to the extent that it affects the authority's exposure

to risk and weakens the control environment, and to oversee the financial reporting process.

- (b) The Audit Committee will consist of twelve (12) Members appointed by Full Council. No Member appointed to the Audit Committee shall also be appointed to the Strategy Committee.
- (c) The quorum of the Audit Committee is one quarter of the full membership of the Audit Committee.

8.19 Appoint of Chairman and Vice-Chairman

- (a) The Chairman and Vice-Chairman of the Audit Committee shall be appointed by Full Council unless Full Council otherwise determines.
- (b) The Chairman of the Audit Committee shall be from the largest political party that is different to that of the Chairman of the Strategy Committee.

8.20 Meetings

The number of ordinary meetings of Audit Committee each year will normally be determined by Full Council.

- (a) The Chairman of Audit Committee shall have the power to call one or more special meeting(s) of the Overview and Scrutiny Committee.
- (b) The Chairman of Audit Committee may determine that a meeting should be cancelled for insufficient business.

8.21 Joint Advisory Accounts and Audit Committee

The Council has also joined with its other partners in the Dorset Councils Partnership to create a Joint Advisory Accounts and Audit Committee. Details of this Joint Committee are set out in the Joint Arrangements – Article 11 – Part A of this Constitution.

Delegated and Referred powers of the Audit Committee

8.22 Delegated powers

- (a) To commission work from internal and external audit provided that any cost associated with the same can be met from an Audit Committee budget, another budget that the Section 151 Officer identifies as being available for such a purpose or the approval of a relevant Committee with access to funds to cover such costs is also obtained.
- (b) To consider and determine whether to approve (with or without modification) the annual statement of accounts, including considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

- (c) Further detail relating to the powers of the Audit Committee in relation to the approval of the annual statement of accounts can be found in the Financial Regulations – Part D .

8.24 Referred powers (power to recommend)

Audit Activity

- (d) To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- (e) To consider specific internal audit reports as requested and to monitor the actions arising from those reports.
- (f) To consider reports dealing with the management and performance of the providers of internal audit services including the review of the effectiveness of Internal Audit.
- (g) To consider a report from internal audit on agreed recommendations not implemented within the specified timescale.
- (h) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (i) To consider specific reports as agreed with the external auditor.
- (j) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (k) To liaise with the Audit Commission over the appointment of the Council's external auditor.

Regulatory Framework

- (l) To maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.
- (m) To consider any proposals referred to it by the Strategy Committee in connection with changes to the Council's Constitution and, if appropriate, refer comments back to the Strategy Committee.
- (n) To review any issue referred to it by the Chief Executive, any other Officer forming part of the Strategic Leadership Team or any other Council body and to liaise closely with the Overview and Scrutiny Committee to review any issue referred to it by any such body and to refer issues to those committees as required.
- (o) To monitor and make recommendations on Council policies on whistle-blowing, the anti-fraud and corruption strategy and the Council's complaints process.
- (p) To consider the Council's compliance with its own and other published standards and controls.

Accounts

- (q) To consider the external auditor's report on issues arising from the audit of the accounts.

ARTICLE 9 – STANDARDS COMPLAINTS

9.01 Member Code of Conduct

The Council does not have a Standards Committee. However, it 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 E 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 Guidance and Protocols – Part E of this 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 – AREA COMMITTEES

The Local Government Act 1972 allows councils to create a Committee with responsibility for a limited geographical area of its district and for powers of the Council to be delegated to them.

Councils have considerable choice about how they deal with such an area Committee and may choose to establish none at all or several.

The Council does not for the time being have any Committee that is restricted in its exercise of powers to a specific geographic area of the district.

ARTICLE 11 – JOINT ARRANGEMENTS

11.01 Introduction

For the purposes of discharging any of its functions, the Local Government Act 1972 gives power to the Council to enter into arrangements with one or more other Councils to create a Joint Committee.

11.02 Joint Arrangements

- (a) Various details as to the manner in which arrangements are made for the joint exercise of Council functions are prescribed in legislation. Full Council approval will normally be required for such purposes.
- (b) The nature of the joint arrangements made will vary according to the circumstances. Some arrangements will be contractual in nature and will involve a contract that requires the delivery of specified outcomes, either by the contractor (which may be another public body) on behalf of this Council or by the Council on behalf of some other body.
- (c) 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.
- (d) Details of various joint arrangements including delegated and referred powers (where appropriate) appear in the appendix to this Article.

11.03 Access to information

The Access to Information Rules in part D of this Constitution contain information relevant to public access to information. Access to information rules in part VA of the Local Government Act 1972 will generally apply to a Joint Committee to the extent as provided for in that Part.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate its functions to another local authority, or, in certain circumstances, the executive of another local authority. As identified in Article 4 – Full Council – Part A of this Constitution and in the Appendix to this Article, the Council has entered into such arrangements.
- (b) A decision whether or not to accept such a delegation from another local authority will generally be reserved to Full Council.

11.05 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
Joint arrangements of the Council

11.06 DORSET COUNCILS PARTNERSHIP

The Council has entered into joint arrangements with Weymouth and Portland Borough Council and North Dorset District Council (referred to in this Appendix as the “DCP Partners”) in relation to exercise of various of its functions. Full details of the terms of that arrangement can be found in a collaboration agreement entered into between the three (3) members of the partnership on 1st March 2015. The general term of the agreement was for a minimum of fifteen (15) years and an important part of the arrangement included the creation of a Shared Services Joint Committee further details of which are set out below.

11.07 SHARED SERVICES JOINT COMMITTEE

Role / terms of reference and membership

- (a) The Shared Services Joint Committee’s role is to advise the DCP Partners on the delivery of the specified functions and to determine certain matters as set out below and include reviewing the performance of the services delivered as part of the specified functions [identified within the relevant collaboration agreement] and initiating additional / remedial action where appropriate. The Shared Services Joint Committee shall not exercise any executive functions.
- (b) The Shared Services Joint Committee shall consist of three (3) elected members from each Council appointed by each of the Councils.
- (c) Each partner will nominate one or more substitute members to attend any meeting of the Shared Services Joint Committee or its sub-committees in place of an appointed member from a Council, subject to prior written notification being given to the Joint Chief Executive or his or her nominee.
- (d) Each Council may remove its appointed members or substitute members and appoint different members and substitutes by giving written notice to the Joint Chief Executive or his or her nominee.
- (e) Each appointed member or substitute shall be entitled to remain on the Shared Services Joint Committee for so long as the Council appointing them so wishes, but shall cease to be a member or substitute if he or she ceases to be a member of the appointing Council or if that Council removes the appointed member.
- (f) Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Joint Chief Executive or his or her nominee.
- (g) Each member of the Shared Services Joint Committee shall comply with any relevant code of conduct of their Council when acting as a member of the Shared Services Joint Committee.
- (h) The Shared Services Joint Committee shall provide advice to the DCP Partners on:
 - (i) the strategy for each Specified Function;

- (ii) the responsibilities of each DCP Partner to support the delivery of the approved business plan, service delivery statements and agreed strategy, including any specific responsibilities falling to the host employer Council;
- (iii) ensuring that the specified functions are discharged within the policy and budget set by the DCP Partners;
- (iv) ensuring the provision of adequate funds and other resources for the discharge of specified functions;
- (v) ensuring that there are robust plans for a smooth transition to the separate arrangements if a decision is taken to change to separate arrangements in respect of any specified function;
- (vi) ensuring that the arrangements for the discharge and management of the specified functions enable each Council's statutory requirements to be met;
- (vii) the basis for apportioning cost between the DCP Partners and the amount to be apportioned;
- (viii) reviewing the performance of the services delivered as part of the specified functions and initiating additional/remedial action where appropriate; and
- (ix) to monitor and give direction on the development of the tri-council partnership through the partnership development programmes, service review programme and risk register.

Delegated powers

- (i) Powers delegated to the SSJC:
 - (i) To determine all matters relating to the terms and conditions of partnership staff with the exception of staff appeals and matters delegated to officers through the joint officer scheme of delegations and statute;
 - (ii) To be responsible for the recruitment, selection and appointment of the Chief Executive;
 - (iii) To consider recommendations on and appoint the Senior Management Team;
 - (iv) To approve a senior management structure for the councils recommended by the Head of Paid Service; and
 - (v) To agree to place staff at the disposal of the other councils where appropriate as provided for under S113 of the Local Government Act.

Referred powers (power to recommend)

- (j) Powers referred to the SSJC:
 - (i) To consider the outcome of joint service reviews, or any other joint service related matter where all the Councils cannot reach initial agreement on service levels and make recommendations on the way forward; and

- (ii) To recommend to the Councils as to the appointment and related employment matters of claims in respect of the Head of Paid Service, section 151 Officer and Monitoring Officer.

Proceedings

Time and Place of Meetings

- (k) The Shared Services Joint Committee will meet at least quarterly. All meetings of the Shared Services Joint Committee will take place at a suitable venue and at a time to be agreed by the Councils.
- (l) The Chair, or any 2 members by notice to the chair, may call a special meeting of the Shared Services Joint Committee, in which event the Chair will arrange to hold it with 20 working days of receipt of such notice.

Notice of and summons to meetings

- (m) The Joint Chief Executive or his or her nominee will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local Government Act 1972. At least five clear days before a meeting, the Joint Chief Executive or his or her nominee will send a summons signed by the Joint Chief Executive or his or her nominee by post to every Member or make arrangements for it to be left at their usual place of residence. The summons will 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.

Chair and Vice Chair of Shared Services Committee

- (n) In the first year of the existence of the Shared Services Joint Committee the members of the Shared Services Joint Committee shall elect one of the members of the Shared Services Joint Committee as Chair of the Shared Services Joint Committee at the first meeting of the Shared Services Joint Committee. This process shall be the first item of business and shall be presided over by the Democratic Services Officer present at the meeting. The member elected as Chair of the Shared Services Joint Committee shall hold that office until the first meeting held after 1 May in the following year.
- (o) In each year after the first year of the existence of the Shared Services Joint Committee, the members of the Shared Services Joint Committee shall elect one of the members of the Shared Services Joint Committee as Chair of the Shared Services Committee at the first meeting held after 1 May in that year. The member elected as Chair of the Shared Services Joint Committee shall hold that office until the first meeting held after 1 May in the following year. The position of Chair shall be rotated between the Council's each year, so that the person elected as Chair shall be an elected member of the Council which did not provide either of the previous two Chairs.

- (p) In the first year of the existence of the Shared Services Joint Committee, at the first meeting of the Shared Services Joint Committee, the members of the Shared Services Committee shall elect a Vice Chair of the Shared Services Joint Committee from among the members of the Shared Services Advisory Committee who are elected members of the Council which has not provided the current Chair of the Shared Services Joint Committee. The member elected as Vice Chair of the Shared Services Joint Committee shall hold that office until the first meeting after 1 May in the following year.
- (q) In each year after the first year of the existence of the Shared Services Joint Committee, the members of the Shared Services Joint Committee shall elect a Vice Chair of the Shared Services Joint Committee from among the members of the Shared Services Joint Committee who are elected members of the Council which has not provided the current Chair of the Shared Services Joint Committee. The member elected a Vice Chair of the Shared Services Joint Committee shall hold that office until the first meeting held after 1 May in the following year. The position of Vice Chair shall be rotated between the Councils each year so that the person elected as Vice Chair shall be an elected member of the Council which did not provide either of the previous two Vice Chairs.
- (r) If there is a quorum of members present but neither the Chair nor the Vice-Chair is present at a meeting of the Shared Services Joint Committee, the other members of the Shared Services Committee shall elect one of the members of the Shared Services Joint Committee as Chair of the Shared Services Joint Committee for that meeting only.

Quorum

- (s) The quorum of a meeting will be at least two members from each of the councils who are entitled to attend and vote.

Duration of Meeting

- (t) Unless the majority members present at the meeting vote for the meeting to continue, any meeting that has lasted for two and a half hours (excluding adjournments) will adjourn immediately following conclusion of the item of business under consideration. The meeting will reconvene at the earliest available opportunity and any remaining business will be considered at the reconvened meeting of the Shared Services Joint Committee.

Voting

- (u) Each Council shall have three votes, one for each of their appointed members. Any matter will be decided by a simple majority of those members of the Councils represented in the room at the time the question was put. In the case of an equality of votes the Chair shall have a second or casting vote but before exercising this, the Chair shall consider whether it is appropriate to defer the matter to the next meeting of the Shared Services Joint Committee.

The Chair shall take account of the governing principles to this Agreement when exercising the casting vote.

- (v) The member appointed as substitute shall have the same voting rights as the member for whom he or she is substituting and who does not attend. Where the appointed member attends the substitute member shall not have any right to vote after the conclusion of the item of business when the appointed member arrives, but may remain at the meeting as an observer.
- (w) The Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Minutes

- (x) The Joint Chief Executive or his or her nominee shall arrange for written minutes to be taken at each meeting of the Shared Services Joint Committee and shall present them to the Shared Services Joint Committee at its next meeting for approval as a correct record. At the next meeting of the Shared Services Joint Committee, the Chair shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chair of the Shared Services Joint Committee shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.

Access for elected members of the Council

- (y) Any elected member of the Councils who is not a member of the Shared Services Joint Committee may speak at a meeting of the Shared Services Joint Committee if the Chair of the Shared Services Joint Committee invites him or her to do so but an elected member of the Councils who is not a member of the Shared Services Joint Committee shall not be entitled to vote at a meeting of the Shared Services Joint Committee.

Public Access

- (z) Meetings of the Shared Services Joint Committee shall be open for members of the public to attend unless the Shared Services Joint Committee determines that it is necessary to exclude members of the public in accordance with Part VA of the Local Government Act 1972 or the Shared Services Joint Committee determines that it is necessary to take action because of a disturbance. Copies of the agenda for meetings of the Shared Services Joint Committee and any reports for its meetings shall be open to inspection by members of the public at the offices of both of the Councils unless the Joint Chief Executive determines that any report relates to items which in his or her opinion are likely not to be open to the public.

Disturbance by member of the public

- (aa) If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will arrange for their removal

from the meeting room and will suspend the meeting until the member of the public has left or been removed.

Clearance of part of meeting room

(bb) If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

Recording and other Apparatus

(cc) The use of recording and other apparatus shall be in accordance with any protocol for such purposes of the Host Authority (Weymouth and Portland) for the time being in force.

(dd) Any person acting in breach of this provision can be required to leave the meeting forthwith.

Overview and Scrutiny

(ee) Each Council will, until such time as a joint Overview and Scrutiny Committee is established by the Councils, undertake the overview and scrutiny function on its own behalf in accordance with their Constitutions.

11.08 GRYPHON SPORTS CENTRE MANAGEMENT COMMITTEE

(a) Constitution

- (i) three (3) elected Members of the Council;
- (ii) one (1) appointee of Sherborne Town Council;
- (iii) two (2) representatives of the Gryphon School Academy;
- (iv) the Head Teacher of Gryphon School Academy or his representative;
- (vi) two (2) representatives of the users of the centre to be co-opted

(b) The delegated business of the Gryphon Leisure Centre Management Committee is as follows:

- (i) the Gryphon Leisure Centre Management Committee shall decide all aspects of use of the facilities of the centre other than in respect of the Governing Body. (For the avoidance of doubt this paragraph shall not give the centre committee the right unreasonably to alter the facilities in any way that affects use by the Governing Body).
- (ii) The Gryphon Leisure Centre Management Committee shall fix the level of charges within an overall budget having regard to the financial objectives approved and set by the district council

- (iii) Subject to paragraph 3.1 of the second schedule of the dual use management agreement, all proposals dealing with changes to the organisation and conduct of the centre shall first be submitted to and approved by the Gryphon Leisure Centre Management Committee.

[Paragraph 3.1 of the second schedule reads as follows:

The centre manager shall control the internal organisation and management of the centre and shall exercise supervision over its staff].

11.09 DORCHESTER MARKETS INFORMAL JOINT PANEL

- (a) (Informal Joint Panel for administration of the Dorchester Markets) – This informal Joint 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 the district council shall then consider the appointment of an alternative member not being a member of the town council.

(NB: The Chief Executive, West Dorset District Council shall act as clerk to the Informal Joint Panel)

- (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 the District 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 the district 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) Repairs and renewals.
 - (vii) The making of byelaws and regulations governing the use of the market.
 - (viii) Prosecution under market byelaws and legal proceedings within the purview of the committee subject to proper legal advice.
 - (ix) Insurance pertaining to non-Market days.

11.10 WEST DORSET HERITAGE JOINT ADVISORY COMMITTEE

- (a) Terms of Reference. Four (4) Members of the Council. Two (2) members of the Weymouth and Portland Borough Council. Also one (1) member representative from each of the following organisations:
 - (i) Dorset Wildlife Trust;
 - (ii) English Nature;
 - (iii) Campaign to Protect Rural England;
 - (iv) Dorset Archaeological Committee;
 - (v) Dorset Association of Parish and Town Councils;
 - (vi) Farming and Wildlife Advisory Group;
 - (vii) Federation of Small Businesses;

- (viii) Local Access Forum;
 - (ix) Environment or Tourism groups of each of the Local Area Partnerships within the West Dorset Heritage Committee Area, including the Weymouth and Portland Environmental Partnership;
 - (x) National Farmers' Union;
 - (xi) National Trust; and
 - (xii) Local DEFRA office.
 - (xiii) The following organisations are invited to attend as non-voting advisors; Dorset AONB, Dorset Coastal Forum Team, Dorset Countryside Team and World Heritage Site Team.
- (b) Function and Role:
- (i) To advise on the conservation and enhancement of the natural beauty, flora, fauna with the archaeological built and maritime heritage of West Dorset, Weymouth and Portland.
 - (ii) To advise on the promotion of and manage access to the area and to specific sites in a manner compatible with the quality and value of the landscape and of the natural resources of the area.
 - (iii) To advise on the promotion of the area for the enjoyment and understanding by the public both resident in and visiting the area and encourage the development of appropriate forms of tourism in sympathy with the quality of the West Dorset environment.
 - (iv) Generally to advise on environmentally sustainable forms of economic and social development which support the objectives in the terms of reference.

11.11 WEST DORSET PARTNERSHIP

- (a) Membership of West Dorset Partnership criteria:
- (i) Significant local service provider (1)
 - (A) West Dorset District Council;
 - (B) Dorset Council;
 - (C) Dorset Police;
 - (D) South Dorset Primary Care Trust;
 - (E) North Dorset Primary Care Trust.

- (ii) Representative of key local interest (2)
 - (A) Dorset Association of Town and Parish Councils;
 - (B) Western Area Crime and Disorder Partnership;
 - (C) West Dorset Heritage Joint Committee;
 - (D) Federation of Small Businesses;
 - (E) Dorset Community Action;
 - (F) Magna Housing Association;
 - (G) Connexions;
 - (H) Age Concern;
 - (I) Dorset Wildlife Trust;
 - (J) Youth Extra;
 - (K) Citizens Advice Bureau.

- (iii) National Agencies with local focus (3) - observer

- (A) South West Regional Development Agency;
- (B) DEFRA;
- (C) GOSW.

(b) Principles for community planning in West Dorset. A number of principles have been identified which form the basis of the Council's approach to community planning in the district. These are set out below:

- (a) That the Council will encourage local area community planning based around market and coastal towns and their hinterlands led by the appropriate town council working closely with parish councils in the hinterland.
- (b) That local area community planning should be inclusive of all sections of the community, including hard to reach groups.
- (c) That local area community planning should cover local social, economic and environmental issues.
- (d) That each local area community planning partnership should within 2 years prepare, consult on and agree a local area action plan.

- (e) That the Council will financially support for up to three years the appointment of local community planning development workers by lead local councils provided they agree to points a to d above.
- (f) However, the Council recognises that a wide range of other approaches to community planning are being adopted within the district including Coastal and Market Towns Initiative, parish plans, village appraisals and village design statements.
- (g) That the district council encourages all community planning groups to work in partnership with the Council and provide a copy of their action plan or statement in due course.
- (h) That where requested the Council will assign an Officer as a link person to assist each community planning group.
- (i) The Council will take the lead in setting up and supporting a West Dorset Partnership of key district level service providers, agencies and interest group to prepare and help implement a community plan for West Dorset that reflects the action plans of local partnerships.
- (j) In all cases the Council will encourage communication to be between the lead local council for each local partnership, the district council and the county council as lead partner for the Dorset Local Strategic Partnership.

11.12 **JOINT ADVISORY OVERVIEW AND SCRUTINY COMMITTEE**

Role / terms of reference and membership

- (a) To act as an advisor on matters referred to the Joint Advisory Overview and Scrutiny Committee in relation to the discharge of functions of:
 - (i) the Council; and/or
 - (ii) any of the partner councils forming the Dorset Councils Partnership,
 where such function relates to issues affecting:
 - (i) the Dorset Councils Partnership as a whole; and/or
 - (ii) the whole of the area covered by the partners of the Dorset Councils Partnership; and/or
 - (iii) the inhabitants of such area.
- (b) The Joint Advisory Overview and Scrutiny Committee (JAOSC) shall provide advice on issues referred to it by Full Council or Cabinet / Management Committee / Strategy Committee of any of the partner Councils (as the case may be), or the Joint Chief Executive. Subject as below, advice from the JAOSC should be delivered to Full Council unless the issue was referred to it by another referring body. However, where

considered appropriate, the JAOSC may refer the advice to the Overview and Scrutiny Committee of each of the Councils for their consideration and comment prior to it being referred on. The JAOSC will normally seek the advice of the Monitoring Officer and / or the Joint Chief Executive if it is uncertain as to the appropriate body to which the advice should be provided.

- (c) The JAOSC will consist of fifteen (15) members. Each Council making up the Dorset Councils Partnership shall appoint five (5) Members to JAOSC. Each Council may also at its discretion appoint such substitutes as it considers appropriate in relation to its appointments. Membership shall be appointed from each Council's Overview and Scrutiny Committee. It will be the primary responsibility of an appointed member who cannot attend to seek to make arrangements for a substitute to attend in his/her absence. References in the rest of the Constitution to appointed Members of the JAOSC shall unless the context otherwise requires be deemed to include both its appointed Members and any substitutes standing in for an appointed Member.
- (d) Each Council may remove its appointed Members and appoint different Members giving written notice to the Joint Chief Executive or his or her nominee.
- (e) Each appointed member shall be entitled to remain on the JOASC for so long as the Council appointing them so wishes, but shall cease to be a member if he or she ceases to be a member of the appointing Council or if that Council removes the appointed member.
- (f) Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Joint Chief Executive or his or her nominee.
- (g) Each member of the JOASC shall comply with any relevant code of conduct of their Council when acting as a member of the JOASC.

Proceedings

- (h) The proceedings of the JOASC shall be the same as for the Shared Services Joint Committee – Part 2 Proceedings, subject to the changes identified below.
- (i) The JOASC will meet at least quarterly.
- (j) The Joint Chief Executive or Chair of the JOASC may call a special meeting of the JOASC.
- (k) Each sovereign council may appoint substitutes to the JOASC as provided above.
- (l) The quorum of a meeting is eight (8) which shall include at least one appointed Member from each of the Councils to the JOASC.
- (m) To the extent that voting is required at the JOASC then any matter will be decided by a simple majority of those appointed members of the Councils represented in the

room at the time the question was put. In the case of an equality of votes there shall be no casting vote and the matter shall stand deferred to the next JOASC.

Sub-Committees

- (n) The JOASC shall not have any power to appoint a sub-committee.

11.13 JOINT ADVISORY ACCOUNTS AND AUDIT COMMITTEE

Role / terms of reference and Membership

- (a) To act as an advisor on matters referred to in relation to:
 - (i) internal and external audit issues, and/or
 - (ii) financial risk management; and/or
 - (iii) internal financial controls; and/or
 - (iv) corporate governance; and /or
 - (v) financial accounts,

in all cases to the extent that such matters have relevance to all of the partner councils that make up the Dorset Councils Partnership.

- (b) The Joint Advisory Accounts and Audit Committee (JAAAC) shall provide advice on issues referred to it by Full Council, Cabinet / Management Committee / Strategy Committee of any of the partner Councils (as the case may be), or the section 151 Officer. Subject as below, advice from the JAAAC should be delivered to Full Council unless the issue was referred to it by another referring body. However, where considered appropriate, the JAAAC may refer the advice to the committee of each of the partner councils which in the opinion of the section 151 officer has the primary role of assessing financial risk and controls for their consideration and comment prior to it being referred on. The JAAAC will normally seek the advice of the section 151 Officer and / or the Joint Chief Executive if it is uncertain as to the appropriate body to which the advice should be provided.
- (c) The JAAAC will consist of twenty-one (21) Members. Each Council making up the Dorset Councils Partnership shall appoint seven (7) members to JAAAC. Membership shall be appointed from the committee of each Council responsible for financial audit.
- (d) Each Council may remove its appointed members and appoint different members giving written notice to the Joint Chief Executive or his or her nominee.
- (e) Each appointed member shall be entitled to remain on the JAAAC for so long as the Council appointing them so wishes, but shall cease to be a member if he or she ceases to be a member of the appointing Council or if that Council removes the appointed member.

- (f) Any casual vacancies will be filled as soon as reasonably practicable by the Council from which such vacancy arises by giving written notice to the Joint Chief Executive or his or her nominee.
- (g) Each member of the JAAAC shall comply with any relevant code of conduct of their Council when acting as a member of the JAAAC.

Proceedings

- (h) The proceedings of the JAAAC shall be the same as for the Shared Services Joint Committee – Part 2 Proceedings, subject to the changes identified below.
- (i) The JAAAC will meet at least quarterly.
- (j) The Joint Chief Executive or Chair of the JAAAC may call a special meeting of the JAAAC.
- (k) There shall be no right to appoint any substitute to the JAAAC.
- (l) The quorum of a meeting will be at least at least two of the members appointed by each of the Councils to the JAAAC.
- (m) To the extent that voting is required at the JAAAC then any matter will be decided by a simple majority of those members of the Councils represented in the room at the time the question was put. In the case of an equality of votes there shall be no casting vote and the matter shall stand deferred to the next JAAAC.

Sub-Committees

- (n) The JAAAC shall not have any power to appoint a sub-committee.

11.13 JOINT STAFF APPEALS COMMITTEE

Role / terms of reference and Membership

- (a) The Joint Staff Appeals Committee (JSAC) shall deal with various Officer appeals relating to personnel issues.
- (b) The membership of the JSAC shall be twelve (12) (six (6) from the Council and six (6) from Weymouth and Portland Borough Council).
- (c) The JSAC shall operate with a quorum of three (3). The Committee will comprise of at least one (1) member from each council.
- (d) The JSAC shall normally sit with an attendance of three (3) members from the Committee selected on a rota basis by the Corporate Manager – Democratic and Electoral Services (or if unavailable or absent any Officer appointed to the Senior Leadership Team).

Delegated powers

- (e) To consider staff appeals against dismissal under the Council's disciplinary procedure, capability procedure, sickness absence management procedure or redundancy and redeployment procedure.

11.14 THE DORSET WASTE PARTNERSHIP JOINT COMMITTEE

Role / terms of reference and membership

- (a) The Dorset Waste Partnership Joint Committee (the DWPJC) is established between Dorset County Council, North Dorset District Council, East Dorset District Council, Christchurch Borough Council, West Dorset District Council, Weymouth and Portland Borough Council and Purbeck District Council (the Participating Councils). The DWPJC comprises fourteen (14) members, two (2) of which are appointed by each of the Participating Councils.
- (b) The Constitution of the DWPJC is set out in Schedule 1 to the Inter-authority Agreement between the Participating Councils dated 13th December 2010, now updated by a second agreement which came into force 1st April 2016.

Functions / delegations

- (c) The functions delegated to the DWPJC by the Participating Councils are those set out in Schedule 2 to the Inter Authority Agreement (as may be amended from time to time). The original arrangements identified them as follows:
 - (i) Part 1. The management of waste which includes the collection, disposal, treatment and recycling of household and commercial waste along with street cleaning
 - (ii) Part 2. In performance of the statutory functions referred to in Part 1 the Joint Committee shall also undertake the following activities on behalf of the Partner Authorities:
 - (A) hold the director to account for the management of the contracts for the delivery of an integrated waste management service across the county of Dorset in so far as such service relates to all or any of the the areas of the Partner Authorities through the senior management team and in accordance with legislation and the terms of the agreement;
 - (B) approve and implement the business plan;
 - (C) ensure that the legal and statutory functions delegated to it by the Partner Authorities are being discharged effectively with a risk management framework;
 - (D) assist the Partner Authorities in meeting their respective responsibilities such as, but limited to, emergency planning and responding to civil emergencies and elections;

- (E) monitor, review, agree and recommend to each Partner Authority the waste strategy, the business plan and any medium term financial plan in accordance with the terms of this Agreement;
- (F) monitor performance of the DWP including customer satisfaction;
- (G) agree the Capital Programme, to allow the DWP treasurer to take it through the host authority's capital programme approval process;
- (H) approve key decisions, defined in the Dorset waste partnership scheme of delegation as "decisions where the financial implications for the Joint Committee exceed £500,000 [or which are likely to have a significant effect on a division or divisions represented by at least two members];
- (I) appoint the director;
- (J) approve the calculation of revenue and financial costs in accordance with schedule 5.

Proceedings

- (d) Save as provided for below, the proceedings for the DWPJC shall be those of the host authority, Dorset County Council.
- (e) Part 1 of Schedule 12 of the LGA 1972 shall apply to meeting of the DWPJC.
- (f) At each general meeting the Joint Committee shall:
 - (i) elect from among the DWPJC Members the Chairman and Vice- Chairman by a simple majority of votes provided that if a deadlock occurs between two or more DWPJC Members a second secret ballot shall immediately be conducted for the election of the Chairman and Vice- Chairman;
 - (ii) adopt a Scheme of Delegation; and
 - (iii) approve the schedule of meetings for the remainder to the year.
- (g) Subject to paragraph [i] below, and the need exceptionally to call additional meetings, the DWPJC shall meet at least four (4) times each year. The Chairman shall decide the venue, date and time of all meetings of the Joint Committee. Wherever practicable, at least ten (10) business days notice of such meetings shall be given to each DWPJC member, the director, the treasurer, the legal advisor and to each of the Partner Authorities by the clerk.

- (h) Meetings of the DWPJC shall be open to the public and press except during consideration of items containing confidential or exempt information in accordance with the provisions of sections 100 to 100K of the LGA 1972; and reports to and the minutes of the DWPJC shall (subject to the provisions of sections 100 to 100K of the LGA 1972) be available to the public and press as though they were the reports or minutes of a Partner Authority.
- (i) Any DWPJC member may requisition a meeting of the DWPJC by giving notice of such requisition to the Chairman and to the Clerk. Immediately upon receipt of such requisition, the Chairman shall call a meeting of the DWPJC in accordance with paragraph [g] which shall be no later than ten (10) Business Days after receipt by the Clerk of the notice of requisition.
- (j) The standing orders and rules of procedure shall be applicable to meetings of the Joint Committee. The standing orders and rules of procedure may only be amended or replaced if the amendment or replacement is agreed by not less than three-quarters of the DWPJC members.
- (k) The quorum for a meeting of the DWPJC shall be six DWPJC members, which shall include at least one DWPJC member appointed by each of six (6) different Partner Authorities; no business may be transacted at a meeting of the DWPJC unless a quorum is present.
- (l) If a quorum is not present within thirty (30) minutes of the time set for the commencement of a meeting of the DWPJC (or a quorum ceases to be present during a meeting) the meeting shall be adjourned to the same time and venue five business days later or to such other date, time and venue as the chairman (or other person who is chairing the meeting) shall determine.
- (m) The chairman or the vice-chairman may be removed by a majority vote of all of the DWPJC members present at a meeting of the Joint Committee subject to the chairman or the vice-chairman being given the opportunity to address the meeting before the vote is taken to put his case as to why he should not be removed.
- (n) If the chairman or the vice-chairman is removed by a majority vote of the Joint Committee or resigns or is otherwise unable to continue as chairman or vice-chairman he may be replaced by the election of a DWPJC member as chairman or vice-chairman as the case may be by a majority vote of the Joint Committee (in accordance with the provision of paragraph [f]).
- (o) The chairman shall normally preside at all meetings of the DWPJC. If the chairman is not present within 15 minutes of the time for the commencement of a meeting, or being present does not wish to preside or is unable to do so, then the vice-chairman shall preside at that meeting. If (in the event of the absence or non-availability of the chairman) the vice-chairman is not present within 15 minutes of the time for the commencement of the meeting or does not wish to

preside or is unable to do so, the meeting shall appoint another DWPJC member to chair the meeting.

ARTICLE 12 - OFFICERS

12.01 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. These posts will make up the Senior Leadership Team:
 - (i) Chief Executive (and Head of Paid Service);
 - (ii) Strategic Directors (x3);
 - (iv) Assistant Chief Executive.
- (c) The process of selection and recruitment of the above chief officers shall be undertaken in accordance with provisions as set out in the Employment and Dismissal Procedure Rules - Part B. The appointment 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 Employment and Dismissal Procedure Rules.
- (d) The Council is required by statute to appoint the following statutory roles:
 - (i) Head of Paid Service;
 - (ii) Section 151 Officer; and
 - (iii) Monitoring Officer.

Further details of these statutory roles are set out below and can also be found in the Financial Regulations – Part D of this 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. A chart showing the management structure down to and including third tier is set out in Part G of this Constitution.

12.02 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 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.

12.03 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 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. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (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 Member complaints and make reports or recommendations in respect of them to the Chief Executive.
- (e) **Proper officer for access to information.** The Monitoring Officer will ensure that Committee decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as required by legislation.
- (f) **Providing advice.** The Monitoring 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.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 **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 and 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.

12.05 **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.

12.06 **Conduct**

Officers will comply with the Employee Code of Conduct, set out in part E of the Constitution and where applicable relevant professional codes of conduct.

12.07 **Employment**

The recruitment, selection and dismissal of Officers will comply with the Employment and Dismissal Rules contained within Part B of the Constitution.

ARTICLE 13 – DECISION MAKING

13.01 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 set out in relevant parts of Part A – Summary and Articles and Part C – Officer Scheme of Delegation of this Constitution.

13.02 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.

13.03 Types of decision

- (a) Decisions reserved to Full Council. Article 4 – Full Council – Part A 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 B of the Constitution.

13.04 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 B 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.

13.06 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 Procedure Rules set out in part B 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.

13.07 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 Procedures Rules, Strategy Committee Procedure

Rules and Budget and Policy Framework Procedure Rules set out in Part B 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.

13.08 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.

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.01 Financial management

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

14.02 Contracts

Every contract made by the Council will comply with the Contract Procedural Rules set out in part D of this Constitution.

14.03 Legal proceedings

The:

- (a) the Corporate Manager – Legal; and
- (b) the Monitoring Officer,

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 contained in Part C of this 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.

14.04 Authentication / signing of documents

- (a) Subject as provided for in this Article, any of:
 - (i) the Head of Paid Service;
 - (ii) the Assistant Chief Executive;
 - (iv) the Monitoring Officer;
 - (v) a Strategic Director;
 - (vi) a Head of Service;
 - (vii) a Corporate Manager, and

- (viii) such other Officer as may be provided for pursuant to the Officer Scheme of Delegations – Part C of this Constitution,

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

- (b) Any contract with a value exceeding £100,000 entered into on behalf of the Council shall unless the Contract Procedure Rules provide otherwise:
 - (i) be made in writing; and
 - (ii) signed by at least two (2) Officers of the Council or made under the common seal of the Council attested by at least one (1) Officer.

14.05 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 Corporate Manager – Legal. 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) Corporate Manager – Legal,
- (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 C of this Constitution.

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.01 Duty to monitor and review the Constitution

- (a) To ensure that the aims and principles of the Constitution are given full effect 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:
 - (i) be considered by Strategy Committee who shall normally make a recommendation to Full Council; and

- (ii) have had an opportunity to be considered by Audit Committee,

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 A of this Constitution.

15.02 Changes to the Constitution by the Monitoring Officer without referral

- (a) The Monitoring Officer shall have power:
 - (i) to make amendments to the Constitution without referral to any body of the Council where s/he considers this is necessary and/or expedient to reflect legislative change, secure consistency, provide alignment with existing or emerging internal practices and procedures, address any legal ambiguity, and/or address any uncertainty in interpretation subject in all cases to prior consultation with at least two lead Members being such Members as the Monitoring Officer considers appropriate provided that one such Member is the Chairman or Vice Chairman of a Committee with a scrutiny role unless unavailable or absent; and
 - (ii) to take direct reports to Full Council relating to other Constitutional changes where s/he considers this appropriate.
- (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.

15.03 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 from a committee model.

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.01 Suspension of the Constitution

(a) **Limit to suspension.**

- (i) The articles of this Constitution may not be suspended.
- (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 will not be moved without notice unless at least one half of the whole number of Members of the Council plus one are 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 Procedure Rules;
- (ii) Budget and Policy Framework Procedure Rules;
- (iii) Strategy Committee Procedure Rules;
- (iv) Overview and Scrutiny Procedure Rules; and
- (v) Financial Regulations including the Contract Procedure Rules.

16.02 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 – The Constitution – Part A.

16.03 Publication

- (a) The Corporate Manager – Democratic and Electoral Services will give a printed copy of this Constitution or information as to how to access an up to date version of the Constitution 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 Corporate Manager – Democratic and Electoral Services 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 Corporate Manager – Democratic and Electoral Services will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

PART B

PROCEDURAL RULES

COUNCIL PROCEDURE RULES

For the avoidance of doubt all provisions contained within these Council Procedure Rules shall be construed as Standing Orders of the Council as provided for in Article 1 – the Constitution – Part A of this Constitution.

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1. ANNUAL MEETING OF FULL COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Members, the annual meeting of Full Council will take place within twenty-one (21) days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May. The annual meeting of Full Council will:

- (a) elect a person to preside if the Chairman of Council and Vice-Chairman of Council are not present;
- (b) elect the Chairman of Council;
- (c) elect the Vice-chairman of Council who shall preside and generally substitute for the Chairman of Council if absent or unavailable;
- (d) receive any declarations of interest from Members;
- (e) approve the minutes of the last meeting;
- (f) receive and so far as appropriate respond to any question and/or statement from the public in accordance with these procedure rules;
- (g) receive and so far as appropriate respond to any petition and/or deputation from the public in accordance with these procedure rules and the Council's Petition Scheme as contained in the appendix to these rules;
- (h) deal with any Member question raised in accordance with these procedure rules;
- (i) consider any motion on notice (Member Issue) submitted pursuant to these procedure rules;
- (j) receive any announcements from the Chairman of Council and/or Head of Paid Service;
- (k) consider any urgent item(s) approved by the Chairman of Council for consideration pursuant to these procedure rules;
- (l) receive, consider and respond to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any); and
- (m) consider any other business set out in the notice convening the meeting.

1.2 Selection of Councillors to Committees at Annual Council and confirming the Constitution

At the annual meeting, Full Council will also:

- (a) decide:
 - (i) which Committees to establish for the municipal year;
 - (ii) the terms of reference / roles and powers of those Committees; and
 - (ii) the size of those Committees;

provided always that in the event of no formal decision being taken in this respect at that time the Committees appointed for the municipal year, their sizes, terms of reference, roles and powers shall be deemed to be the same as provided for in this Constitution;
- (b) decide the allocation of seats to political groups which shall accord with the political balance rules unless there is a vote which accords with all relevant legal provisions in this respect to not have political balance rules applying;
- (c) receive nominations of Members to serve on each Committee and any Joint-Committee;
- (d) appoint to each such Committee /Joint-Committee;
- (e) appoint the Chairman and Vice-Chairman of each Committee as provided for in the Articles to this Constitution;
- (f) make any other appointments as may be necessary; and
- (g) subject to any amendments resulting from the above, confirm the content of the Constitution.

1.3 **Meetings of Full Council**

Full Council will approve a programme of ordinary meetings of:

- (a) Full Council; and
- (b) its Committees,

for the year, provided always that in the event of no formal decision being taken in this respect at that time the number of ordinary meetings of Full Council will be determined by the Chairman of Council and of each Committee will be determined by that Committee.

2. **ORDINARY MEETINGS OF FULL COUNCIL**

Ordinary meetings of 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;
- (d) receive any announcements from the Chairman of Council or Head of Paid Service;
- (e) consider any item(s) of urgency approved by the Chairman of Council for consideration pursuant to these procedure rules;
- (f) receive and so far as appropriate respond to any question and/or statement from the public in accordance with these procedure rules;
- (g) receive and so far as appropriate respond to any petition and/or deputation from the public in accordance with these procedure rules and the Council's Petition Scheme as contained in the appendix to these rules;
- (h) receive any report from a Committee and respond to and respond to matter(s) arising in relation to it;
- (i) receive, consider and respond to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any);
- (j) deal with any business from the last Council meeting;
- (k) receive any report from the Leader and Portfolio Holders and respond to questions;
- (l) deal with any Member question raised in accordance with these procedural rules;
- (m) consider any motion on notice (Member Issue) submitted pursuant to these procedural rules; and
- (n) consider any other business specified in the notice convening the meeting.

3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Head of Paid Service to call a Council meeting in addition to ordinary meetings of Full Council:

- (a) Full Council by resolution;
- (b) the Chairman of Council;
- (c) the Monitoring Officer; or
- (d) any five (5) Members of the Council if they have signed a requisition presented to the Chairman of Council and he/she has refused to call a meeting or has failed to call a meeting with seven (7) days of the presentation of the requisition,

provided that for the avoidance of doubt the Head of Paid Service may also call a Council meeting at his/her own discretion.

3.2 Business of extraordinary meetings of Full Council

In respect of an extraordinary meeting of Full Council, unless the Chairman of Council agrees an item as a matter of urgency or as otherwise provided for in this Constitution, Full Council will only consider the business which is the subject of that extraordinary meeting. Further details relating to dealing with urgent items are set out in these procedure rules below.

4 TIME AND PLACE OF MEETINGS, PLACING ITEM ON A SUMMONS AND ACTING IN A PERSON'S ABSENCE

4.1 Time and place of meetings

The time and place of meetings will be determined by the Head of Paid Service (or if absent or unavailable the Assistant Chief Executive or if both are unavailable or absent any other Proper Officer nominated for such purpose) and notified in the summons unless Full Council determines such time and place.

4.2 Placing items on a summons

- (a) Unless the law otherwise requires, items will be placed on a summons:
 - (i) at the request or at the direction of the Chairman of Council;
 - (ii) pursuant to the provisions of these Council Procedure Rules, Petition Scheme or any other relevant provisions of the Constitution;
 - (iii) if required by Full Council;
 - (iv) at the request of the Head of Paid Service or any other member of the Senior Leadership Team subject to prior consultation with the Chairman of Council (unless unavailable or absent);
 - (vi) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chairman of Council (unless unavailable or absent);
 - (vii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and respond to a report or recommendation pursuant to the exercise of that Committee's statutory powers;
 - (viii) to consider any recommendation or referral from a Committee or Sub-Committee of the Council;
 - (ix) to consider any Officer report identified by any member of the Corporate Leadership Team as appropriate to go to Full Council and/ or which refer to any matter which the Constitution or law requires to be considered by Full Council; and /or

- (x) 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 s/he may nominate) with the agreement of the Chairman of Council shall determine the appropriate meeting of Full Council to which an item should be put and the order of all such items.

4.3 Acting in absence

- (a) In the event of the Chairman of Council being absent or unavailable at any time when there is a need to make any decision / perform any action identified in any 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).
- (b) In the event that the Head of Paid Service is unavailable or absent at any time when there is a need to make any decision / perform any action identified in any procedure rules or other provision contained in this Constitution as being decided or performed by the Head of Paid Service then that decision / action may be performed by any other Officer of the Senior Leadership Team or if all are absent / unavailable then any Officer of the Corporate Management Team.
- (c) Notwithstanding any other provisions in this rule the Head of Paid Service may nominate any Officer to make any decision / perform any action identified in any procedure rules or other provision contained in this Constitution as being decided or performed by the Head of Paid Service.
- (d) Unless the law provides otherwise, the Head of Paid Service may also make any decision / perform any action of any Officer post identified in any procedure rules or other provision contained in this Constitution as being a decision / action to be performed by that Officer post.

5 NOTICE OF AND SUMMONS TO MEETINGS

The Head of Paid Service 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 (5) clear working days before a meeting, the Head of Paid Service will send a summons to every Member or by an appropriate method in accordance with the relevant legislative provisions. The summons will be authenticated in accordance with relevant legal provisions, 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 CHAIR OF MEETING

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

7 QUORUM OF COUNCIL

7.1 **Full Council**

Subject as provided for in schedule 12 Local Government Act 1972, the quorum of a meeting of Full Council will be one quarter of the whole number of Members of Full Council (rounded up if necessary).

7.2 **Absence of a quorum**

During any meeting, if the Chairman of Council counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman of Council. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. **RAISING QUESTIONS, STATEMENTS, PETITIONS OR OTHER ISSUES AT FULL COUNCIL**

Questions and statements received from the public pursuant to these Council Procedure Rules shall be considered by Full Council in accordance with these rules and any other express provisions in this Constitution relating to such matters. In the event of any conflict between different provisions within the Constitution relating to such matters or any uncertainty as to how to apply any relevant procedures, then the procedure to be followed shall be determined at the absolute discretion of the Chairman of Council.

PUBLIC PARTICIPATION

9 **QUESTIONS AND STATEMENTS**

9.1 **General rules on receiving and responding to questions and statements from the public**

Any member of the public living or working within the district and any appointed representative of any organisation operating within the district may:

- (a) ask a question of the Leader, the Chairman of Council or the Chairman of a Committee (excluding quasi-judicial committees); or
- (b) make a statement,

at any meeting of Full Council other than an extraordinary meeting (unless in the opinion of the Chairman of the Chairman the question and/or statement specifically relates to the matter for which the extraordinary meeting has been called), provided that question / statement has been submitted to the Council and approved in accordance with these rules.

9.2 **Time for public questions and statements**

A period of thirty (30) minutes will be set aside at each relevant meeting of Full Council to receive and respond to any such question or statement.

9.3 **Number and duration of questions/statements**

- (a) In relation to any one meeting of Full Council no person or organisation may submit more than a total of three (3) questions and/or statements (i.e. the total number in whatever combination of questions and statements combined cannot exceed three(3)) and no more than three (3) such questions / statements may be asked / read out at any one meeting of Full Council on behalf of the same person/organisation.
- (b) No more than three (3) minutes shall be allowed for any one question or statement to be read / put.

9.4 **Notice of questions / statements**

A question may only be asked or a statement read if notice has been given by delivering it in writing or by email to the Democratic Services Unit at least three (3) clear working days before the Council meeting. Each question / statement must give:

- (a) the name and address of the person wanting to answer the question / read the statement; and
- (b) the title of the Member to whom the person would prefer it to be directed (if any). In the case of a statement the choice may be expressed that it is simply to be a statement to the Council as a whole.

9.5 **Scope of questions / statements**

- (a) The Head of Paid Service 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 the district;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same or relates to a topic which is substantially the same as a question, statement, petition or deputation that has been put / received at a meeting of Full Council in the past six (6) months;
 - (iv) 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) requires the disclosure of confidential or exempt information;
 - (vi) is related to confidential staffing matters;
 - (vii) is related to any quasi-judicial matter (e.g. planning or licensing matters) / any on-going investigation; or
 - (viii) is otherwise inappropriate for such a question/statement to be put / read out.

- (b) The Corporate Manager - Democratic and Electoral Services, will make arrangements to enable the future identification of questions / statements for the purposes of the provisions above.
- (c) In the event of the Head of Paid Service determining that a question / statement cannot be put / made at a meeting of Full Council, then the reason(s) for this shall be sent to the person seeking to raise it.

9.6 Identification of who will respond

- (a) Notwithstanding any indication in the question/statement, the Head of Paid Service following consultation with the Chairman of Council shall determine the most appropriate Member to receive /respond to any question / statement (if any). If this differs from that identified by the person presenting the question/statement then this shall be identified before the question/statement is put.
- (b) The Head of Paid Service will make arrangements for each question/statement that is to be presented to be provided to the Member (if any) to whom it is to be put 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 of Council considers appropriate. The Chairman of Council 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 of Council will invite the person presenting the question/statement to put it to the Member (if any) or put it to the meeting as a whole. If the presenter who has submitted the question/statement is unable to attend the meeting, the Chairman of Council may indicate that a written reply will be given to a question or that the question/ statement will not be dealt with and/or read out.

9.9 Discussion and referral of questions and statements

Unless the Chairman of Council decides otherwise, no discussion will take place on any question or statement read out pursuant to these procedure rules in relation to questions and statements by the public, although any Member may suggest that it might be better dealt with by another Committee or Sub-Committee. In that event the Chairman of Council

may direct the matter be referred to such Committee or Sub-Committee as s/he considers appropriate.

9.10 Responding to a question or statement

- (a) In so far as relevant, a response to any question or statement shall take such form as the responder considers appropriate, including:
 - (i) a direct oral response/answer;
 - (ii) where the desired information is in a publication of the 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 a reply/response cannot conveniently be given orally, the provision of a written response/answer to the person raising the issue to which a response/answer is required.
- (b) Notwithstanding any other provision in the Constitution there shall be no requirement for a direct response to be provided to any statement or question presented pursuant to these procedure rules unless any person receiving such a question / statement considers it appropriate.

9.11 Responding to an answer

Where a question has been put and either answered or no answer is given:

- (a) the questioner may not ask any supplemental question; however s/he may at that time indicate that s/he does not consider that a sufficient response has been provided; and
- (b) in the event that a questioner indicates that s/he does not consider that a sufficient response has been provided, the Leader, any relevant Portfolio Holder, Chairman of Council or Committee Chairman (as the case may be) may at his/her absolute discretion agree to provide further information by letter.

9.12 Inability to present a question / present statements

- (a) Any question / statement which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member to whom it was to be put (if any) or otherwise, will be dealt with by the sending of written answer/response within a reasonable timescale.
- (b) Where a statement cannot be given due to lack of time the Corporate Manager – Democratic and Electoral Services will make arrangement for the statement and any response provided to be circulated to all the Members of the Council.

10 PETITIONS AND DEPUTATIONS

10.1 **Petitions**

- (a) Any members of the public may submit a petition to the Council in accordance with the Petitions Scheme that appears as an Appendix to these Council Procedure Rules.
- (b) Subject as provided for in these procedure rules and the Petition Scheme, petitions that are submitted other than in accordance with the Petition Scheme will not normally be considered.
- (c) Petitions which are accepted for consideration will be dealt with as provided for in the Petition Scheme.

10.2 **Deputations - General**

A deputation may be received at any meeting (other than an extraordinary meeting unless in the opinion of the Chairman of Council the deputation specifically relates to the matter for which the extraordinary meeting has been called) of Full Council provided:

- (a) written details containing:
 - (i) the intended subject matter / reason(s) 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 would wish to read out in relation to the deputation;
 - (iv) the full names of not more than four (4) additional persons who it is proposed would accompany the Deputation Leader to the meeting; and
 - (v) identification of the date of the ordinary meeting of Full Council which it would be preferred to attend,have been submitted to and received by the Head of Paid Service, and
- (b) the subject matter / reason(s) for the deputation relates to a matter for which the Council is responsible or which affects the district.

10.3 **Time for deputations**

A period of fifteen (15) minutes will be set aside at each 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 (1) deputation.

10.5 **Scope of deputation**

- (a) The Head of Paid Service 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 relates to a topic which is substantially the same as a question, statement, petition or deputation that has been put / received at a meeting of Full Council in the past six (6) months;
 - (iv) is related to 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 related to confidential or exempt information;
 - (vi) is related to confidential staffing matters;
 - (vii) is related to any quasi-judicial matter (e.g. planning or licensing matters) / any on-going investigation; or
 - (viii) is otherwise inappropriate for such a deputation to be received.
- (b) The Corporate Manager -Democratic and Electoral Services, will make arrangements to enable the future identification of deputations for the purposes of the provisions above.
- (c) In the event of the Head of Paid Service determining that a deputation cannot be received at a meeting of Full Council, then the reason(s) for this shall be sent to Deputation Leader.

10.6 **Identification of who will respond to a deputation**

- (a) The Head of Paid Service following consultation with the Chairman of Council shall determine the most appropriate person to respond to any deputation (if any).
- (b) The Head of Paid Service will make arrangements for details of the deputation to be sent to the Member identified as providing a response (if any) as soon as reasonably practicable following its receipt.

10.7 **Order of deputations**

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

10.8 **Identification as to where a deputation will be presented**

Where the Head of Paid Service considers that a deputation relates to a matter within the terms of reference of the Strategy Committee or other Committee then subject to prior discussion with the Chairman of Council s/he may arrange for the deputation to be placed not on a summons of a meeting of Council but on the next suitable agenda of the Committee considered most appropriate to receive the same.

10.9 Ordinary meeting to consider deputation

- (a) A deputation will not normally be considered at a relevant meeting of Full Council following its receipt unless all relevant details have been delivered to the Head of Paid Service at least ten (10) working days before the date of the meeting.
- (b) So far as is practicable, a valid deputation will be listed on the relevant summons in the order each has been received unless the Chairman of Council considers a different order is more appropriate.

10.10 Presenting a deputation at the meeting

- (a) The Chairman of Council will invite the Deputation Leader to read out any statement / explanation provided 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 in relation to a deputation shall not exceed five (5) minutes unless the Chairman of Council expressly allows otherwise.

10.11 Discussion relating to a deputation

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

10.12 Responding to a deputation

Any person identified as being the responder to a deputation shall respond in such matter as s/he considers appropriate.

10.13 Inability for deputation to be presented

Any deputation which cannot be dealt with at a meeting of Full Council, whether because of lack of time, non-attendance of the deputation, non-attendance of a Member to whom it was to be put (if any) or otherwise, will be dealt with by the sending of a written communication within a reasonable timescale unless the Chairman of Council determines otherwise.

MEMBERS' QUESTIONS AND ISSUES

11 REPORTS FROM COMMITTEES / SUB-COMMITTEES AND LEADER / PORTFOLIO HOLDER UPDATES / REPORTS

11.1 Receiving reports from Committees / Sub-Committees

The Council will receive periodic reports from its Committees and any other body as the Chairman of Council may determine. The report will be presented by the Chairman of the Committee. The primary purpose of the report will be to:

- (a) give Members an understanding of the work undertaken by the Committee in the previous year;
- (b) identify any issues relating to that work of relevance to Full Council; and
- (c) inform Members of work planned for the following year so far as relevant to Full Council.

11.2 Frequency of reports from Committees / Sub-Committees

The normal frequency of such reports will be as follows unless otherwise determined by Full Council or the Chairman of Council:

- (a) Strategy Committee – every ordinary meeting (the Leader may at his/her discretion opt instead to include as part of any Leader report s/he presents an update on the Strategy Committee) ;
- (b) Overview and Scrutiny Committee – annually;
- (c) all regulatory committees – annually; and
- (d) any other committee – annually.

11.3 Receiving updates / reports from the Leader / Portfolio Holders

Every ordinary meeting of Council will normally receive:

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

11.4 Presentation of update /report

- (a) The Corporate Manager – Democratic and Electoral Services will make arrangements for a copy of any available report to be placed on the summons.
- (b) The Leader and Portfolio Holder will each present their update / report in such manner as s/he thinks fit.

11.5 Asking and responding to questions

- (a) Members may ask questions on:
 - (i) any periodic report submitted by any of its Committees and any other body; and

- (ii) any verbal or written report provided by the Leader or Portfolio Holder (as the case may be),

provided that in the opinion of the Chairman of Council the questions relate to the report / verbal update or to any other directly related matters.

- (b) The overall number of questions that may be asked in relation to the above and the subjects allowed are at the absolute discretion of the Chairman but will normally not be allowed to exceed more than two (2) questions and two (2) supplemental questions per Member per report / verbal update.
- (c) The Member responding to any question asked pursuant to the above may respond as s/he sees fit including:
 - (i) providing a direct oral answer; or
 - (ii) indicating that he/she wishes to give an answer within seven (7) days and then providing an answer within that time which will be circulated to all Members of the Council.

12 MEMBERS' GENERAL QUESTION TIME

12.1 General

Any Member of the Council may ask:

- (a) the Chairman of Council;
- (b) the Chairman of any Committee; or
- (c) a Portfolio Holder (but only in relation to any matters within that Member's portfolio);

a question at a meeting (other than an extraordinary meeting) of the Council on any matter in relation to which the Council has powers or duties or which affects the district provided that the question is valid.

12.2 Validity and number

- (a) A question will be valid for the purposes of the paragraph above ("Valid Member Question") provided:
 - (i) (A) it has been given to the Head of Paid Service in writing by 10.30 a.m. on the Tuesday preceding the Council meeting; or
 - (B) in the opinion of the Chairman of Council it relates to an urgent matter, should be allowed and if possible, the content of the question has given to the Head of Paid Service by 5 p.m. on the day before the meeting; and
- (ii) in the opinion of the Chairman of Council it does not:

- (A) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (B) contain defamatory, inappropriate or inflammatory language.
- (b) Subject to the provisions below in relation to supplementary questions, each Member may only ask a maximum of two (2) Valid Member Questions as of right at each relevant meeting of the Council.
- (c) The Chairman of Council may at his/her absolute discretion allow a Member to ask more than two (2) Valid Member Questions; otherwise any remaining Valid Member Question(s) will remain pending them being asked at each appropriate opportunity in subsequent meetings.
- (d) The Head of Paid Service will so far as practicable make arrangements for each Valid Member Question that is to put to be provided to the Member to whom it is to be put as soon as reasonably practicable following its determination as a Valid Member Question.

12.3 **Presentation and response to Member questions**

- (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.
- (b) The Member to whom a Valid Member Question is put may:
 - (i) decline to answer it;
 - (ii) indicate that s/he wishes to give an answer within seven (7) working days and then provide an answer within that time which will be circulated to all Members of the Council;
 - (iii) provide a direct oral answer; or
 - (iv) where the desired information is in a publication of the Council or other published work, provide a reference to that publication.
- (c) Immediately following a response to a Valid Member Question, the Member who submitted the question may ask one (1) supplementary question relating to the original question in order to seek clarification on the response. The person who provided the initial response may:
 - (i) decline to answer the supplementary question;
 - (ii) provide a direct oral answer; or
 - (iii) indicate that he/she wishes to give an answer within seven (7) days and then provide an answer within that time which will be circulated to all Members of the Council.
- (d) No further supplemental questions may then be put.

13 MEMBER ISSUES (MOTIONS ON NOTICE FOR CONSIDERATION AT COUNCIL)

13.1 Raising a Member issue

Any Member may raise an issue to be considered at a meeting of Full Council by way of a motion on notice provided that the motion on notice is valid.

13.2 Validity and number

- (a) In order to be valid a motion on notice must comply with all other relevant provisions of these procedure rules and must:
 - (i) be received by the Head of Paid Service in writing;
 - (ii) consist of either:
 - (A) a motion; or
 - (B) identify an issue together with a proposed motion relating to that issue;
 - (iii) concern a matter(s) which in the opinion of the Head of Paid Service in consultation with the Chairman of Council is related to the responsibilities of the Council or which directly affect the Council or the district;
 - (iv) not (in the opinion of the Chairman of Council):
 - (A) relate to the personal affairs, conduct or personnel issues of any individual Member or Officer; and/or
 - (B) contain defamatory, inappropriate or inflammatory language;
 - (v) be clearly identifiable as a motion on notice submitted for the purposes of these procedure rules; and
 - (vi) contain the signature of the Member submitting the motion on notice (unless submitted electronically pursuant to the provisions below) and the date it was submitted to the Head of Paid Service.
- (b) Each Member may only have a maximum of two (2) valid motions on notice placed as of right at each relevant meeting of the Council.
- (c) The Chairman of Council may at his/her absolute discretion allow to be placed on a summons of a relevant meeting more than two (2) valid motions on notice from a Member; otherwise any remaining valid motions on notice submitted by a Member will remain pending them being asked at each appropriate opportunity in subsequent ordinary meetings of Full Council.

13.3 Where motion on notice shall ordinarily be directed

Where the Head of Paid Service considers that a motion on notice relates to a matter within the terms of reference of the Strategy Committee or other Committee then subject to prior discussion with the Chairman of Council s/he may arrange for the motion on notice to not be placed on a summons of a relevant meeting of Full Council but in the first instance be placed on the next suitable agenda of the Committee considered most appropriate to consider the same.

13.4 Ordinary meeting to consider motion on notice

- (a) A motion on notice will not normally be considered at the next relevant meeting of Full Council following its receipt unless it has been delivered to the Head of Paid Service at least ten (10) working days before the date of the meeting. A motion on notice may be submitted to the Head of Paid Service by e-mail provided it is sent to both the Head of Paid Service and the Corporate Manager – Democratic and Electoral Services.
- (b) A valid motion on notice may be considered at a particular meeting of Full Council if the Member who submitted it requests in writing or by email received by the Head of Paid Service and Corporate Manager – Democratic and Electoral Services that s/he who prefer it to be considered at a later ordinary meeting and the Chairman of Council considers this appropriate.
- (c) For the avoidance of doubt, a valid motion on notice may be withdrawn at any time.
- (d) Valid motions on notice will be listed on the relevant summons in the order they have been received unless the Chairman of Council considers a different order to be appropriate.

13.5 Presenting a motion on notice

Where a motion on notice has been submitted which is accompanied by the written identification of an issue to which the motion relates, the Member who submitted it shall before presenting the motion on notice be entitled if s/he is present and so elects to read out the issue submitted or a summary of it provided that in no circumstance shall more than three (3) minutes be allowed for this purpose. That Member may then also elect to read out the related motion on notice and propose it. If no written details of the issue accompanied the motion on notice then the Member who submitted it may if present read out the motion on notice and may also propose it. In the absence of such a Member or if the Member who submitted the motion on notice declines to read it then the motion on notice shall be dealt with as the Chairman considers appropriate.

13.6 Consideration of a motion on notice

- (a) If a motion on notice (Member Issue) set out in a summons is not at the time it is presented to a meeting of the Council:
 - (i) moved either by the Member who gave notice of it or by some other Member on his/her behalf; and
 - (ii) seconded,

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

- (b) A motion on notice shall not be the subject of debate 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.

13.7 **Motion on notice referred to a Committee**

- (a) A Committee considering a motion on notice referred to it pursuant to these procedure rules shall report on it to the next suitable meeting of Full Council. The report shall be considered as part of the time of the meeting of the Council set aside to deal with motions on notice from Members.
- (b) The Chairman of the Committee which has considered the motion on notice shall inform the meeting of the views of the Committee in relation to the motion. The original motion shall then be read to the meeting. If that motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new motion on notice.
- (c) If the Committee considered that a different motion to that proposed as the original motion on notice should be considered by Full Council then:
 - (i) if the original motion on notice is proposed and seconded the Chairman of the Committee which considered it shall propose the alternative motion as an amendment. If it is proposed and seconded it shall be debated and voted upon, as an amendment to the motion and if carried take the place of the original motion on notice; or
 - (ii) if the original motion on notice is not proposed and seconded then the Chairman of the Committee that considered it shall move the alternative motion identified by the Committee. Such a motion may be moved without notice. If seconded it shall then be debated and considered by Members as if it was a motion on notice that had been approved and seconded.
- (d) Any amendment to either motion if it has been moved and seconded may be considered in the usual way in accordance with these procedure rules.

14 **ANNUAL BUDGET**

A Member wishing to move an amendment to any recommendation from the Strategy Committee on the annual budget must:

- (a) give advance written notice setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget; and
- (b) ensure this has been received by the Corporate Manager – Democratic and Electoral Services no less than two (2) clear working days before the meeting at which the budget or review of charges are being considered.

15 **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) in relation to 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 summons for the meeting;
- (f) to receive reports and/or propose motions / amendments relating to recommendations (whether verbal or written) of 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 put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a procedure rule subject to any limitation as provided for in this Constitution – see Article 16 – Suspension, Interpretation and Publication of the Constitution – Part A;
- (n) to exclude the public and press as provided for in the Access to Information Rules – Part B of this Constitution;
- (o) to not hear further a Member named by the Chairman of Council or to exclude a Member from the meeting in both cases as provided for in these procedure rules;
- (o) by the Chairman of a Committee to identify an alternative motion to that considered by the Committee in response to a motion on notice (Member issue) referred to it pursuant to the provisions of these procedure rules above;
- (p) to provide a response to a question / statement / deputation or petition from a member of the public to such extent as these Council Procedure Rules / Petition Scheme allow; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

16.1 **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.

16.2 **Right to require motion in writing**

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

16.3 **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 as provided for in the Right to Reply rule below).
- (b) The seconder of a motion or amendment shall have the right to speak:
 - (i) immediately after the proposer has spoken if s/he elects to speak after making a proposal; or
 - (ii) immediately after seconding the motion if the proposer declines to speak after making the proposal.
- (c) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

16.4 **Content and length of speeches**

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may exceed five (5) minutes without the consent of the Chairman of Council.

16.5 **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 he/she spoke was carried);
- (d) in exercise of a right of reply;

- (e) on a point of order;
- (f) by way of personal explanation; or
- (g) with the consent of the Chairman of Council.

16.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will be:
 - (i) to refer the matter (in such way as they Council considers appropriate) to any Committee, Sub-Committee or Officer for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words,provided that the effect of (ii) to (iv) (inclusive) 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 of Council will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

16.7 **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 which he/she 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.

16.8 **Withdrawal of motion**

A Member may withdraw a motion which he/she 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 mover has asked permission to withdraw it unless permission is refused.

16.9 **Right to reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover 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 mover of the amendment has no right of reply to the debate on his or her amendment.

16.10 **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) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn the debate;
- (g) to adjourn the meeting;
- (h) to exclude the public and press as provided for in the Access to Information Rules – Part B of this Constitution; and
- (i) to not hear further a Member named by the Chairman of Council or to exclude a Member from the meeting in both cases as provided for in these procedure rules below.

16.11 **Closure motions**

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;

- (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman of Council thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
 - (c) If a motion that the question be now put is seconded and the Chairman of Council thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover 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 to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

16.12 **Point of order**

A Member may raise a point of order at any time. The Chairman of Council will hear them immediately. A point of order may only relate to an alleged breach of these procedural 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 of Council on the matter will be final.

16.13 **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 of Council on the admissibility of a personal explanation will be final.

17 **PREVIOUS DECISIONS AND MOTIONS**

17.1 **Motion to rescind a previous decision**

Subject as provided for below, no motion to rescind a decision made at a meeting of Full Council, a Committee or Sub-Committee within the past six (6) months can be moved unless the notice of motion is supported by at least one third of the total membership of Full Council.

17.2 **Motion similar to one previously rejected**

Subject as provided for below, a motion or amendment in similar terms to one that has been rejected at a meeting of Full Council in the past six (6) months cannot be moved unless the notice of motion or amendment is supported by at least one third of the total membership of Full Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six (6) months.

17.3 **Exception to the rescinding and rejections provisions above**

The rules relating to rescinding and rejecting provisions in this Previous Decisions and Motions rule 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 pursuant to the provisions of these procedure rules 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) in order to give effect to a revised budgetary decision of Full Council as provided for in the Budget and Policy Framework Procedure Rules.

18 **VOTING**

18.1 **Majority**

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

18.2 **Chairman's casting vote**

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

18.3 **Show of hands**

Unless a recorded vote is demanded pursuant to the provisions of these procedure rules, the Chairman of Council will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4 **Recording number of votes**

The number of votes for and against a proposal shall be recorded if three (3) 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.

18.5 **Recorded vote**

If three (3) 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. A demand for a recorded vote will override a demand for a recording of the number of votes pursuant to the provisions of the procedure rules above.

18.6 **Recorded votes at budget meetings (mandatory standing order)**

Recorded votes shall be taken on all decisions in respect of setting the Council's budget and determining the level of council tax to be levied. The names of Members who cast a vote for or against the motion/amendment, or who abstain from voting will be recorded in the minutes.

18.7 Right to require individual vote to be recorded (mandatory standing order)

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.

18.8 Voting on appointments

- (a) If there are more than two (2) people nominated for any position to be filled and there is not a clear majority of votes in favour of one (1) 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 (1) person.
- (b) Where there is more than one (1) nomination for any appointment, including the election of the Chairman or Council, Vice-Chairman of Council, and /or any Chairman and / or Vice-Chairman of any Committee / Sub-Committee, the form of voting shall be by show of hands unless a request is made for a recorded vote pursuant to these procedure rules above.

19 MINUTES

19.1 Signing the minutes

The Chairman of Council will sign the minutes of the proceedings at the next suitable meeting of Full Council. The Chairman of Council 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.

19.2 No requirement to sign minutes of previous meeting at extraordinary meeting (mandatory standing order)

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.

19.3 Form of minutes

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

20 RECORD OF ATTENDANCE

A record of Members attending at a meeting of Full Council will be made by the Corporate Manager – Democratic and Electoral Services or any other appropriate Officer attending at the meeting.

21 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either as provided for in the Access to Information Rules – Part B of this Constitution and/or provisions in these Procedure Rules relates to disturbance as set out below.

22 MEMBERS' CONDUCT

22.1 Standing to speak

When a Member speaks at Full Council they must stand (unless the Chairman of Council identifies otherwise) and address the meeting through the Chairman of Council. If more than one Member stands, the Chairman of Council will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

22.2 Chairman standing

When the Chairman of Council stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

22.3 Member not to be heard further

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

22.4 Member to leave the meeting

If in the opinion of the Chairman of Council a Member behaves improperly at a meeting whether after a motion that a Member not be heard further is passed or otherwise, the Chairman of Council 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.

22.5 General disturbance

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

23 DISTURBANCE BY PUBLIC

23.1 Removal of member of the public

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

23.2 Clearance of part of meeting room

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

24 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

Any of these procedure rules except any rule identified as mandatory may be suspended by a motion on notice or without notice as provided for in Article 16 – Suspension, Interpretation and Publication of the Constitution – Part A of this Constitution.

24.2 Amendment to the rules whilst suspended

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

25 MATTERS OF URGENCY

- (a) Subject to the provisions contained in this rule below, no item of business may be considered at a meeting of Council, Committee or Sub-Committee unless the summons / agenda including the item and any accompanying reports have been open to inspection by the public for at least five (5) working days before the meeting unless legislation otherwise allows.
- (b) An item of urgency may however be brought before the Council or any Committee or Sub-Committee with the approval of any of the Chairman of Council, Chairman of Strategy Committee or any other Chairman provided that such a person is satisfied that there are special circumstances which justify consideration of that item.
- (c) Where an item is deemed to be a matter of urgency a minute specifying the special circumstance shall be included in the minutes of the meeting.
- (d) The Access to Information Rules set out in this Constitution contain further provisions relating to certain urgency decisions.

26 CONFIDENTIAL BUSINESS

A Member shall not disclose without permission of Full Council:

- (a) the contents of any document marked 'Confidential' or 'Exempt';
- (b) any item dealt with as a confidential or exempt matter, unless or until it has been made public by the Council; or

- (c) details of any discussions by the Council, in respect of any confidential or exempt business.

27 APPOINTMENTS (MANDATORY STANDING ORDER)

Where Full Council is to appoint any Officer then such appointment shall be carried out in accordance with the Employment and Dismissal Procedure Rules – Part B of this Constitution.

28 DISCIPLINARY ACTION (MANDATORY STANDING ORDER)

Where Full Council is proposing or considering any disciplinary action against an Officer then such proposals or consideration shall be in accordance with the Employment and Dismissal Procedure Rules – Part B of this Constitution.

29 INTERPRETATION OF COUNCIL PROCEDURE RULES /STANDING ORDERS

- (a) The ruling of the Chairman of Council as to any proceedings of the Council, shall not be challenged at any meeting.
- (b) The ruling of the relevant Chairman of a Committee or Sub-Committee or if absent the person presiding at a meeting as to the interpretation and application of any of the procedure rules identified above as applying to the proceedings of Committees and Sub-Committees shall not be challenged at any meeting of that Committee or Sub-Committee.

30 OTHER RIGHTS TO SPEAK AT COUNCIL

Save to the extent as expressly provided for in the procedure rules contained in Part B of this Constitution, no:

- (a) Member; or
- (b) member of the public,

shall have any entitlement as of right to speak at any meeting of Full Council other than at the discretion of and in any order as identified by the Chairman of Council.

APPLICATION TO COMMITTEES AND SUB-COMMITTEES

31.1 Application of preceding rules to Committees and Sub-Committees

All of the Council Procedure Rules above apply to meetings of Full Council. The following of those procedure rules also apply to meetings of committees and sub-committees:

- (a) 4 (time and place of meetings, placing item on a summons and acting in a person's absence);
- (b) 5 (notice of and summons to meetings);

- (c) 6 (chair of meeting);
- (d) 7.2 (absence of a quorum),
- (e) 15 (motions without notice),
- (f) 16 (rules of debate),
- (g) 17 (previous decisions and motions);
- (h) 18 (voting);
- (i) 19 (minutes);
- (j) 20 (records of attendance);
- (k) 21 (exclusion of the public);
- (l) 22 (members' conduct), but excluding rule 22.1;
- (m) 23 (disturbance by public);
- (n) 24 (suspension and amendment of Council Procedure Rules) provided that the number of Members required to be present at a Committee or Sub-Committee shall be at least one half of the membership of that Committee or Sub-Committee (as the case may be) plus one;
- (o) 25 (matters of urgency),
- (p) 26 (confidential business),
- (q) 27 (appointments),
- (r) 28 (disciplinary action),
- (s) 29 (interpretation of Council Procedure Rules / Standing Orders), and
- (t) 30 (other rights to speak at Council),

provided that for the purposes of interpretation unless the context otherwise so requires any reference in any of the above rules to:

- (a) the Chairman of Council or Vice-Chairman of Council shall be construed as a reference to the Chairman or Vice-Chairman of the relevant Committee or Sub-Committee (as the case may be);
- (b) a summons shall be construed as including an agenda; or
- (c) a meeting or membership of Full Council shall be construed as a meeting or membership of the relevant Committee or Sub-Committee (as the case may be).

31.2 Application of Council Procedure Rules below

The Council Procedure Rules below shall also apply to Committees and Sub-Committees of the Council as identified.

32 CONSTITUTION OF COMMITTEES AND SUB-COMMITTEES

- (a) The Council may appoint such Committees and Sub-Committees as it considers expedient for the transaction of its business in accordance with all relevant legislation including the Local Government Act 1972.
- (b) All Members shall be appointed to Committees and Sub-Committees by name.

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

- (a) The annual meeting of Council will elect the Chairman and Vice-Chairman of each Committee of the Council 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.
- (b) Unless the Constitution otherwise provides or a meeting of Full Council determines 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 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.

34 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 Head of Paid Service, but in no case shall less than three (3) Members requisition a special meeting;
 - (iv) by the Head of Paid Service or in his/her absence the Assistant Chief Executive;
 - (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; and/or
 - (vi) through the operation of the call-in procedure in the Overview and Scrutiny Procedure Rules of this Constitution.

- (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.

35 QUORUM OF A COMMITTEE / SUB-COMMITTEE

The quorum of:

- (a) any Committee shall be as provided for in the Articles of the Constitution in relation that Committee or in the absence of such provision shall be one quarter of the membership of that Committee or three (3) Members (whichever is the greater);
- (b) any Sub-Committee shall be determined as provided for in the Articles of the Constitution in relation to any such Sub-Committee or in the absence of such provision then as determined by the Sub-Committee itself at its first meeting provided that in under no circumstance should a quorum be less than three (3) Members.

36 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) In respect of the Planning Committee, an invitation by the Chairman of the Planning Committee to ward members to attend and speak on matters relating to their particular ward may be included on the agenda for the meeting;
- (c) 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 unless the Chairman of that Committee or Sub-Committee expressly decides otherwise in which event the Chairman shall also clearly announce the status of that attending Member.
- (d) Mileage allowance and subsistence may only be claimed by:
 - (i) named Members appointed to Committee or Sub-Committee or attending as a substitute for such a named Member where such substitution is permitted under the provisions of this Constitution;
 - (ii) a Member who has been invited by the Chairman of the relevant Committee or Sub-Committee (as the case may be) to attend and to speak; or
 - (iii) a Member who is otherwise entitled to attend and to speak at the Committee or Sub-Committee pursuant to a provision of these procedure rules.

37 ORDER OF BUSINESS OF A COMMITTEE / SUB-COMMITTEE

- (a) Subject to any other provisions in the Constitution or as otherwise determined 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 relevant 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 announcements from the relevant Chairman or Head of Paid Service;
 - (v) 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(s) of urgency approved by the relevant Chairman for consideration pursuant to the procedure rules below;
 - (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 respond to matter(s) arising in relation to it;
 - (ix) receive and respond to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any);
 - (x) deal with any business from the last Council meeting; and
 - (xi) consider any other business set out in the agenda of the meeting.
- (b) The Strategy Committee Procedure Rules – Part B of this Constitution contains details as to the normal order of business of the Strategy Committee.

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

38.1 General

- (a) Where a matter (e.g, a question, petition or deputation) is referred to a Committee or Sub-Committee of the Council pursuant to 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 in this 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 the rule above 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 – Part A of this Constitution.

38.2 Attending and speaking in relation to a referred matter

For the avoidance of doubt, where a matter to which the above rule relates is referred to a Committee or Sub-Committee of the Council pursuant to a provision of these procedure rules / Petition Scheme, then if the matter was submitted:

- (a) by a member of the public or an organisation then any such person / representative of an 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 pursuant to these procedure rules / Petition Scheme ; 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 pursuant to these procedure rules, provided that the Member shall not be entitled:
 - (i) to move any motion relating to the matter (unless s/he is also appointed to that Committee or Sub-Committee (as the case may be), 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; and
 - (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.

39 SUBMISSION OF QUESTIONS AT COMMITTEES / SUB-COMMITTEES

39.1 Submitting a question

- (a) Subject as provided for in these procedure rules below 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 (as the case may be) any question relating to the business of the Committee or Sub-Committee (“Valid Committee Question”), provided that:
 - (i) (A) it has been given to the Head of Paid Service in writing by 10.30 a.m. at least five (5) working days preceding the meeting of that Committee or Sub-Committee; or
 - (B) in the opinion of the Chairman of that Committee or Sub-Committee it both relates to an urgent matter and should be allowed and if possible, the content of the question has given to the Head of Paid Service by 5 p.m. on the day before the meeting; and

- (ii) in the opinion of the Chairman of the Committee or Sub-Committee to whom the question is intended to be put it does not:
 - (A) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (B) contain defamatory, inappropriate or inflammatory language.

39.2 **Number of questions**

- (a) Subject to the provisions below in relation to supplementary questions, each Member may only ask a maximum of two (2) Valid Committee Questions as of right at each ordinary meeting of that Committee or Sub-Committee (as the case may be).
- (b) The Chairman of the relevant Committee or Sub-Committee (as the case may be) may at his/her absolute discretion allow a Member to ask more than two (2) Valid Committee Questions pursuant to these rules at a meeting; otherwise any remaining Valid Committee Questions will remain pending them being asked at each appropriate opportunity in subsequent ordinary meetings of that Committee or Sub-Committee.

39.3 **Dealing with a question**

- (a) Every Valid Committee Question shall be put and answered without discussion.
- (b) The 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. Every Valid Committee Question shall be directed at the Chairman of the Committee or Sub-Committee (as the case may be).
- (c) The Chairman of the Committee or Sub-Committee may:
 - (i) decline to answer it;
 - (ii) indicate that s/he wishes to give an answer within seven (7) working days and then provide an answer within that time which will be circulated to all Members of the Committee or Sub-Committee (as the case may be) to which the Valid Committee Question was put;
 - (iii) provide a direct oral answer; or
 - (iv) where the desired information is in a publication of the Council or other published work, provide a reference to that publication.

39.4 **Supplemental question**

- (a) Immediately following a response to a Valid Committee Question considered pursuant to this rule, the Member who submitted the Valid Committee Question may ask one supplementary question relating to the original question in order to seek

clarification on the response. The Chairman of the relevant Committee or Sub-Committee (as the case may be) may:

- (i) decline to answer the supplementary question;
 - (ii) provide a direct oral answer; or
 - (iii) indicate that s/he wishes to give an answer within seven (7) working days and then provide an answer within that time which will be circulated to all Members of the Committee or Sub-Committee (as the case may be) to which the question was put.
- (b) No further supplemental questions may then be put.

APPENDIX

Petition Scheme

Why petition?

- 1.1 Petitions submitted by people living, working or studying in West Dorset can:
- (a) inform debate that takes place at a Full Council or Committee meeting;
 - (b) bring an issue to the attention of the council; or
 - (c) demonstrate strong public approval or disapproval for something that the Council is doing.

What is an acceptable petition?

- 2.1 Subject to any legislative provision that provides otherwise, in order to be a petition that the Council will accept for the purposes of this scheme and Council Procedure Rules, the petition must in the opinion of the Corporate Manager – Democratic and Electoral Services:
- (a) include a brief title and clearly state what action the petitioner is asking the Council to take;
 - (b) relate to some matter for which the Council has a power or duty or which affects the district;
 - (c) include the full name, address and contact details (telephone and e-mail if available) of the principal petitioner (paper petitions must also be signed by this person); and
 - (d) be supported/signed by a minimum of twenty (20) people who live, work or study within the district and who have provided their full name and address. There is no age restriction on who can support a petition.
- 2.2 A petition may be rejected for consideration pursuant to these rules if in the opinion of the Corporate Manager – Democratic and Electoral Services it:
- (a) does not meet any one or more of the criteria specified above;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a petition that has been put at a meeting of the Council in the past six (6) months;
 - (d) is related to 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;

- (e) is related to confidential staffing matters; and/or
- (f) is otherwise inappropriate whether for any reason(s) identified in this scheme or otherwise for the petition to be put / read out.

2.3 If in the opinion of the Corporate Manager – Democratic and Electoral Services it is considered that any defect which would prevent a petition from being presented could be readily corrected, then the Corporate Manager – Democratic and Electoral Services may following consultation with such relevant Chairman as s/he considers appropriate take measures to seek to have such defects corrected as an alternative to rejecting the petition, and if those defects are corrected then the petition can be treated as acceptable provided it accords with other relevant provisions of this scheme and these procedure rules.

2.4 If a petition is rejected then the Corporate Manager - Democratic and Electoral Services shall make arrangements to seek to inform the principal petitioner as to the reason(s) for such rejection.

2.5 Some petitions:

- (a) relate to certain regulatory activities of the Council e.g. a planning or licensing application;
- (c) are created specifically to address certain legislative provisions (for example requesting a referendum on having an elected mayor), or
- (d) relate to a matter where there is already an existing right of appeal/review, such as council tax banding and non-domestic rates.

Petitions relating to certain regulatory activities

2.6 Where the Corporate Manager – Democratic and Electoral Services considers that a petition relates to a regulatory activity being performed by the Council and would be better considered by a body / Officer of the Council other than Full Council, then s/he may determine to refer it to that other body / Officer.

2.7 Petitions relating to such regulatory matters will not normally be debated by Full Council.

2.8 If an application (or similar) relating to a regulatory matter to which a petition relates is to be debated at a Committee then provided the:

- (a) petition has been received by the Corporate Manager - Democratic and Electoral Services; and
- (b) expiry date for that petition has passed,

in both cases at least two (2) clear working days prior to that Committee first debating the application (or similar matter) then reasonable efforts will be made to draw the Committee's attention to the petition's existence at the time when the matter is to be formally considered.

2.9 If a petition relating to such a regulatory matter is not to be considered by a Committee then provided:

- (a) the petition has been received by the Corporate Manager - Democratic and Electoral Services; and
- (b) the expiry date for that petition has passed,

in both cases at least two (2) clear working days prior to a decision being taken in relation to such an application then reasonable efforts will be made to inform any determining Officer of the existence of the petition prior to a decision being taken.

- 2.10 Reasonable effort may still be made to draw to the attention of a decision maker petitions relating to regulatory matters that do not meet the criteria above; however this cannot be assumed.

Petitions relating to various legislative matters / where there is an existing right of appeal etc

- 2.11 A petition that the Council identifies and receives as being either for the purpose of meeting any express requirement of a particular legislative requirement or relating to a matter already the subject of appeal / review by the Council will normally be rejected for the purposes of considering it in relation to this scheme.
- 2.12 Where express legislative provision applies in relation to assessing / dealing with such a petition then such legislative provision will be used instead. To the extent that such legislative provision does not apply/exist in relation to assessing / dealing with such a petition, and in the absence of any other adopted or prescribed process, then such provisions of this scheme as are considered appropriate by the Corporate Manager – Electoral Services and Elections may be applied for the purposes of assessing the suitability / how to deal with that petition.

The petition process

- 3.1 Subject to the provisions identified above and those contained in the *Determining how to deal with a petition* rule below, a petition submitted to the Council to which this scheme applies will normally be considered by a meeting of Full Council (other than an extraordinary meeting unless in the opinion of the Chairman of Council the Petition specifically relates to the matter for which the extraordinary meeting has been called).
- 3.2 In order for a petition to normally be presented to the next meeting of Full Council the petition must be received (in paper form or electronically as provided for below) by the Corporate Manager – Democratic and Electoral Services a minimum of ten (10) working days before that meeting. Petitions not received in accordance with this time will normally be considered at the next relevant meeting of Council following.
- 3.3 As an alternative to paper submission of a petition, the principal petitioner may:
- (a) seek to submit a petition electronically; in this respect submission will only be deemed made if submitted to an email address confirmed to him/her by the Corporate Manager – Democratic and Electoral Services as a suitable e-mail for such purposes within a period of ten (10) working days prior to such submission; or

- (b) may seek the assistance of the Council in running an e-petition for the purposes of this scheme. A person seeking the Council's assistance in this respect should contact the Corporate Manager – Democratic and Electoral Services. In relation to e-petitions for which the Council's assistance is sought:
 - (i) the Corporate Manager – Democratic and Electoral Services may at his/her absolute discretion determine that assistance will or will not to be provided; and
 - (ii) will if assistance is able to be provided, supply details of that assistance including:
 - (A) how person(s) supporting the petition can register the support;
 - (B) any relevant criteria for such a person to register support; and
 - (C) how the petition will be dealt with once its petition date has expired.

3.4 The receipt of a petition will normally be acknowledged within five (5) working days.

3.5 Following receipt the Council will make such arrangements to retain and publish details contained in the petition as the Corporate Manager – Democratic and Electoral Services considers appropriate from time to time. Whilst the Corporate Manager – Democratic and Electoral Services will have regard to any request that s/he receives regarding the withholding from the public domain of the whole or any part of a person's details provided as part of a petition, nevertheless the right is reserved for the Council to deal with and make public such information as the Corporate Manager – Democratic and Electoral Services deems appropriate having regard to any express legislative provisions relating to the purposes for which that particular petition was submitted. Any person submitting and/or signing a petition that is submitted to the Council shall be deemed to accept the Council's right in this respect.

Determining how to deal with a petition

- 3.6 As an alternative to a petition being considered by a meeting of Full Council, at the discretion of the Head of Paid Service in consultation with the Chairman of Council (but subject to the provision *Petitions requiring a debate at Full Council* below), a petition may also be dealt with in any of the following ways:
- (a) taking the action requested in the petition;
 - (b) the provision of a written response to the principal petitioner without reference to Full Council;
 - (c) referring the petition direct to Overview and Scrutiny Committee;
 - (d) holding an inquiry of such form and in such a way as the Head of Paid Service considers appropriate;
 - (e) commissioning research as the Head of Paid Service considers appropriate; or

- (f) holding a public meeting of such form and in such a way as the Head of Paid Services considers appropriate.

3.7 Any petition dealt with under the provision above will be deemed as having been dealt with and will not be referred to Full Council.

Presenting a petition at Full Council

3.8 At the appropriate point on the summons to the meeting of Full Council to which the petition is being presented the Chairman of Council will invite the principal petitioner or his/her representative to present the petition. The presentation should take no longer than three (3) minutes and shall only relate to the subject matter of the petition.

3.9 In advance of the Full Council meeting the principal petitioner may seek the agreement of any one of his/her ward Member(s) to present the petition on his/her behalf. The Member(s) may decline to do so.

3.10 Immediately following the presentation of the petition at Council, if the ward Member(s) of the principal petitioner has not presented the petition, that ward Member(s) may speak on the subject matter of the petition for up to three (3) minutes. This should take the form of a statement; questions or debate will not be permitted.

3.11 If the subject matter of the petition comes within the ward of a Member(s) who is not the ward Member of the ward in which the principal petitioner resides, then that Member(s) will also have the right to make a three (3) minute statement on the petition.

Council response to a petition

3.12 Following the presentation of a petition to the Council and comments of any relevant ward Members, the Chairman of Council will indicate:

- (a) whether the petition will be referred to a Committee or relevant Officer for consideration and a written response; or
- (b) hold a debate.

3.13 If a petition is referred to another Committee or Sub-Committee of the Council the principal petitioner may:

- (a) attend at any part of the Committee or Sub-Committee (as the case may be) meeting considering the petition which is open to the press and public; and
- (b) at the discretion of the Chairman of that Committee or Sub-Committee may speak.

3.14 If a written response is to be provided to the petition then it will seek to identify what steps will / have been taken in relation to the petition.

Petitions requiring a debate at Full Council

4.1 If a petition contains more than one thousand (1,000) signatures, it will normally be debated by Full Council unless:

- (a) it is a petition asking for a senior Officer to give evidence at an Overview and Scrutiny Committee; or
 - (b) the application of any of the provisions contained in section 2 of this Petition Scheme determine otherwise.
- 4.2 Only one (1) petition will be debated at any Full Council meeting unless the Chairman of Council at his absolute discretion determines otherwise.
- 4.3 Petitions which are to be debated at Full Council will be considered in the order that they were submitted. Where more petitions are received for debate at a meeting of Full Council than are considered at a meeting of Full Council these will be dealt with at consecutive relevant Council meeting(s) according to the time/date order in which they were received.
- 4.4 A ward Member who speaks on a petition as provided for in the rules *Presenting a Petition at Full Council* above can also participate in any subsequent debate.
- 4.5 Unless (as provided for above in the rules *Council response to a petition* above) the Chairman of Council indicates that a petition is to be referred for consideration to a meeting other than Full Council, Members of Full Council will debate the subject matter of the petition in accordance with the normal rules of procedure for debate and will decide on how to respond to the petition as it sees fit. The Council may in particular decide:
- (a) to take the action the petition requests (if any);
 - (b) not to take the action requested (if any); or
 - (c) refer the matter to the Strategy Committee or the Overview and Scrutiny Committee, in which case the same provisions shall apply as set out above in relation to a petition that is referred to a Committee without debate.
- 4.6 The Corporate Manager – Democratic and Electoral Services will make arrangements to provide the principal petitioner with written confirmation of the decision.

Petitions requiring officers to give evidence at a meeting of an Overview and Scrutiny Committee

- 5.1 A petition may ask an Officer of the Senior Leadership Team to give evidence at a meeting of the Overview and Scrutiny Committee, for example, the petition may ask the Officer to explain progress on an issue, or to explain the advice given to elected Members to enable them to make a particular decision.
- 5.2 A petition making this request will only trigger the presentation of such evidence if:
- (a) it contains a minimum of seven hundred and fifty (750) valid signatures, names and addresses;
 - (b) it relates to the service area for which the Officer is responsible; and

- (c) the application of any part of section 2 of this Petition Scheme does not result in a different outcome.

5.3 It will be at the absolute discretion of the Head of Paid Service following consultation with the Chairman of Overview and Scrutiny Committee to determine whether a petition meets the necessary criteria to trigger an Officer to give evidence. In making such an assessment the Head of Paid Service may reject such a petition on the basis of any reason identified in this scheme.

5.4 The Head of Paid Service following consultation with the Chairman of Council and the Chairman of Overview and Scrutiny Committee will determine the most appropriate response to a petition which would have met the criteria to trigger the presentation of evidence but for absence of sufficient signatures.

5.5 Where an Officer is to present evidence to the Overview and Scrutiny Committee in response to a petition:

- (a) the Head of Paid Service in consultation with the Chairman of the Overview and Scrutiny Committee may decide, in advance of the meeting, that it is more appropriate for another senior Officer of the Council to give evidence instead of the Officer named in the petition;
- (b) the Chairman of the Overview and Scrutiny Committee may also decide if it is appropriate to call the relevant Portfolio Holder for the service area in question, to attend the meeting in addition to the appropriate senior Officer and if so seek the attendance of that person; and
- (c) only Members of the Overview and Scrutiny Committee can ask questions of the Officer or Portfolio Holder at the meeting.

5.6 Where a petition necessitates an Officer providing confidential or exempt information to the Overview and Scrutiny Committee, then for the avoidance of doubt, nothing contained in this Petition Scheme, the Council Procedure Rules or any other provision of this Constitution shall prevent the Overview and Scrutiny Committee from excluding the press and public including the principal petitioner and any signatory to the petition from being present at the meeting of the Overview and Scrutiny Committee whilst such confidential or exempt information is heard.

Right to Review

6.1 If the principal petitioner feels that the Council has not dealt with the petition properly because either:

- (a) it has been dealt with in breach of this petition scheme; and /or
- (b) it has not been dealt with proportionately having regard to the issue raised in the petition,

that person has have the right to request that the Overview and Scrutiny Committee or a Sub-Committee appointed by it for such a purpose review the steps that have been taken in response to the petition.

- 6.2 In order to be valid, any such request must:
- (a) be accompanied by a clear written explanation as to the reason(s) why the Council's response is not considered adequate; and
 - (b) in the opinion of the Monitoring Officer in consultation with the Chairman of Council contain reason(s) of sufficient merit to mean there is a reasonable prospect of the Committee or Sub-Committee (as the case may be) supporting the principal petitioner's views.
- 6.3 Where it is considered that a review should be heard, the review will be considered at the next appropriate meeting of the Overview and Scrutiny Committee (or its Sub-Committee). Should it be determined at that meeting that the Council has not dealt with the petition appropriately the Overview and Scrutiny Committee may use any of its powers to deal with the matter as it sees fit. These powers include instigating a scrutiny review into the matter, making recommendations to the Strategy Committee or a recommendation to Full Council.
- 6.4 The:
- (a) reason(s) why the Monitoring Officer determines that a review need not be heard; or
 - (b) the outcome of any review, (as the case may be)
- will be provided to the principal petitioner.

STRATEGY COMMITTEE PROCEDURE RULES

1 OPERATION OF THE STRATEGY COMMITTEE

1.1 Powers

- (a) The delegated and referred powers of the Strategy Committee are set out in Article 7 – Strategy Committee – Part A of this Constitution. The Articles also contain further details relating to the Strategy Committee including its powers in relation to the creation of any Sub-Committee and the delegation and referral of its powers to any such Sub-Committee or any Officer (see in particular Article 4 – Full Council – Part A of this Constitution).
- (b) All longer term powers that have been delegated to Officers whether by Full Council, the Strategy Committee or otherwise can be found in the Officer Scheme of Delegations.

1.2 Meetings

- (a) Full Council will normally determine the number of ordinary meetings of Full Council. Further details regarding appointment of meetings of the Strategy Committee can be found in Article 7 – Strategy Committee – Part A and the Council Procedure Rules – Part B of this Constitution.
- (b) The Strategy Committee shall meet at the Council's main offices or any other location agreed by the Chairman of Strategy Committee.
- (c) The time of the proposed meetings of the Strategy Committee if initially identified at Full Council may be varied by the Chairman of the Strategy Committee.
- (d) Additional meetings of the Strategy Committee may be called as provided for in Article 7 – Strategy Committee – Part A of this Constitution.
- (e) Formal meetings of The Strategy Committee will normally take place in public; the exception will be when considering confidential or exempt items as identified in the Access to Information Rules – Part B of this Constitution.
- (f) Members of the Strategy Committee may also choose to meet informally on occasion.

1.3 Quorum

The Quorum of the Strategy Committee is as provided for in Article 7 – Strategy Committee – Part A of this Constitution. For the avoidance of doubt the number specified includes the Chairman and/or Vice Chairman if in attendance.

1.4 Decisions

- (a) Decisions of the Strategy Committee will be taken at a meeting convened in accordance with any relevant provisions of the Access to Information Rules and Council Procedure Rules – Part B of this Constitution.
- (b) The Strategy Committee will normally make decisions in line with the principles set out in Article 13 – Decision Making – Part A of this Constitution.

1.5 **Who presides?**

The:

- (a) Chairman of Strategy Committee; or if unavailable or absent,
- (b) the Vice-Chairman of Strategy Committee, or if also unavailable or absent,
- (c) a Member of Strategy Committee who at the time of the meeting is elected for such a purpose,

shall preside at a meeting of the Strategy Committee.

1.6 **Who may attend?**

- (a) Subject as identified in these procedure rules and any relevant provisions in the Access to Information Rules:
 - (i) any Member; and
 - (ii) the press and public,may attend a formal meeting of the Strategy Committee.
- (b) For the avoidance of doubt, any Member may also attend any part of a meeting of a Strategy Committee whether or not the press and public have been excluded provided that this provision does not override any requirements regarding leaving a room arising pursuant to the Member Code of Conduct – Part E of this Constitution or the exercise of any powers of the Chairman of Strategy Committee as provided for in the Council Procedure Rules – Part B of this Constitution.
- (c) In the event of the Strategy Committee informally meeting such a gathering shall not constitute a formal meeting of the Strategy Committee and may take place in private.
- (c) The Strategy Committee will actively encourage, so far as appropriate, the involvement of the specific expertise or knowledge of Members not appointed to it as part of the deliberations of the Strategy Committee.

1.7 **Who may speak and vote?**

- (a) Any:
 - (i) Member appointed to the Strategy Committee; and

(ii) Member not appointed to the Strategy Committee,

may speak at a formal meeting of the Strategy Committee to the extent as provided for in the Council Procedure Rules – Part B of this Constitution.

- (b) A member of the public may speak at a formal meeting of the Strategy Committee to the extent as provided for in the Council Procedure Rules – Part B of this Constitution.
- (c) Only Members appointed to the Strategy Committee may vote at a formal meeting of the Strategy Committee.

2 BUSINESS OF THE STRATEGY COMMITTEE

2.1 Normal order of agenda

At each meeting of the Strategy Committee unless the Chairman otherwise determines the following business will normally be conducted:

- (a) elect a person to preside if the Chairman of Strategy Committee and Vice-Chairman of Strategy Committee are not present;
- (b) receive any declarations of interest from Members;
- (c) approve the minutes of the last meeting;
- (d) at the first meeting following Annual Council consider, approve and appoint (so far as necessary):
 - (i) the portfolios to be given to Portfolio Holders; and
 - (ii) Members appointed to the Strategy Committee to whom the portfolios identified will be allocated;
- (e) at any meeting of Strategy Committee other than that following Annual Council determinate any change to the portfolios allocated to Portfolio Holders and /or to the Portfolio Holders;
- (f) receive any announcements from the Chairman of Strategy Committee or Head of Paid Service;
- (g) receive any questions, statements, petitions, deputations or motions referred to the Committee in accordance with the provisions of the Council Procedure Rules / Petition Scheme – Part B of this Constitution;
- (h) consider any item(s) of urgency approved by the Chairman of Strategy Committee for consideration pursuant to the Council Procedure Rules – Part B of this Constitution;
- (i) consider as necessary the Forward Plan relating to the business of the Strategy Committee;

- (j) receive any report or recommendations from a Committee or Sub-Committee of the Council (as the case may be) and respond to matter(s) arising in relation to it;
- (k) receive and respond to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any);
- (l) receive and respond to any matter referred to the Strategy Committee for reconsideration in accordance with the provisions of the Overview and Scrutiny Procedure Rules or Budget and Policy Framework Procedure Rules or otherwise;
- (m) deal with any business from the last Strategy Committee meeting; and
- (n) consider any other business set out in the agenda of the meeting.

2.2 Consultation

All reports to the Strategy Committee on proposals submitted to Strategy Committee for the purposes of the Budget and Policy Framework Procedure Rules – Part B of this Constitution should contain details of:

- (a) the nature and extent of consultation with stakeholders and /or the Overview and Scrutiny Committee (if any); and
- (b) the outcome of any such consultation.

Other reports should also contain information on any relevant consultations undertaken.

2.3 Items on the Strategy Committee Agenda

- (a) The Council Procedure Rules – Part B of this Constitution contain provisions as to placing items on an agenda.
- (b) In addition to those provisions any Member of the Strategy Committee or other Member may request that the Chairman of Strategy Committee include an item on the next suitable meeting of the Strategy Committee. The Head of Paid Service (or any other person nominated by him for such a purpose) will comply with any decision of the Chairman of Strategy Committee in relation to such a request. In the event of such an item being placed on the agenda then notice of the meeting will give the name of the Member who asked for the item to be considered.

3. CALL IN

Decisions of the Strategy Committee are subject to call-in as provided for in the Overview and Scrutiny Procedure Rules – Part B of this Constitution.

4. FORWARD PLAN AND KEY DECISIONS

Details relating to the Forward Plan and Key Decisions are contained in the Access to Information Procedure Rules – Part B of this Constitution.

ACCESS TO INFORMATION PROCEDURE RULES

1. APPLICATION OF RULES

- (a) These rules apply to all meetings of Full Council, Strategy Committee, Overview and Scrutiny Committee, Committees and Sub-Committees (together called meetings).
- (b) These rules do not apply to:
 - (i) informal meetings / gatherings of Members; or
 - (ii) any Panel (which may also be called a working party) set up to enable any matter(s) to be considered on an informal basis.

2. ADDITIONAL RIGHTS TO INFORMATION

These 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 formal meetings of Full Council, its Committees and Sub-Committees subject only to the exceptions in these rules and those contained in the Council Procedure Rules – Part B of this Constitution.

4. NOTICES OF MEETING

The Council normally will give at least five (5) clear working days notice of any meeting by posting details of the meeting at the Council offices and on the Council's website. For the avoidance of doubt, so far as the law allows, this provision does not prevent a meeting being convened at shorter notice.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

To the extent that the law requires, the Council will normally make copies of a summons / agenda and reports available for inspection by the public at the Council's offices at least five (5) clear working days before the meeting. If an item is added to the summons / agenda later, the revised agenda (where reports are prepared after the summons / agenda has been sent out, the Corporate Manager – Democratic and Electoral Services shall subject to the provisions of these procedure rules make each such public report available as soon as the report is completed and sent to Members) will be open to inspection from the time the item was added to the summons / agenda.

6. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Head of Paid Service and / or the Corporate Manager – Democratic and Electoral Services thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with these procedure rules, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with identification of the relevant exemption(s) as to why the public will be excluded.

7. **SUPPLY OF COPIES**

Other than the whole or part of any document that the Head of Paid Service or the Corporate Manager – Democratic and Electoral Services (as the case may be) considers may relate to items to be considered when a meeting is not likely to be open the public, the Council will supply copies of:

- (a) any agenda and report which are open to public inspection;
- (b) such further publically available statements or particulars, if any, as the Corporate Manager – Democratic and Electoral Services may consider necessary (if any) to indicate the nature of the items included on an summons / agenda; and
- (c) if the Corporate Manager – Democratic and Electoral Services thinks it appropriate, copies of any other publically available documents supplied to Members in connection with an item,

to any person on payment of such a charge for postage, printing and any other costs to the extent that the Corporate Manager – Democratic and Electoral Services considers appropriate.

8. **ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available for inspection to the public at the main offices of the Council (and in such other way(s) at the Corporate Manager – Democratic and Electoral Services may at his/her absolute discretion determine appropriate) copies of the following for a minimum six (6) years after a meeting:

- (a) the minutes of the meeting (including reasons where it is necessary to record them) excluding any part of the minutes of proceedings when the meeting was not open to the public and/or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the summons / agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

9. **BACKGROUND PAPERS**

9.1 **List of background papers**

The author of a report 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 fact or matter on which the report or an important part of the report is based: and

(b) has been relied on to a material extent in preparing the report,

but does not include published works or those which disclose exempt or confidential information as defined in these procedure rules below.

9.2 Public inspection of background papers

Background papers for public inspection will be available at the Council offices for a minimum of four (4) years after the date of the meeting.

10. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will so far as the law requires be kept at and made available to the public at the Council's offices.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever 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.

11.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever 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.

11.3 Exclusion of the public – other

The public may also be excluded where a lawful power is used to exclude any member of the public in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

11.4 Meaning of confidential information

Confidential information means information:

- (a) given to the Council by a government department on terms which forbid its public disclosure; or
- (b) information which cannot be publicly disclosed by or under any enactment or by court order.

11.5 Meaning of exempt information

Exempt information means information falling within any of the categories and subject to such qualifications as identified in Part 1 and 2 of Schedule 12A Local Government Act 1972 (as amended).

12 THE FORWARD PLAN AND KEY DECISIONS

12.1 Definition

A Key Decision is a decision that is considered likely to either:

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

12.2 Period of the Forward Plan

The Council will normally seek to produce on a monthly basis a Forward Plan that will cover a period of four (4) months beginning with the first day of the month to which it relates.

12.3 Content of Forward Plan

- (a) Subject as provided for below, the Forward Plan will normally include matters that the Head of Paid Service and / or the Chairman of Strategy Committee and / or the Corporate Manager – Democratic and Electoral Services:
 - (i) have identified as likely to be the subject of a Key Decision to be taken by the Strategy Committee within the period covered by the plan;
 - (ii) subject to the Procedure Before Taking a Key Decision rule below, have identified as likely to be the subject of a Key Decision to be taken by an Officer within the period covered by the plan; and
 - (ii) any that are considered might be usefully included in the Forward Plan from time to time.
- (b) Where a matter that is considered likely to subject of a Key Decision is included in the Forward Plan it will normally include the details identified in the section below - Procedure Before taking a Key Decision.
- (c) The Forward Plan will not normally contain confidential or exempt information but may contain general particulars relating to a matter which may contain exempt or confidential information or in respect of which the public may be excluded.

12.4 Publication of Forward Plan

The Council will normally seek to make the Forward Plan available for inspection at the Council's main office and published on the website at least seven (7) days before the start of the period covered. In any event, notice of a Key Decision will normally be published twenty-eight (28) clear days before the decision as provided for in these procedure rules.

12.5 Procedure Before Taking a Key Decision

(a) Subject to the exception, urgency and qualification provisions below neither:

- (i) the Strategy Committee; nor
- (ii) subject also to paragraph (c) below, an Officer,

will normally seek to make a Key Decision unless a notice has been published twenty-eight (28) calendar days before the decision is made. This will usually include the following information:

- (i) that a Key Decision is to be made and the matter in respect of which the decision is to be made;
- (ii) the name of the decision making body or the individual's name and title;
- (vii) the date on which, or the period within which, the decision is to be made;
- (viii) a list of any document(s) which will be considered by the Committee or individual decision taker;
- (ix) the address from which the document(s) listed are available (excluding exempt or confidential information);
- (x) any other document that may be submitted to the Committee or individual decision taker; and
- (xi) the procedure for requesting details of the documents.

(b) For the avoidance of doubt, the inclusion of information in a Forward Plan relating to a possible Key Decision shall be deemed to satisfy the above requirements.

(c) Save to the extent that a decision is to recommend for adoption a plan, strategy or policy which is expressly reserved to Full Council, these procedure rules relating to Key Decisions shall not apply to any Officer decision that directly or indirectly relates to any regulatory function of the Council, and in the event of there being uncertainty in relation to what might constitute a regulatory function then the decision of the Monitoring Officer shall be determinative. For the avoidance of doubt, all decisions directly or indirectly relating to the exercise of any environmental health, town and country planning, licensing, housing allocation or homelessness function of the Council shall be construed as regulatory functions.

13. **GENERAL EXCEPTION**

(a) Subject in any event to the further urgency rule and qualification provision below, where the publication of the intention to make a Key Decision pursuant to the procedure rules above is impracticable, neither the Strategy Committee nor an Officer will normally seek to make a Key Decision without:

- (i) the Corporate Manager – Democratic and Electoral Services having informed:

- (A) the Chairman of the Overview and Scrutiny Committee; or if there is no such person,
 - (B) each Member of the Overview and Scrutiny Committee;
- of the matter about which a decision is to be made;
- (ii) the Corporate Manager – Democratic and Electoral Services having made copies of that notice available to the public at the main office of the Council and on the Council’s website; and
 - (iii) at least five (5) working days having elapsed since the Corporate Manager – Democratic and Electoral Services complied with (i) and (ii) above.
- (b) As soon as is reasonably practicably after the Corporate Manager – Democratic and Electoral Services has complied with paragraph (a) of the General Exception rule above, s/he will seek to make available at the principal offices of the Council and on the website a notice setting out the reasons why compliance with the normal procedure relating to Key Decisions was not possible.

14. SPECIAL URGENCY

- (a) If by virtue of the date by which a decision must be taken the General Exception Rule above cannot be followed and subject in any event to the further qualification provision below, neither the Strategy Committee nor an Officer will normally seek to make a Key Decision without:
- (i) the Chairman of the Strategy Committee or the decision maker (as the case may be); or
 - (ii) if unavailable or absent any Officer forming part the Senior Leadership Team, obtaining the agreement of:
 - (i) the Chairman of Overview and Scrutiny Committee;
 - (ii) if there is no such person, or if unavailable, the Chairman of Council;
 - (iii) if both do not exist or are unavailable the Vice-Chairman of Council; or
 - (iv) if none exist or are unavailable such other Member as any Officer forming part of the Senior Leadership Team determines,
- that the decision is urgent and cannot reasonable be deferred.
- (b) As soon as reasonably practicable after securing agreement:
- (i) the person securing such agreement shall notify the Corporate Manager – Democratic and Electoral Services of the outcome; and as soon as reasonably practicable thereafter,

- (ii) the Corporate Manager – Democratic and Electoral Services will make available at the main office of the Council and on the website a notice setting out the reason(s) why compliance with the normal procedure relating to Key Decisions was not possible.

15. GENERAL QUALIFICATION REGARDING APPLICATION OF FORWARD PLAN AND KEY DECISION PROVISIONS

Notwithstanding any provision contained within these procedure rules or any other provision in this Constitution, save to the extent that extant legislation expressly requires a Council operating a committee system in England to incorporate or comply with specific statutory provisions relating to:

- (a) a Forward Plan; and /or
- (b) Key Decisions,

any failure to comply with any requirement in these procedure rules or Constitution relating to the Forward Plan and / or a Key Decision shall not invalidate or otherwise impact in any way upon the validity of any decision made.

16. RECORD OF DECISIONS

After any formal meeting of a body of the Council whether held in public or with the public excluded, the Corporate Manager – Democratic and Electoral Services shall cause to be produced or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record should so far as the law requires or is otherwise considered appropriate by the minute taker include a statement of the reason(s) for each decision.

17. WHEN AN OVERVIEW AND SCRUTINY COMMITTEE CAN REQUIRE A REPORT

The Overview and Scrutiny Committee may require a report to be submitted where in the opinion of the Overview and Scrutiny Committee a decision of the Strategy Committee should have been treated as a Key Decision. The report shall be provided by such person as the Head of Paid Service in consultation with the Chairman of Strategy Committee identifies as appropriate within such reasonable period as the Committee may specify (being a period of not less than fourteen (14) working days) and contain details of the decision and the reason(s) why the decision was not treated as a Key Decision.

18. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

- (a) In addition to requiring the production of a report as provided for in the section above – When An Overview and Scrutiny Committee Can Require a Report, the Overview and Scrutiny Committee shall unless Full Council otherwise determines, be entitled to request via the Head of Paid Service a copy of any document which it considers necessary for the proper performance of any of its functions. The Head of Paid Service shall make arrangements to:

- (i) notify the Chairman of Strategy Committee, or if absent or unavailable the Vice-Chairman of Strategy Committee, or if both are absent or unavailable such Portfolio Holder as s/he considers appropriate of any such request; and
 - (ii) provide to the next meeting of the Overview and Scrutiny Committee sitting more than ten (10) working days after receipt of the request a copy of any document requested unless the Member notified pursuant to (a) (i) above advises him / her within that period that s/he intends to refer the matter to Full Council for a decision in which event the production of such documentation shall stand deferred pending the decision of Full Council and disclosure shall only take place to the extent that it is in accordance with the decision of Full Council unless the law otherwise requires.
- (b) Nothing contained in the rule shall entitle the Overview and Scrutiny Committee, or any Sub-Committee or any Member appointed to either to make public any document provided to it pursuant to these procedure rules which would be confidential or exempt from disclosure save to the extent that the law expressly permits.

19. **RECORDING MEETINGS**

The Council has adopted a protocol in relation to the recording and reporting of formal meetings of the Council from which the public are not excluded. This protocol is attached as an Appendix to these procedure rules.

20. **DECISIONS BY INDIVIDUAL OFFICERS**

20.1 **Guidance**

The government has produced guidance setting out their expected approach to the recording of individual Officer decisions to which regard can usefully be had in determining what needs to be recorded:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/1408_12_Openness_Guide.pdf

20.2 **Relevant Officer Decision**

- (a) In circumstances where an Officer has been given power to make decisions on behalf of the Council a record of the decision pursuant to such a power will often be produced (“Decision Record”). Examples of situations where a Decision Record will often be produced are:
 - (i) decisions that emanate from a delegation to a specific Officer / Officer post by way of a formal decision:
 - (A) of a body of the Council; and/or
 - (B) of a Joint Committee of which the Council forms part;

unless the decision in question is one that amends the Officer Scheme of Delegation;

- (ii) decisions of a significant non-regulatory nature such as:
 - (A) a decision relating to a saving or expenditure of more than one hundred and fifty thousand pounds (£150,000) within agreed budgets (after permitted virement, agreed overspend or savings);
 - (B) a decision that is likely to have a significant effect on communities living or working in an area comprising either any three Member ward or two or more wards;
 - (C) a decision relating to a matter which is likely to be the subject of legal challenge i.e. it either authorises / cancels legal action or will result in a document that the Council will issue which in itself at that time will be subject to legal challenge; and/or
 - (D) where the decision involved expressly requires formal written consultation with a portfolio holder.

- (b) A Decision Record will also often be produced in relation to decisions that are considered at the time of the decision to grant a permission, licence and / or affect the rights of an individual.
- (c) However, Officers do make many decisions which might reasonably be classified as being of a routine administrative, organisational or day-to-day operational nature. Notwithstanding any of the provisions above, a Decision Record will not usually be produced by an Officer:
 - (i) where that decision is considered to be of a routine administrative, organisational or day-to-day operational nature; or
 - (ii) if there already exists a statutory requirement on the Council to produce a record of any such decision together with reasons identified for it;

unless in either case it is considered that having regard to the nature of the decision that a Decision Record ought to be produced. In considering whether to produce a specific Decision Record, regard may be had to the extant government guidance.

20.3 Decision Records

- (a) Subject to the qualifications and provisos below, where for the purposes of these procedure rules a Decision Record is to be produced then that record shall include:
 - (i) a record of the decision including the date it was made;
 - (ii) a record of the reasons for the decision;
 - (iii) details of any alternative options considered and rejected; and

- (iv) a record of any declared conflict of interest by a Member either at a body of the Council that makes an express delegation or who was formally consulted on the decision and in the case of the latter, a note of any dispensation granted.
- (b) Identification of the delegated authority under which any such decision is made may also on some occasions be included.

20.4 **Production of documents including background papers**

Subject to the qualifications and provisos below, following the preparation of a Decision Record, the relevant Officer will normally as soon as reasonably practicable thereafter arrange to make it available for public inspection and place it on to the Council's website. Background papers relevant to the Decision Record should also be similarly available as well.

20.5 **Qualifications and Provisos**

For the purposes of the requirements of this Constitution and generally:

- (a) nothing contained in these procedure rules or any other provision in the Constitution shall require the disclosure to the public or making available for public inspection (whether by way of uploading on to the Council's website or otherwise), any Decision Record or other document or part of a document, if it is considered that the Decision Record, document or part of a document:
 - (i) contains or may contain confidential information; or
 - (ii) contains or is likely to contain exempt information or the advice of a political adviser or assistant; and
- (b) failure to produce a Decision Record or related background paper, and/or place it on the Council's website, and/or make it available for public inspection, and/or otherwise fail to accord with any of the requirements relating to the making and publication of a Decision Record / background paper, shall not invalidate or otherwise impact upon the validity of any decision made save to any extent as provided for in law (if any).

Appendix
Protocol for recording of public council meetings

1. Meaning of “reporting”

For the purposes of this protocol, “reporting” means:

- (a) filming, photographing or making an audio recording of proceedings at a meeting;
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

2. Permission

Subject as provided for below, permission will normally be given to reporting at public meetings of Full Council, Committees and Sub-Committees of the Council which are open to the public. At the appropriate time, dates and details of such meetings are available on the Council’s website.

3. Qualifications relating to Permission

- (a) Where the Council gives permission for the reporting of a meeting it does so on the strict understanding that it does not accept any responsibility or liability in relation to such reporting. Reporting is subject to relevant law and it is the absolute responsibility of the person(s) doing it to ensure compliance. This includes the Human Rights Act, Data Protection Act and the laws of libel and defamation.
- (b) Without the express consent of the person presiding at a public meeting of the Council:
 - (i) where, under the exercise of relevant statutory powers, the public are excluded from any such meeting or part of a meeting, a person will not be permitted to report on that meeting or part of a meeting (as the case may be) using any method:
 - (a) which can be used without that person’s presence at the meeting; and
 - (b) which enables any person not present at the meeting to see or hear the proceedings at the meeting as it takes place or later; and
 - (ii) the oral reporting or oral commentary on a meeting as it takes place will not be permitted if the person reporting or providing the commentary is present at the meeting.

- (c) Further, nothing contained in this protocol inhibits or restricts any powers of the Chairman / person presiding at a meeting or the Council to stop reporting at a meeting or exclude any person in order to suppress or prevent disorderly conduct or other mis-behaviour at a meeting. Such powers might include requiring a person not to film an individual who expressly objects to being filmed.

4. **Facilities**

- (a) The Council will so far as practicable afford reasonable facilities for the purposes of reporting on the meeting.
- (b) In order to ensure the availability of such reasonable facilities and to seek to prevent any issues arising that might give rise to disorderly conduct or similar circumstances, any person wishing to record at a public meeting of the Council should have regard to this protocol including the procedural guidance below.

5. **Other general matters**

This protocol is not intended to extend to informal gatherings / meetings of the Council. Recording of such informal gatherings / panels is not permitted without the express consent of the most senior Officer or Member present.

Procedural Guidance on recording of public council meetings

1. Anyone wishing to report (including recording/filming) at a public meeting of the Council should endeavour to inform the Democratic Services Unit serving West Dorset District Council in good time. This will usually mean enough time for the Chairman of the meeting to be informed at least **three working days** prior to the date of the meeting.
2. Where a person wishes the Council to consider the provision of any particular facilities to be made available at such a meeting for the purposes of the recording s/he should seek to advise the Democratic Services Unit of such requirements as part of the notification above.
3. Where the Council is made aware that recording of a meeting may take place:
 - (a) it may seek to display signs at the meeting informing those present that recording may take place;
 - (b) the person presiding at the public meeting may:
 - (i) inform those present that recording might be taking place and, request any member of the public present at that time to indicate if s/he objects to being filmed / photographed;
 - (ii) inform those present that any third party recording is for the use of that third party and will not be deemed to be an official record of the meeting; and
 - (iii) whether in response to the giving of any information as above, or otherwise, take such measures as s/he considers appropriate to prevent disruption to the meeting.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK for BUDGET AND POLICY DECISIONS

- (a) Full Council will be responsible for the adoption of its budget and policy framework as set out in Article 4 – Full Council – Part A of this Constitution.
- (b) The Strategy Committee will be primarily responsible for developing and proposing the budget and policy framework for adoption by Full Council in accordance with the procedural rules below.
- (c) Further information relating to the operation of these rules can be found in the Financial Regulations – Part D of this Constitution.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

- (a) The Strategy Committee and the Overview and Scrutiny Committee normally should have a role in the development of the budget and policy framework which is to be adopted by Full Council.
- (b) The interaction between the various elements of the Council in developing the budget and policy framework together with various relevant qualifications is set out below.

2.1 Budget, Council tax and Directives

- (a) So far as circumstances allow, and subject in any event to the qualification provisions below, the Council will normally seek to follow the timetable and approach below in relation to the approval/adoption of:
 - (i) any annual budget strategy statement,
 - (ii) the annual budget; and
 - (iii) any annual revision to the medium term financial strategy.
- (b) In November/December each year the Strategy Committee will normally consider and approve:
 - (i) a budget strategy statement setting out the expectant relevant factors, financial climate and provisional strategy to be adopted for preparing the budget for the ensuing financial year; and
 - (ii) a medium term financial strategy forecasting income and expenditure levels for a four year period. The Strategy Committee may also consider and approve any growth / gateway bids.
- (c) The strategies above will normally seek to take into account known commitments and address the results of any completed public consultation exercises undertaken for their purposes as well as current policies and plans that are considered to be relevant.

- (d). During December to January each year the budget strategy, medium term financial strategy and any growth / gateway bids will normally be reported to the Overview and Scrutiny Committee for consultation. So far as practicable, in the event of such consultation occurring, the responses of the Overview and Scrutiny Committee will be reported back to the meeting of Strategy Committee that is held in February (or the most appropriate meeting closest to that month).
- (e) The Strategy Committee may if it resolves to do so conduct consultation on the budget proposals by any process it considers appropriate.
- (f) At the end of any consultation period the Strategy Committee will usually consider and identify firm budget and council tax proposals, having regard to the responses from internal and external consultation processes (if any).
- (g) The proposals will normally be referred to a Full Council meeting in February. The meeting of Full Council will normally:
 - (i) adopt all the Strategy Committee's proposals without modification;
 - (ii) adopt without modification some, or adopt none, of the proposals and refer the remainder back to the Strategy Committee for further consideration; or
 - (iii) substitute its own proposals.
- (h) Voting on the matters above will be recorded as provided for in the Council Procedure Rules – Part B of this Constitution.
- (i) In the event of Full Council resolving to refer some or all of the proposals back to the Strategy Committee then the Head of Paid Service (or any other Officer with power so to do) will arrange for:
 - (i) a further meeting of the Strategy Committee to consider and make additional recommendation(s) in relation to such referral(s); and
 - (ii) a further meeting of Full Council to consider any additional recommendation(s) of Strategy Committee and determine how to proceed,

in both cases such meetings may be convened with short notice and any subsequent decision of Full Council will normally be implemented without further delay.
- (j) In the event of Full Council resolving to substitute its own proposals, then unless it is necessary to comply with relevant legislative requirements, the Council will not normally seek to implement those decisions without giving opportunity to the Chairman of Strategy Committee as provided for below.
- (k) The decision of Full Council will be publicised and a copy shall be given to the Chairman of Strategy Committee or if absent or unavailable such other Member appointed to the Strategy Committee as the Head of Paid Service (or if unavailable

or absent any other Officer who forms part of the Senior Leadership Team) deems appropriate.

- (l) If within five (5) calendar days from the date of the Full Council's decision, the Head of Paid Service (or if unavailable or absent to the Section 151 Officer, or if both unavailable or absent any other Officer forming part of the Strategic Leadership Team), receives from the Chairman of Strategy Committee notice in writing that the Strategy Committee potentially objects to the decision(s) of Full Council then the Head of Paid Service (or any other Officer with power so to do) will seek to arrange:
 - (i) a meeting of the Strategy Committee to further consider the decision of Full Council; and
 - (ii) a meeting of Full Council to consider the comments / any further proposals of the Strategy Committee,

as soon as is reasonably practicable. In both cases such meetings may be convened with short notice. Any such meeting of Full Council may be cancelled and its original decisions implemented immediately in the event of Strategy Committee determining not to object to the decision(s) of Full Council.

- (m) The meeting of Full Council if held will re-consider its decision and any written submissions of the Strategy Committee in relation to it. Full Council may then make such further decision as it considers appropriate, including a decision:
 - (i) to rescind in whole or part any of its original decision and substitute a different decision which may accord with any revised recommendation of Strategy Committee (with or without modification); or
 - (ii) to retain its original decision.
- (n) Any such further decision of Full Council shall again be recorded as provided for in the Council Procedure Rules.
- (o) The decision will be made public and may be implemented immediately.
- (p) In approving the budget framework, the Council will also normally specify:
 - (i) the extent of virement within the budget; and
 - (ii) the degree of in-year change to any part of the framework (in addition to any changes already provided for in the Officer Scheme of Delegation and / or Financial Regulations)
- (q) Any Member wishing to move an amendment to any recommendation from the Strategy Committee on the annual budget may do so only in accordance with any relevant provision of the Council Procedure Rules – Part B of this Constitution.

2.2 Policy Framework

- (a) The Strategy Committee will normally take the lead in considering for recommendation to Full Council policies, strategies and plans within the Policy Framework unless otherwise provided for in the Officer Scheme of Delegations – Part C of this Constitution, Strategy Committee otherwise determine, or the relevant powers of any other Committee expressly provide otherwise.
- (b) If the Overview and Scrutiny Committee has conducted a recent review which is relevant to any policy, strategy or plan that is under consideration, then the findings of that review will normally be reported to the ultimate decision maker considering that policy, strategy or plan (as the case may be) and taken into account in determining the content of the plan, policy or strategy.
- (c) The Strategy Committee when proposing to Full Council new policies, plans and strategies forming part of the Policy Framework or amendments to any elements of the Policy Framework which have been reserved to Full Council, will normally do so after taking into account any relevant consultations that have been undertaken in relation to such matters (if any).
- (d) Any policy, plan or strategy forming part of the Policy Framework that is put forward to Full Council for determination should normally identify separately the extent to which it is proposed that any body (including the Strategy Committee) or person shall be able to make any future decision to amend, modify, vary or revoke such a matter without reference back to Full Council. In so far as the law allows, at the time of approving a policy, plan or strategy within the Policy Framework, Full Council should normally seek to determine the extent to which any amendment, modification, variation or revocation can be performed without referral back to it.
- (e) The process for approval by Full Council of a policy, plan or strategy to which the Policy Framework relates will normally follow the steps set out in (g) to (m) of the above section relating to the Budget, Council Tax and Directives but:
 - (i) excluding any reference to any month of the year; and
 - (ii) save to the extent that the law requires excluding the need for any mandatory recording of a Member's vote as provided for in the Council Procedure Rules – Part B of this Constitution specifically in relation to budget decisions.

2.3 **Qualification to the Budgetary and Policy Framework provisions**

Notwithstanding any provision in the Budgetary and Policy Framework Procedure Rules above:

- (a) the failure to accord with any consultation, timetabling or other process provision identified in these procedure rules or any other part of the Constitution shall not invalidate any decision relating to the adoption, approval, modification, amendment or revocation of any policy, statement, plan, strategy or budgetary provision to which these procedure rules relate (save to any extent that the law expressly requires, if at all); and

- (b) the failure to delay the implementation of any budgetary decision in order to enable the potential objection to a decision of Full Council by the Chairman of the Strategy Committee and/or the Strategy Committee (as the case may) shall not render invalid any such implementation (save to the extent that the law expressly requires, if at all).

3. **VIREMENT**

- (a) Full Council shall set its budget heads for the following financial year annually as part of the process of setting the Council Tax.
- (b) The budget may make provision for any Committee to exceed budget heads / incur expenditure from working balances / reserves. Delegations including the Officer Scheme of Delegations – Part C of this Constitution and the Financial Regulations – Part D of this Constitution may also make provision for expenditure to be incurred other than in accordance with the amounts identified within the budget.

4. **IN YEAR CHANGES TO THE POLICY AND BUDGET FRAMEWORK**

To the extent that Full Council resolve and/or arrangements/delegations within the Constitution allow in year changes to the Policy and Budgetary Framework then such changes may be made without reference to Full Council unless any resolution, arrangement or delegation (as the case may be) otherwise expressly requires.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Meetings of the Overview and Scrutiny Committee will be called and conducted in accordance with the provisions identified in the Council Procedure Rules – Part B of this Constitution.

2. QUORUM

The quorum for the Overview and Scrutiny Committee shall be as set out in Article 6 - Overview and Scrutiny Committee - Part A of this Constitution.

3. AGENDA ITEMS

- (a) Any Member appointed to the Overview and Scrutiny Committee or any Sub-Committee of it shall be entitled to give notice to the Head of Paid Service that s/he wishes an item relevant to the functions of that Committee or Sub-Committee (as the case may be) to be included on the agenda for the next available meeting of the Committee or Sub-Committee.
- (b) Any Member may give notice to the Head of Paid Service that s/he wishes an item relevant to the functions of the Overview and Scrutiny Committee to be included on the agenda of the next available meeting of the Overview and Scrutiny Committee so long as the subject of the item is one which:-
 - (i) is relevant to the functions of the Overview and Scrutiny Committee; and
 - (ii) is not an 'excluded matter' as defined by any relevant provisions of the Local Government Act 2000 (as amended) and any secondary legislation for the purposes of such referrals.
- (c) Before exercising this power, the Member must have regard to any guidance issued for the time being by the Secretary of State.
- (d) On receipt of a request made under rule 3. (a) or (b) above:
 - (i) the Head of Paid Service will ensure that the item is included in the next available agenda; and
 - (ii) the Chairman of the relevant Overview and Scrutiny Committee /Sub- Committee will ensure that the item is discussed at the meeting on which it appears or the agenda or such future meeting as the Committee/ Sub- Committee resolve.
- (e) In response to a request under rule 3, if the Overview and Scrutiny Committee:

- (i) decide not to exercise any of its review, scrutiny, report or recommendation powers in relation to it, it shall arrange to notify the Member of the decision and the reason(s) for it; or
- (ii) produce a report or recommendation in relation to it then it shall arrange for a copy to be provided to the Member.

4. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY A RELEVANT BODY

- (a) Legislation requires that certain reports or recommendations made by the Overview and Scrutiny Committee (or a Sub-Committee of the Overview and Scrutiny Committee) must be considered by a relevant body of the Council following the giving of an appropriate notice by the Overview and Scrutiny Committee (“Notified Matter”).
- (b) In the event of their being any dispute or question as to which body is most suitable to consider a Notified Matter the Head of Paid Service shall determine the same.
- (c) The Council will make arrangements to ensure that the Notified Matter is considered within two (2) months from receipt of the report / recommendation or notice (if later) save in relation to crime and disorder issues when the Council will make arrangements to ensure consideration within twenty eight (28) calendar days or as soon as reasonably practicable thereafter.
- (d) In some cases the Overview and Scrutiny Committee may publish a report and/or recommendations produced by it. Information contained in such a report and/or recommendation that is exempt or confidential information as defined in the relevant legislation will be excluded where required and may be excluded in all other cases.
- (e) In certain situations the Overview and Scrutiny Committee may produce a report or recommendation relating to a function of a relevant partner authority so far as exercisable in relation to the Council’s area or the inhabitants of that area. In such cases the Overview and Scrutiny Committee may consider whether the report or recommendation is one where it would wish to seek to exercise power to require that relevant partner by notice to consider it.

5. ENGAGEMENT WITH OVERVIEW AND SCRUTINY COMMITTEE

- (a) For the purposes of performing its functions the Overview and Scrutiny Committee or a Sub-Committee of the Overview and Scrutiny Committee may require any Member or Officer of the Council to attend before it to answer questions.
- (b) To initiate this process, notice in writing must be provided by the Chairman of Overview and Scrutiny Committee or 5 (five) other Members of the Overview and Scrutiny Committee to the Head of Paid Service at least ten (10) working days prior to the date of the Overview and Scrutiny Committee. The notice which must be signed and dated by the relevant Members seeking to exercise this power must also set out the nature of the issue to be considered and the reason(s) for

exercising the power. The notice should also specify whether a Member and / or Officer is being called.

- (c) The Head of Paid Service shall inform the Member and / or Officer in writing giving at least seven (7) working days' notice of the meeting at which s/he is requested to attend.
- (d) The Overview and Scrutiny Committee should not normally consider the exercise of this power in relation to non-senior Officers or Members. If the Head of Paid Service is advised that an Officer is unavailable on the date specified and/or considers that the Officer / Member who is requested to attend is not the most suitable person to address the issue identified he shall liaise with the Chairman of Overview and Scrutiny Committee with a view to exploring suitable alternatives.
- (e) An Overview and Scrutiny Committee may invite such persons as it considers appropriate to attend its meetings.

6. WORK PROGRAMME

The Overview and Scrutiny Committee will adopt its own work programme.

7. POLICY REVIEW AND DEVELOPMENT

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules – Part B of this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, the Overview and Scrutiny Committee has additional delegated powers relating to the making of reports and recommendations further details of which can be found in Article 6 - Overview and Scrutiny Committee Part A of this Constitution.
- (c) To the extent that the Overview and Scrutiny Committee is given a budget, it may incur expenditure on seeking the assistance or attendance of non-Members in relation to its duties.

8. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE TO REPORTS AND DOCUMENTS

- (a) In addition to the individual rights of Members appointed to sit on Overview and Scrutiny Committee, the Overview and Scrutiny Committee has additional rights to reports and documents as set out in the Access to Information Procedure Rules – Part B of this Constitution.
- (b) Nothing in these procedure rules or the Access to Information Procedure Rules – Part B of this Constitution shall prevent more detailed liaison between the Strategy Committee and Overview and Scrutiny Committee where this is considered appropriate in relation to any matter by:
 - (i) both Committees; and / or

- (ii) the Chairmen of both Committees; and / or
- (iii) the Head of Paid Service or any other Officer forming part of the Senior Leadership Team.

9. CALL-IN OF DECISIONS

9.1 Application

The following rules on call-ins shall apply to any decision of the Strategy Committee or any Sub-Committee created by it.

9.2 Procedure

- (a) When a decision is made to which this call-in section applies the decision shall be published, which may be by way of electronic means provided that it can be reasonably accessed at the main offices of the Council, as soon as reasonably practicable after the decision has been made. All Members will be sent copies (whether in paper form or electronically) of the records of all such decisions within the same timescale, by the person responsible for publishing the decision or the Corporate Manager – Democratic and Electoral Services (if different).
- (b) The publication above will bear the date on which it is published and will specify that the decision has been made and may be implemented on the expiry of five (5) working days after the publication of the decision, unless it is called in.
- (c) Only the Overview and Scrutiny Committee or its Chairman may call in a decision for review for the purposes of this rule.
- (d) A call-in may be validly triggered by:
 - (i) a resolution of the Overview and Scrutiny Committee; or
 - (ii) the written decision of the Chairman of Overview and Scrutiny Committee being received by the Head of Paid Service,in either case prior to the expiry of the five (5) working day period identified above.
- (f) Not less than ten (10) Members who at that time are not appointed to sit on the Strategy Committee may require the Chairman of the Overview and Scrutiny Committee to exercise his power of call in above provided that:
 - (i) the requirement is submitted to and received by the Chairman of Overview Scrutiny Committee in writing signed by all the Members requesting the call in (such submission may be submitted to the Chairman of Overview and Scrutiny Committee by e-mail with a scanned copy of the request attached to it);
 - (ii) the submitted request clearly identifies the decision in question including the date it was made;

- (iii) the signatories are not all from the same political group; and
 - (iv) the request is received and opened by the Chairman of Overview and Scrutiny Committee at least one (1) working day prior to the deadline provided for above for the Chairman of Overview and Scrutiny Committee to notify the Head of Paid Service.
- (g) Subject to the urgency and qualification provisions below, in the event of this call-in rule being validly triggered the Head of Paid Service (or if unavailable or absent any other Officer forming part of the Senior Leadership Team) shall:
- (i) make all reasonable efforts to arrange for the implementation of the decision to be suspended pending consideration of the matter by the Overview and Scrutiny Committee; and
 - (ii) arrange for a meeting of the Overview and Scrutiny Committee to be held and for the called in matter to be considered at that meeting.
- (h) Where the Overview and Scrutiny Committee has considered a called in decision pursuant to the provisions above, it may:
- (i) refer it back to the original decision maker for reconsideration, such referral to include the reason(s) why it was considered necessary to refer the matter back and may indicate the way it believes the decision should be made;
 - (ii) determine that Full Council should undertake the review in which case the matter shall stand suspended until a meeting of Full Council can consider the matter; or
 - (iii) decide that it accepts the decision in which event it may be implemented immediately after such a decision being made.
- (i) In the event of:
- (i) the called in decision being referred back to the decision maker then the decision maker shall reconsider the decision in light of the comments made. The decision maker may then make whatever decision it considers appropriate including the same decision originally made but in that case will state why the decision has been made in the light of the Overview and Scrutiny Committee comments. This further decision of the decision maker will be final, may not itself be the subject of call in and will therefore take effect immediately; or
 - (ii) the called in decision being passed to Full Council to undertake the review then the decision of Full Council shall be final and may not be the subject of any call in. In the event of Full Council resolving to refer the called-in decision back to the decision maker then all the same provisions above shall apply as if the decision had been referred back to the decision maker by the Overview and Scrutiny Committee.

- (j) If the Overview and Scrutiny Committee meeting set up by the Head of Paid Service or other Officer (as the case may be) pursuant to the provisions above to consider the call in decision does not:
 - (i) take place on the date arranged; or
 - (ii) reach a decision provided for in these procedure rules above at that meeting,

then the called in decision may be implemented at any time following the beginning of the calendar day of the date set for that meeting.

9.3 Urgency

- (a) Subject also to the qualification provisions below, the call-in provisions set out above shall not apply where the decision being taken by the decision maker is urgent.
- (b) A decision will be urgent if:
 - (i) in the opinion of:
 - (A) the Chairman of Overview and Scrutiny Committee; or if unavailable or absent;
 - (B) the Vice-Chairman of Overview and Scrutiny Committee; or if also unavailable or absent,
 - (C) the Head of Paid Service or any other Officer forming part of the Senior Leadership Team,

any likely delay that could be caused by the call in process could seriously prejudice the Council or the public's interest; and
 - (ii) the record of the decision (if made by the Strategy Committee or any Sub-Committee of it) records that the decision is an urgent one and therefore not subject to the call in rule.
- (c) A call in decision which is taken urgently by the Strategy Committee or any Sub-Committee of it should normally be reported to the next ordinary meeting of Full Council by either the Chairman of Strategy Committee or an appropriate Portfolio Holder.

9.4 Further qualification provisions relating to call-in and generally

For the avoidance of doubt, notwithstanding any other provision contained within these procedure rules or elsewhere in this Constitution, save to the extent that extant legislation expressly negates or limits the implementation of a decision by a Council operating a committee system in England that has been the subject of:

- (a) the exercise of a call-in rule contained within a Constitution of such a Council; or

- (b) a request for review/scrutiny by an Overview and Scrutiny Committee or any Sub-Committee of it,

the exercise of these call in rules or any other request for review/scrutiny by the Overview and Scrutiny Committee or any Sub-Committee of it in relation to any decision shall not render invalid any implementation action(s) by or on behalf of the Council in relation to that decision when so ever undertaken (including for the avoidance of doubt within the period of notice identified in the Procedure rule above), unless it can be clearly demonstrated that such implementation was knowingly carried out in full knowledge of and despite the exercise of a call in decision pursuant to these rules.

9.5 **Other powers of Overview and Scrutiny**

For the avoidance of doubt these call-in rules do not prevent the Overview and Scrutiny Committee from exercising any statutory power that it is legally entitled to exercise free of any condition, limitation, or provision as provided for in this Constitution.

10. **THE PARTY WHIP**

- (a) During the proceedings of the Overview and Scrutiny Committee or any Sub-Committee of it where any Member is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's or Sub-Committees (as the case may be) deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
- (b) For the purposes of the above, being subject to a party whip means:

“Any instruction given by or on behalf of a political group to any Member who is a member of that group as to how that Member shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”

11. **PROCEDURE AT THE OVERVIEW AND SCRUTINY COMMITTEE**

- (a) The Council Procedure Rules – Part B of this Constitution contains details relating to business to be conducted at Committees and Sub-Committees
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at its meetings which should be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all Members appointed to the Overview and Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Overview and Scrutiny Committee by giving evidence be treated with respect and courtesy; and

- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

12. **BEST VALUE REVIEWS**

To the extent that it falls within the scope of its statutory functions, the Overview and Scrutiny Committee may carry out operational best value reviews and make recommendations to Full Council or such other body of the Council as it considers appropriate.

EMPLOYMENT AND DISMISSAL PROCEDURE RULES

1. INTRODUCTION

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

2. RECRUITMENT

2.1 General matters

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

- (e) If a candidate for a post canvasses or seeks the support of any Member, they will be disqualified from consideration. Any Member advocating support for a particular candidate outside any appointment procedure will not be permitted to take any part in the appointment process. If a Member acts as a referee for a candidate for a post, they will not be permitted to take any part in the appointment process.

2.2 Political Assistants

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

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

- (a) In relation to all Senior Officer posts of the Council, the Council will:
 - (i) have drawn up a statement specifying:
 - (a) the duties of the Officer concerned; and
 - (b) any qualifications or qualities to be sought in the person to be appointed,
 - (ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified for it; and
 - (iii) make arrangements for a copy of the statement mentioned above to be sent to any person on request.
- (b) Where a post has been advertised as provided for in paragraph 2.3 (a) above the Council will make arrangements to:
 - (i) interview all qualified applicants for the post; or
 - (ii) select a short list of such qualified applicants and interview those included on the short list.
- (c) Where no qualified person has applied, the Council will make further arrangements for advertisement.
- (d) Determinations relating to the matters set out in paragraphs 2.3 (a) and (b) above and any other relevant decisions relating to the terms and conditions of employment of:
 - (i) the Head of Paid Service / Chief Executive; and any other Senior Officer whose job description identifies them as forming part of the Senior Leadership Team of the Dorset Councils Partnership, shall be made by the Shared Services Joint Committee. For the avoidance of

doubt, subject to the requirements of these rules, this includes determining the terms and conditions for the making available of any officers employed by the host authority of the Dorset Councils Partnership to other partners of the Dorset Councils Partnership; and

- (ii) all other Senior Officers shall be made by the Head of Paid Service / Chief Executive or such other Senior Leadership Team members as the Head of Paid Service /Chief Executive may nominate unless the determining officer considers alternative arrangements are appropriate.

2.4 **Appointor process relating to various Officers**

An offer of appointment to:

- (a) any Senior Officer; or
- (b) a Deputy Chief Officer,

shall not be made other than in compliance with the requirements of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as may be amended from time to time) to the extent that they apply to the governance arrangements operated by the Council (i.e. the use of appointers etc).

2.5 **Appointment of Officers**

- (a) Full Council shall be responsible for determining the appointment of:

- (i) the Head of Paid Service;
- (ii) the Monitoring Officer;
- (iii) the section 151 Officer,

having regard to any recommendation from the Shared Services Joint Committee (collectively for the purposes of these Rules “Statutory Post(s)”); and

- (iv) the Chief Executive.
- (b) The Shared Services Joint Committee shall be responsible for determining the appointments of all officers whose job description identifies them as forming part of the Senior Leadership Team of the Dorset Councils Partnership.
- (c) The Head of Paid Service or any other Officer nominated by him/her for such a purpose shall be responsible for determining the appointment of any other Officer.

3. **DISCIPLINARY AND DISMISSAL**

3.1 **General Matters**

- (a) Disciplinary action and dismissal procedures of employees of the Council will in all cases be carried out having regard to relevant policies and procedures of the Council.
- (b) Save to the extent that:
 - (i) the Council expressly creates a Committee for the consideration of appeals in relation to disciplinary issues or dismissal of employees of the Council; and / or
 - (ii) the issue relates to any of the Statutory Posts,

no Member shall be involved in the disciplinary action or dismissal of any person appointed to any Officer post of the Council.
- (c) No Senior Officer (including any Statutory Post) or Deputy Chief Officer will be dismissed by any Committee or Sub-Committee unless the appointments to that Committee comply with the requirements of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as may be amended from time to time) to the extent that they apply to the governance arrangements operated by the Council (i.e. the need to have at least one Member of the executive where a Council operates a leader / executive governance model).
- (d) The Council and its management team have a zero tolerance approach to bribery and corruption. Investigations that identify any bribery and corruption involving employees are likely to give rise to formal disciplinary proceedings.

3.2 Head of Paid Service / Monitoring Officer / section 151 Officer

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

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

3.3 Dismissal process relating to various officers (including Statutory Posts)

A notice of dismissal relating to:

- (a) any Senior Officer; or
- (b) a Deputy Chief Officer,

shall not be given other than in compliance with the requirements of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as may be amended from time to time) to the extent that they apply to the governance arrangements operated by the Council (i.e. the use of dismissors etc).

3.4 Disciplinary and Dismissal Officers

- (a) Disciplinary action against, or dismissal of:
 - (i) the Head of Paid Service / Chief Executive;
 - (ii) any of the other Statutory Posts,

will normally be considered and determined by a Committee appointed by Full Council for such a purpose, but no notice of dismissal will be given until Full Council have approved it or in the case of the Monitoring Officer or section 151 Officer confirmed its agreement to remove the appointment of the post from that person.

- (b) Disciplinary action against, or dismissal of, any other Senior Officer will normally be considered and determined by the Head of Paid Service / Chief Executive unless s/he considers an alternative process is more appropriate.
- (c) Disciplinary action against, or dismissal of, any other Officer will normally be considered and determined by the Head of Paid Service or such other Officer(s) as s/he may nominate for such purposes unless that person considers an alternative process is more appropriate.

3.5 Miscellaneous matters relating to disciplinary action or dismissal

- (a) The Council's policies will provide details of any right of appeal in respect of disciplinary action or dismissal.
- (b) Where any Committee considers issues relating to disciplinary action against or dismissal of any Officer attendance at that Committee by Members and Officers will be limited to only those persons required to be in attendance or whose attendance is otherwise permitted in accordance with policies adopted by the Council relating to disciplinary action and dismissal.
- (c) For the avoidance of doubt, nothing contained in these rules in relation to disciplinary action or dismissal shall apply to the termination of engagement of any person as a result of a decision:
 - (i) giving rise to a redundancy;
 - (ii) to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract; or
 - (iii) to terminate arrangements appointing a person to perform any function pursuant to section 113 Local Government Act 1972.
- (d) The Council may seek to negotiate conditions as part of any arrangement appointing a person to perform the functions of a Statutory Post pursuant to section 113 Local Government Act 1972 which provide that it may as part of any such arrangement:
 - (i) terminate immediately without notice or penalty any such arrangement if following an investigation it concludes that the person appointed has been guilty of conduct that would have resulted in dismissal had that person been directly employed by the Council; and
 - (ii) request the primary employing local authority to undertake a disciplinary investigation in respect of any issue arising in connection with the performance of that Statutory Post.

PART C

OFFICER SCHEME OF DELEGATIONS

Officer Scheme of Delegation

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Part B

Officer Scheme of Delegation

This section sets out the extent to which the functions of the Councils are delegated to Officers over the longer term.

Part A

Introduction and interpretation

1. This scheme of delegation allows the Chief Executive and the Managers to carry out the functions of the Council as set out in this document. It supersedes and replaces all previous schemes of delegation.
2. For the avoidance of doubt, references in this “Introduction and interpretation” section unless the context otherwise expressly requires apply to both Part A and Part B of this Officer scheme.
3. Full Council and every Committee has the right to resolve for a matter to be considered by the relevant councillor decision making body even though it may have been delegated to an Officer; however, for the avoidance of doubt, unless expressly provided for elsewhere in this Constitution, any such request will not invalidate any decision already taken.
4. References in this Officer Scheme of Delegation to:
 - (a) any primary legislation shall be deemed to include any secondary legislation (including regulations, orders and directions) made thereunder; and
 - (b) any legislation shall be deemed to refer to any subsequent legislation which amends or replaces it with or without modification.
5. In relation to all delegated authority given to the Managers by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any Officer of the Council in the interests of effective corporate management as he or she thinks fit.
6. Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive, the Assistant Chief Executive or any person nominated / appointed to act on his/ her behalf, is allowed to act.
7. Any Officer may nominate any other Officer(s) to exercise, on their behalf, any power that they may exercise under this scheme.
8. In the event of any apparent conflict or confusion regarding the interpretation of any part of this Officer scheme of delegations including the application of definitions then both the Assistant Chief Executive and the Corporate Manager – Legal independently have the power at his/her absolute discretion to determine the appropriate resolution to any such conflict, confusion or application (as the case may be).

9. (a) Unless there is express identification to the contrary, any power set out in either Part A or Part B of this Officer scheme of delegation can be exercised in relation to any of the services/ functions of Weymouth and Portland Borough Council including any of the services/ functions delegated from North Dorset District Council or West Dorset District Council. to Weymouth and Portland Borough Council. In the case of doubt, the power shall be interpreted as being applicable to all functions including those delegated from the other named Councils.
- (b) Reference to “the Council” in Part A of this scheme of delegations shall, unless the context otherwise requires, be construed as including Weymouth and Portland District Council, North Dorset District Council and West Dorset District Council .
10. For the avoidance of doubt:
 - (a) where an Officer is delegated a power in this scheme of delegation which in any way overlaps, conflicts with or duplicates any other delegation contained in any part of this scheme then such delegations shall be read independently of each other and the Officer can therefore exercise the powers of any of them in accordance with their own individual terms and free from any limitation, condition or other restriction or requirement that might apply to the alternative delegation(s); and
 - (b) notwithstanding any other provision set out in any part of this Constitution in the event of any confusion or conflict between any delegations the principle set out in (a) above for the purposes of interpretation and application shall take priority.
11. In addition to specific powers of Officers identified in this Officer Scheme of Delegations the Financial Regulations also identifies various powers and duties of Officers. Where such additional powers and duties are identified then for the purposes of the Constitution they shall be interpreted as being included in and forming part of this Officer Scheme of delegation. As with all the other powers and duties identified in the Constitution these powers and duties are exercisable independent of any other powers or duties that are specified.
12. In this Officer Scheme of Delegation unless the context otherwise requires the terms below shall have the following meanings attributed to them:
 - (a) “Town and Country Planning Legislation”:
 - (i) the Town and Country Planning Act 1990;
 - (ii) the Planning (Hazardous Substances) Act 1990;
 - (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - (iv) the Planning (Control of Advertisement) Regulations 1992;
 - (v) the Hedgerows Regulations 1997;
 - (vi) the Anti-Social Behaviour Act 2004 (in so far as it relates to high hedges);

- (vii) the Planning and Compulsory Purchase Act 2004;
 - (viii) Department of the Environmental Circular 18/84;
 - (ix) Planning Act 2008; and
 - (x) all the Housing and Planning Acts.
- (b) “undertake all action” includes, without prejudice to the generality of the term, as necessary:
- (i) the undertaking of any inspection;
 - (ii) to enter upon any premises for the purposes of exercising any function;
 - (iii) the giving of authority;
 - (iv) the preparation, signing, issuing and serving of any document (including any notice, license, permission, permit, consent, approval, registration or certificate);
 - (v) the making of any determinations (including for the avoidance of doubt a decision to grant, refuse, transfer, vary, modify, suspect, revoke, withdraw, renew or replace any such documentation as referred to above together with the determination of any conditions, obligations, limitations or any restrictions or requirements considered necessary in respect thereof);
 - (vi) conducting reviews;
 - (vii) the exercise of any relevant powers of sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction;
 - (viii) the recording of information through whatever medium including photographic and digitally; and
 - (ix) the managing of any assessment process including without prejudice to the generality of that term the determination of the appropriate assessment to use and the scoring of any such assessment.

- (c) “Managers” means the Assistant Chief Executive, all the Strategic Directors and all third tier posts of the Council;
- (d) “Monitoring Officer” means the Officer designated as monitoring officer for the purposes of section 5 Local Government and Housing Act 1989 or if absent or unavailable any Officer nominated to act as the monitoring Officer’s deputy”; and
- (e) “Section 151 Officer means the Officer appointed to have responsibility for the proper administration of the council’s financial affairs pursuant to section 151 of the Local Government Act 1972, or if absent or unavailable any Officer available to act as a deputy to the Section 151 Officer”.

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

General Delegation to Officers

14. (a) The Chief Executive and the Managers have the power to take all operational decisions within agreed service plans, budgets and policies, in relation to the services for which they are responsible.
- (b) The Chief Executive and the Managers have the power to take all necessary decisions in cases of emergency.
- (c) The Chief Executive, Assistant Chief Executive and Strategic Directors can exercise all delegations contained within Part A and Part B of this scheme.
- (d) Every Heads of Service and Corporate Manager can exercise all delegations:
- (i) in Part A of this scheme, of any other Head of Service or Corporate Manager, except the delegations expressly delegated to the Corporate Manager –Legal or the Corporate Manager – Human Resources and Organisational Development; and
 - (ii) in Part B of this scheme, of any Officer post or position except those expressly delegated solely to:
 - (1) the Chief Executive;
 - (2) the Assistant Chief Executive;
 - (3) a Strategic Director;
 - (4) the Monitoring Officer;

- (5) the Responsible Financial Officer;
- (6) the Human Resources Manager; or
- (7) the Legal and Commissioned Services Manager,

unless in any such case:

- A. s/he is identified as also holding such a delegation; and /or
- B. s/he is expressly nominated to exercise such a delegation.

(e) Any of:

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

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

(f) For the avoidance of doubt, the:

- (i) Corporate Manager – Legal can exercise all the delegated powers of the Legal and Commissioned Services Manager;
- (ii) Corporate Manager – Human Resources and Organisational Development can exercise all the powers of the Human Resources Manager; and
- (iii) Corporate Manager – Democratic Services and Elections can exercise all the powers of the Democratic and Electoral Services Manager

(g) These delegations shall be interpreted widely to aid the smooth running of the organisation, the effective use of resources and the efficient delivery of services.

15. In deciding whether or not to exercise such delegated powers, the Chief Executive and the Managers shall, if they identify it as desirable, consult the relevant Briefholder/ Portfolio Holder or any Chairman of a Committee and have regard to their views. Where they identify it as desirable, Officers shall inform the relevant Briefholder/Portfolio Holder or any Chairman of a Committee of decisions taken under delegated powers. The Chief Executive and the Managers shall always be allowed to refer matters for decision to the relevant Member body when they consider it best to do so.
16. The Chief Executive and the Managers shall have the power to carry out the following and this will not affect the general delegations set out above:
- (a) to take all lawful action consistent with Council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include:
 - (i) procurement of goods and services;
 - (ii) the setting of fees and charges in accordance with the Council's Financial Strategy in consultation with the Strategic Director (covering Corporate Finance, Revenues & Benefits, Partnerships, IT Services, Communications and Customer Services);
 - (iii) making bids for funding;
 - (iv) transferring funds from one use to another - 'virement' - within the budget framework;
 - (v) disposal and acquisition of non property assets;
 - (vi) issue, service and placing of any necessary legal or other notices other than those reserved to be carried out by the Management/ Executive Committee or a Regulatory Committee;
 - (vii) in consultation with the Monitoring Officer or the Officer post with responsibility for performing the role of solicitor to the council, agreeing to take or settle any legal action, defence or appearance in criminal or civil proceedings in relation to any law which they are responsible for monitoring, enforcing or otherwise carrying out on behalf of the Council.
 - (b) Agree staffing arrangements within approved budgets in consultation with the Strategic Director (covering Corporate Finance, Revenues & Benefits, Partnerships, IT Services, Communications and Customer Services) and within Council policies.
 - (c) Determine recruitment, pay, allowances, expenses and conditions of service.
 - (d) To respond on behalf of the Council to national, regional and sub-regional consultations on matters affecting the Council subject to consultation with the relevant Portfolio Holder / Brief Holder and where appropriate an Overview and Scrutiny Committee.
 - (e) To approve (with or without modification) or refuse draft plans and strategies for public consultation subject to consultation with the relevant Portfolio Holder / Brief Holder and where appropriate an Overview and Scrutiny Committee.

Weymouth and Portland Borough Council only:

- (f) To approve grants and loans up to a value of £1,000. (All grants and loans of £1,000 or more must be approved by Management Committee. In addition, the manager should consult with all political group leaders before making a recommendation to Management Committee).

17. The Chief Executive and the Managers shall have the following powers and responsibilities under the following HR policies.

Sickness absence management and ill health – Policy and Procedure

Chief Executive, Assistant Chief Executive and Strategic Directors:

- (a) Review absence across the organization and take a strategic approach to addressing concerns.

Heads of Service, Corporate Managers and Fourth tier managers:

- (a) Manage attendance issues within their own service / team and take actions under this policy including dismissal.
- (b) Ensure that management responsibilities are applied consistently when managing staff attendance.
- (c) Ensure staff are aware of the sickness absence notification procedures and their responsibilities

Line Managers:

- (a) Manage attendance issues within their own service / team and take actions under this policy excluding dismissal.
- (b) Ensure that management responsibilities are applied consistently when managing staff attendance.
- (c) Ensure staff are aware of the sickness absence notification procedures and their responsibilities

Note: It may be advisable to refer the case to a more senior manager in certain circumstances for example in complex cases.

Capability – Policy and Procedure

Chief Executive, Assistant Chief Executive, Strategic Directors, Heads of Service, Corporate Managers

- (a) Dismiss, hear appeals and take any other actions under the policy deemed appropriate.

Fourth tier managers and line managers:

- (a) Deal with performance issues within their own teams except dismissal of an employee.

Note: It may be advisable to refer the case to a more senior manager in certain circumstances for example in complex cases

Disciplinary – Policy and Procedure

Chief Executive, Assistant Chief Executive, Strategic Directors and Heads of Service, Corporate Managers:

- (a) Suspend, dismiss, hear appeals and take any other actions under the policy deemed appropriate.

Fourth tier managers:

- (a) Deal with misconduct issues within their own teams except dismissal and suspension.

Grievance – Policy and Procedure

Chief Executive:

- (a) Hear appeals under stage 3

Assistant Chief Executive and Strategic Directors:

- (a) Hear appeals under stage 3, or hear stage 2 cases in relation to Heads of Service and Corporate Managers.

Heads of Service and Corporate Managers:

- (a) Hear appeals under stage 3 if earlier stages dealt with at a lower level.
- (b) Hear stage 2 cases and determine.
- (c) Deal with stage 1 cases in relation to fourth tier managers

Fourth tier managers:

- (a) Hear stage 2 cases and determine
- (b) Deal with stage 1 cases

Line managers:

- (a) Deal with stage 1 cases

Legal and Procedural

- 18. The Assistant Chief Executive and the Corporate Manager – Legal have the power to:
 - (a) take any action to carry out any decision taken by or on behalf of the Council (including a decision made pursuant to a delegation in this scheme), including the signature and service of legal and any other notices and any document;
 - (b) undertake, defend, settle or take part 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 considers that such action is necessary to protect the Council's interests;
 - (c) instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council.
 - (d) enter objections to any proposal affecting the Borough of Weymouth & Portland, the district of West Dorset, the Council or the citizens of Weymouth & Portland and West Dorset.
 - (e) To revise land charges fees in line with the Medium Term Financial Strategy

Functions and responsibilities of the Chief Executive (In addition to those stated in the General Delegation to Officers and elsewhere)

- 19. After consultation with the Chair of Management Committee / leader of the Council , the Chief Executive may authorise action and incur expenditure, where urgent action is needed to enable the Council to fulfill its functions.
- 20. Sign official Council documents not otherwise covered by the Scheme of Delegation.
- 21. Responsibility to ensure compliance with UK health and safety legislation including EU Directives.
- 22. Confirm contract termination for all permanent ill health cases, in consultation with the Monitoring Officer and the Council's Medical Advisor.
- 23. Responsibility for the Council's Freedom of Information Publication Scheme (including charges).
- 24. Power to consider and determine whether to proceed with an investigation and the appropriate action to take in respect of any investigation undertaken in relation to any complaint against a district council Member and / or any town and parish councillor.

25. To the extent that it is legally permissible be the qualified person for the purposes of section 36 of the Freedom of Information Act 2000 together with power to nominate any other person for this purpose.
26. To decide to close the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period, in consultation with the Chairman of the Shared Services Joint Committee and Vice Chairman of the Shared Services Joint Committee.
27. To:
 - (a) exercise the power of any Officer of the Council excluding the statutory powers of the Monitoring Officer and the section 151 Officer; and, generally
 - (b) carry out the duties of the Head of Paid Service for the purposes of the Local Government and Housing Act 1989.
28. Power to determine whether to grant a dispensation:
 - (a) under the Localism Act 2011 / Member Code of Conduct for the purposes of participating and/or voting at a meeting; or
 - (b) in relation to any actual or perceived conflict of interest.
29. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper Officer for the purpose of any statutory function, will be determined by the Chief Executive.

West Dorset District Council only:

30. In consultation with the Chairman of Strategy Committee authority to approve Member attendance at conferences and the payment of allowances in accordance with the scheme of members' allowances.
31. Arrange compensation payments in respect of findings of maladministration by the Local Government Ombudsman.
32. Write off outstanding debts up to £10,000 and in accordance with Financial Regulations.

Weymouth & Portland Borough Council only:

33. (a) Subject to consultation with the Leader (Chairman of Management Committee) and the Section 151 Officer and if available the relevant Brief Holder and the Brief Holder responsible for Finance and Assets, to make all decisions s/he considers necessary or expedient to acquire land or property on behalf of the Borough Council, so long as there are funds available from a budget within the control of the Management Committee.
- (b) In the event of the above power being exercised, the decision be report to the Management Committee at the next available meeting.

Functions and responsibilities of the Assistant Chief Executive and all the Strategic Directors (In addition to those stated in the General Delegation to Officers and elsewhere)

34. To exercise the power of any Officer of the Council excluding the statutory powers of the Monitoring Officer and the section 151 Officer.
35. To authorise any Officer or another person considered appropriate:
 - (a) to carry out inspections and/or exercise powers of entry available to the Council;
 - (b) to carry out any further actions relating to such inspections / the exercise of powers of entry;
 - (c) to seek a warrant; and/or
 - (d) to be an inspector, authorised Officer and/or an enforcement Officer in relation to the functions of the Council,such power to include for the avoidance of doubt appointments for the purposes of the Health and Safety at Work etc Act 1974

Functions and responsibilities of the Assistant Chief Executive (in addition to those stated in the General Delegation to Officers and elsewhere)

36. Approve changes in the overall staffing establishment of the Council, (including applications for re-grading) except where the overall establishment of the Council is to be increased (or where existing budgets will be increased).
37. Approve recruitment, pay, allowances, expenses, Superannuation, Conditions of Service.
38. Determine whether to re-engage or reinstate employees.
39. Determine how and the terms on which to regularize the position of staff on fixed term contracts and bring their terms of employment into line with legislative and regulatory provisions.

Joint delegation with the Corporate Manager – Human Resources and Organisational Development

40. To act as persons specified by the district council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes and first instance decisions on pension matters.

West Dorset District Council only:

41. To exercise all formal discretions relating to elected member pensions in consultation with Dorset County Council as pensions administration authority.

Strategic Director (covering Corporate Finance, Revenues & Benefits Partnerships, IT Services, Communications & Customer Services)

42. Act and sign proxies on behalf of the Council in respect of bankruptcies, liquidations and receiverships.

West Dorset District Council only:

43. Make payment to parish and town councils who provide support to customers on all front line district council matters.

44. Write off outstanding debts up to £10,000 and in accordance with Financial and Administrative Regulations.

Strategic Director (Covering Planning – Development Management, Planning Policy, Building Control, Housing & Homelessness, Community Protection & Partnerships, Environmental Health)

45. Make application for planning permission for any Council proposals, which are in accordance with Council policy in order to obviate delays occurring as a result of the relevant committee having to resolve to make such applications.

46. Authority for the purpose of Section 196A of the Town and Country Planning Act 1990 to enter, and authorise any other person to enter, at any reasonable time, any land:

- (a) to ascertain whether there is or has been any breach of planning control on the land or any other land;
- (b) to determine whether any of the powers conferred on a Local Planning Authority by Part VII of the said Act should be exercised in relation to the land or any other land;
- (c) to determine how any such power should be exercised in relation to the land or any other land;
- (d) to ascertain whether there has been compliance with any requirement imposed as a result of any such power having been exercised in relation to the land or any other land,
- (e) if there are reasonable grounds for entering for the purpose in question.

47. Exercise all powers under section 23 of the Local Government Act (Miscellaneous Provisions) 1976.

48. To serve directions under section 77 of the Criminal Justice and Public Order Act 1994 on persons residing on land in vehicles to leave the land and remove vehicles and authority to issue proceedings in the court under section 77 and/or 78 if the direction is not complied with.

49. To consider first stage appeals from the land owner in respect of the listing on the West Dorset and Weymouth and Portland list of Assets of Community Value.

West Dorset District Council only:

50. To decide when to arrange an exceptional local meeting of a development control committee meeting following a request from either the local ward member, the Chairman of the Planning Committee or the Vice Chairman of the Planning Committee.
51. In consultation with the Chairman of the Strategy Committee to review on an annual basis the process of dealing with complaints relating to high hedges, the fee charged and the employment of additional resources to deal with complaints.
52. In consultation with the Chairman of the Planning Committee and local ward member(s), to delegate authority to a neighbouring planning authority the ability to determine a planning application that crosses the administrative boundary. (Section 101 of the Local Government Act 1972).
53. Write off outstanding debts up to £10,000 and in accordance with Financial Regulations.
54. To allocate Section 106 funding within the terms of each Section 106 Agreement.
55. To approve neighbourhood forums in consultation with the relevant local ward Members, where:
 - (a) no other competing application has been received;
 - (b) it is set up for the express purposes of promoting or improving the social, economic and environmental well-being of the neighbourhood;
 - (c) the neighbourhood area to which the application relates is agreed by the council and it relates to an area where there is no town or parish council; its membership includes a minimum of twenty one (21) individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area and has secured membership from at least one representative from each of these categories;
 - (d) its membership is drawn from different places in the neighbourhood area and represents a good cross-section of the community as a whole;
 - (e) it has a written Constitution agreed by the Corporate Manager – Legal; and
 - (f) There are no significant issues raised as a result of the consultation.

In all other cases the decision on neighbourhood applications will be brought to the next available Strategy Committee.

Strategic Director (Covering Economy, Leisure & Tourism, Assets & Infrastructure)

West Dorset District Council only:

56. Write off outstanding debts up to £10,000 and in accordance with Financial Regulations.
57. Grant free parking to honorary townspersons.

Weymouth and Portland Borough Council only:

58. To determine requests in respect of war memorials as to the suitability for content, relevance and siting as well as any further maintenance if appropriate, in consultation with the Chair of the Management Committee and relevant Briefholder.

Section 151 Officer

59. To authorise the overspend of any approved business unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) in any one instance (including the use of virements from reserves or working balances if necessary for such purposes) subject to:
- (a) the same being reported as soon as reasonably practicable to the next available meeting of such member(s) and/or body as the section 151 Officer considers appropriate; and
 - (b) the total amount of any approved overspend across the Council pursuant to this delegation not exceeding £150,000 in any one financial year without there having been prior consultation with the lead member responsible for finance and / or such other member(s) as the section 151 Officer considers appropriate

Monitoring Officer

60. To undertake all action relating to the investigation, reporting and determination of complaints against a member and/or any town and parish councillor including without prejudice to the generality of the foregoing power to determine to adopt any different process to that normally followed.
61. To determine such changes to the Constitution as s/he considers necessary and/or expedient provided that it is for such purpose(s) and accords with such consultation(s) as is set out in the Article of this Constitution relating to Review and Revision to the Constitution

HEAD OF SERVICE / CORPORATE MANAGER SCHEDULE

Delegations to the Head of Financial Services		
Ref	Delegation	In consultation with or subject to:
1	Take decisions relating to Treasury Management subject to the overall borrowing limits given by the annual determinations by the Council under Section 45 of the Local Government and Housing Act 1989.	WPBC only: Subject to consultation with the Briefholder and Treasury Management Group
2	Determine the council tax base for Weymouth and Portland / West Dorset as required by S67 of the Local Government Finance Act 1992	WPBC only: Consultation with Briefholder
3	Authorise the giving of consent by the Council as mortgagee in respect of minor routine matters not affecting the Council's security under the mortgage	WPBC only: Consultation with Briefholder
4	Approve the transfer of the mortgage of a property to the spouse or other member of the family of the current mortgagor.	
5	Sign grant confirmation and grant claim supporting documentation on behalf of the Council	

Delegations to the Head of Revenues & Benefits

Ref	Delegation	In consultation with or subject to:
1	To issue completion notices in respect of new properties	
2	Determine applications for discretionary housing payments	
3	To decide whether to offer an administrative penalty or to prosecute in cases of fraudulent claiming of housing benefit	
4	To prosecute or to appear on behalf of the Council in proceedings before a Magistrates' Court relating to housing benefit, council tax benefit or non payment of council tax or business rates	
5	To authorise any Officer of the Council to appear on behalf of the Council in proceedings before a Magistrates' Court under Section 223 Local Government Act 1972	
6	To determine applications for discretionary rate relief and hardship rate relief	

Delegations to the Corporate Manager – Legal

Ref	Delegation	In consultation with or subject to:
1	Accept or reject (whether or not subject to conditions) any purchase notice served on the Council under the Town and Country Planning Act 1990 if a decision is required before the next normal meeting of the relevant Committee.	WPBC only: Subject to consultation with the Chair of Management Committee and the Briefholder
2	Legal Proceedings Institute or settle [in his/her name where necessary] all legal proceedings authorised by the Council or its duly authorised Officers and to defend (subject to any rights of the Council's insurers) any legal proceedings brought against the Council. Where the power to institute proceedings in the Magistrates' Court is given by statute to the Council or any of its Officers the Corporate Manager - Legal or any person authorised by him/her may institute and progress those proceedings including representation in the Magistrates' Court. Authority to issue formal cautions in circumstances where he/she	

	and relevant service manager jointly agree such action is appropriate	
3	Authorise Officers of the Council to appear on behalf of the Council in proceedings before a Magistrates' Court under Section 223 Local Government Act 1972.	
4	Take appropriate legal action with regard to trespass on Council owned land	Liaison with Head of Assets & Infrastructure
5	Provide signed statements of truth in accordance with the Civil Procedure Rules (Also delegated to any qualified legal Officer, relevant Strategic Director, Assistant Chief Executive, Chief Executive, Head of Service or Corporate Manager with knowledge of the facts contained in the statement)	
6	The determination of applications for "Certificates of Lawfulness of Existing Use or Development".	In consultation with the Head of Planning (Development Management & Building Control)
7	The determination of applications for "Certificates of Lawfulness of Proposed Use or Development".	In consultation with the Head of Planning (Development Management & Building Control)
8	The issue of Building Preservation Notices	In consultation with the Head of Planning (Development Management & Building Control)
9	The issue of Temporary Stop Notices	In consultation with the Head of Planning (Development Management & Building Control)
10	The issue of requisitions for information as to interests in land under planning powers.	In consultation with the Head of Planning (Development Management & Building Control)
11	The issue of Planning Contravention Notices.	In consultation with the Head of Planning (Development Management & Building Control)
12	The issue of Breach of Condition Notices.	In consultation with the Head of Planning (Development Management & Building Control)
13	The issue of Revocation Orders	In consultation with the Head of Planning (Development Management & Building Control)
14	The issue of notices for the removal of fly-posting.	In consultation with the Head of Planning (Development Management & Building Control)

15	The issue of a notice under Section 215 of the Town and Country Planning Act 1990, or other re-enactment thereof, regarding the cleaning up of land or property when its condition adversely affects the amenity of the area.	In consultation with the Head of Planning (Development Management & Building Control)
16	The taking of criminal proceedings where enforcement notices have not been complied with	In consultation with the Head of Planning (Development Management & Building Control)
17	The taking of enforcement action regarding the replacement of trees including issuing of Tree Replacement Notices	In consultation with the Head of Planning (Development Management & Building Control)
18	The taking of default/legal action where a discontinuance order is not complied with.	In consultation with the Head of Planning (Development Management & Building Control)
19	The authorisation of criminal or other legal proceedings, where an offence or a breach of planning control has occurred or is anticipated	In consultation with the Chairman of Planning Committee or Vice Chairman of Planning Committee, (or in the absence of the Chairman of Planning Committee or Vice Chairman of Planning Committee, with the Briefholder / Portfolio Holder acting in substitution for either)
20	Institute proceedings in the Magistrates' Court for any contravention of the Council's Parking Places Orders.	
21	Pursuant to Section 229 and 234 of the Local Government Act 1972, to authenticate documents and to sign on behalf of the council	
22	To nominate any other Officer to exercise any power available to the Corporate Manager – Legal.	
23	To make from time to time, such amendments to the Constitution as in his/her view are minor, such as changes to the titles of Officers and is also authorised in consultation with the Chief Executive to transfer any of the functions contained within the Scheme of Delegations between the Assistant Chief Executive, Strategic Directors, Heads of Service and Corporate Managers (including any other posts reporting to any of these posts). Authority is subject to notifying members by way of an information report within 14 days of	

	the date of the change.	
24	Consider whether Petitions submitted are vexatious, abusive or otherwise inappropriate and therefore excluded from further action under the Petition Scheme.	
25	<p>Serve the following notices and pursue prosecution for non-compliance if necessary:</p> <ul style="list-style-type: none"> (a) Enforcement notices, subject to informing the Chairman of Planning Committee and the ward Member(s) (b) planning contravention notices; (c) breach of condition notices; (d) section 215 notices in respect of untidy land; (e) to secure the removal of fly-posting 	In consultation with the Head of Planning (Development Management & Building Control)
26	To provide Local Land Charges Services.	

27	Issue urgent: (i) enforcement notices (ii) stop notices	In consultation with the Head of Planning (Development Management & Building Control) and the Chairman of the Planning Committee
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Delegations to the Corporate Manager –Democratic Services and Elections;

Ref	Delegation	In consultation with or subject to:
1	Administer and authorise councillors remuneration and expenses	
2	Increase councillors travel and subsistence allowances in line with levels set by the scheme of member's allowances	
3	Approve expenditure on civic hospitality	WPBC only: Subject to liaison with the Mayor and to a maximum of £1000
4	Organise and conduct reviews of the Principal Area Internal Ward and Polling District Boundaries and Polling Places and undertake consultation and to formulate draft proposals in respect of parish electoral arrangements made under the Local Government & Rating Act 1997.	WPBC only: Together with a politically balanced working group of members

Delegations to the Corporate Manager – Human Resources and Organisational Development

1	To issue a certificate as to whether a particular employee's duties render his/her post politically sensitive according to the statutory criteria	
2	To implement any award of a joint negotiating body so far as it concerns rates of salary, wages, car allowances or other allowances payable to Officers and other employees of the Council except where the terms thereof involve the exercise of a discretion by the Council.	WPBC only: Provided that any action taken in pursuance of this paragraph shall be reported to Management Committee at its next meeting.
3	To take such action as may be necessary in relation to superannuation and the payment of pensions on behalf of the Council as employing authority in relation to its employees, former employees and to Dorset County Council as administering authority; except where the Council is entitled to exercise discretion.	

4	To pay gratuities and injury awards to employees, former employees and their widows/widowers and dependants in accordance with principles approved by the Council.	
5	To act as a person specified by the council as a scheme employer under the Local Government Pension Scheme (Amendment) regulations 2004 to consider disputes and first instance decisions on pension matters.	

Delegations to the Head of Business Improvement

Ref	Delegation	In consultation with or subject to:
1	Determine proposals to name a street under the relevant legislation	Subject to consultation with and there being no objections from ward Members, Portland Town Council (if appropriate) (WPBC only) or the Post Office.
2	Allocate numbers to buildings in new streets and in existing streets where a complete renumbering is not required.	

Delegations to the Head of Economy, Leisure and Tourism

Ref	Delegation	In consultation with or subject to:
1	To undertake the management, development, promotion and delivery of the leisure and tourism functions of the borough/district council with particular regard to financial performance, safety, meeting customer needs and the appropriate dual use management agreements in line with agreed strategies and the council's financial plan.	
2	Provide advice to private and voluntary sector organizations or external partnerships in line with council policies and budgets and via service level agreements where appropriate.	
3	Manage major capital contracts including design, budget, negotiating grant aid and reporting changes to the appropriate committee.	
4	Complete consultation forms on behalf of the Council in relation to national lottery (arts council, sports council, heritage lottery funds, millennium commission) or similar applications.	
5	To perform all of the functions of the Council in respect of the following Act: Clean Neighbourhoods and Environment Act 2005 Sections 6, 7,22,45,48, 59,61 (Litter - Issue of FPN Deposit and Disposal of Waste - Issue of FPN Control on Dogs - [powers available once Dog Control Order approved by Council] - Issue FPNs and Power to require name and address)	
6	Preparation of applications for grants and other assistance	In accordance with general guidelines approved by committee
7	Determine grant and rate relief applications for sports, arts, museums and village halls within policy and budgetary criteria	
8	Determination of harbour regulations, fees and charges.	
9	Determine such licence applications for harbour users and associated harbour functions and approve concessions at the	

	Council's harbours.	
10	Power to undertake all action in relation to the operation of any harbour within the district of the Council for which the Council is a harbour authority.	

Delegations to the Weymouth Harbour Master (Applies to Weymouth harbours only)

Ref	Delegation	In consultation with or subject to:
1	The exercise of all powers granted by statute to the Harbour Master.	
2	The grant of pleasure boat and watermen's' licences, the grant or refusal of mooring licences and the power to secure the removal of wrecks and hulls from the Harbour.	
3	To negotiate variation in charges not exceeding 50% where a charge would normally be made as set out in the Schedule of Charges to improve utilisation of the facilities, subject to this flexibility having no adverse effect on target income budgets and only being applied where the application would be beneficial to the harbour.	
4	The Harbour Master is authorized to act on behalf of the Harbour Management Board in the course of his/her duties to meet the requirements of the Business Plan and the Harbour Budget.	

Delegations to the Head of Community Protection

Ref	Delegation	In consultation with or subject to:
1	<p>To undertake all action in connection with any matter arising in relation to the hackney carriage or private hire licenses (which for the avoidance of doubt includes any application for a licence relating to drivers, vehicles, operators and proprietors) provided that:</p> <p>(a) such power does not extend to refusing any application contrary to any extant policy (if any) expressly adopted by the Council for such purposes (as may be amended from time to time); and</p> <p>(b) in the case of a revocation or suspension of a licence any decision is notified to a committee with power to determine such licences as soon as reasonably practicable following any such decision being made</p>	
2	To grant exemptions from displaying a private hire plate under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.	
3	Approval of all applications under the Licensing Act 2003 except where there are objections for Weymouth & Portland Borough Council and West Dorset District Council.	Subject to statutory consultation.
4	In respect of the licensing function for West Dorset District Council to determine if representations and/or requests for review are irrelevant, frivolous or vexatious.	
5	In respect of the licensing function for both Councils, to make representation/request for review where the where the district/borough council is a responsible authority and not the licensing authority.	
6	In respect of the whole licensing function to enforce legislation and compliance with conditions in respect of the licensing functions	

7	<p>Approval of all applications under the Gambling Act 2005 except where there are objections, or cancellation/revocation of the licence at Weymouth & Portland Borough Council <i>N.B If objections or cancellation/revocation decision by Licensing Sub Committee.</i></p> <p>Approval of all applications under the Gambling Act 2005 (including cancellation/revocation) except where there are objections at West Dorset District Council <i>N.B If objections decision by Licensing Sub Committee.</i></p>	Subject to statutory consultation
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8	To set fee levels for applications made under the Gambling Act 2005 for West Dorset District Council <i>N.B. Weymouth & Portland Borough Council Gambling fees decided by Licensing Committee</i>	
9	Licence/register motor salvage operators and scrap metal dealers	
10	To issue Fixed Penalty Notices for smoking related offences under the Health Act 2006.	
11	To grant permits for Street Collections and House to House Collections	
12	Exercise of all available powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 necessary to manage and enforce Weymouth & Portland Borough Council's street trading policy <i>N.B. West Dorset District Council do not currently have a street trading policy</i>	
13	Determine applications with conditions if applicable for street trading consents in designated streets under Local Government (Miscellaneous Provisions) Act 1982 except where there are objections/appeals that cannot be resolved informally <i>N.B. Objections/appeals to Sub-Committee</i>	In accordance with criteria set out in Weymouth & Portland Borough Council's street trading policy for Weymouth & Portland applications <i>N.B. West Dorset District Council do not currently have a street trading policy</i>
14	Determine fees for street trading consents at Weymouth & Portland Borough Council. <i>N.B West Dorset District Council street trading fees decided by Licensing Sub-Committee</i>	In accordance with criteria set out in Weymouth & Portland Borough Council's street trading policy
15	Determine an application for a collectors licence	Application to refuse made – to Licensing Committee for decision
16	Determine an application for a scrap metal dealer site licence	Application to refuse made – to Licensing Committee for decision
17	Determine a transitional application for a scrap metal licence	Application to refuse made – to Licensing Committee for decision
18	Determine a transitional application for a scrap metal collectors licence	Application to refuse made – to Licensing Committee for decision

19	Determine an application to vary a scrap metal site licence where no representation made	Application to refuse or attach conditions made – to Licensing Committee for decision
20	Determine an application to vary designated personnel on a scrap metal licence	Application to refuse made – to Licensing Committee for decision
21	Determine an application for transfer of a collectors licence to a scrap metal site licence	Application to refuse made or attach conditions – to Licensing Committee for decision
22	Determine an application to transfer a scrap metal site licence to a collectors licence	Application to refuse made – to Licensing Committee for decision
23	Determine an application to review a scrap metal site licence	Application to refuse or attach conditions – to Licensing Committee for decision
24	Provide advice and mediation on scrap metal dealers functions	

A Local Authority **must not** issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. Following a decision there is a right to appeal to the magistrates' court.

Delegation of Scrap Metal Dealers Functions:

West Dorset District Council only:

Delegations to the Community Protection Manager:

25	Determine an application for a collectors licence	
26	Determine an application for a collectors licence with unspent convictions	
27	Determine an application for a scrap metal dealer site licence	
28	Determine an application for a site licence by a director/s or site manager with unspent convictions	
29	Determine a transitional application for a scrap metal licence	
30	Determine a transitional application for a scrap metal collectors licence	
31	Deal with a representation received from applicant following refusal, revocation or variation of a licence within the specified time	
32	Determine an application to vary a scrap metal site licence	
33	Determine an application to vary designated personnel on a scrap metal licence	

34	Determine an application to attach conditions to a scrap metal site licence	
35	Determine an application for transfer of a collectors licence to a scrap metal site licence	
36	Determine an application to transfer a scrap metal site licence to a collectors licence	
37	Determine an application to review a scrap metal site licence	
38	Determine an application to revoke a scrap metal site licence	
39	Determine an application to revoke a collectors licence	
40	Determination after a police recommendation regarding a licence	
41	Determine an application for a collectors licence	Application to refuse made – to Head of Community Protection for decision
42	Determine an application for a scrap metal dealer site licence	Application to refuse made – to Head of Community Protection for decision
43	Determine a transitional application for a scrap metal licence	Application to refuse made – to Head of Community Protection for decision
44	Determine a transitional application for a scrap metal collectors licence	Application to refuse made – to Head of Community Protection for decision
45	Determine an application to vary a scrap metal site licence	If representations made – to Head of Community Protection for decision
46	Determine an application to vary designated personnel on a scrap metal licence	Application to refuse made – to Head of Community Protection for decision

47	Determine an application for transfer of a collectors licence to a scrap metal site licence	Application to refuse made or attach conditions – to Head of Community Protection for decision
48	Determine an application to transfer a scrap metal site licence to a collectors licence	Application to refuse made – to Head of Community Protection for decision
49	Determine an application to review a scrap metal site licence	Application to refuse or attach conditions – to Head of Community Protection for decision
50	Provide advice and mediation on scrap metal dealers functions	
A Local Authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. Following a decision there is a right to appeal to the magistrates' court.		

Delegations in respect of the Licensing Act 2003 and the Gambling Act 2005 are listed in the Statement of Licensing Policy for Weymouth and Portland Borough Council and West Dorset District Council.

Public Health		
51	Authority to issue fixed penalty notices for depositing litter and failing to remove dogs' faeces from public places	
52	Authority to process notices under the Clean Neighbourhoods and Environment Act 2005	
53	Removal of trees on Council owned land and highway considered to be unsafe or causing damage	Consultation with Ward members

To perform all of the functions of council in respect of the Acts listed below (WDDC and WPBC)			
54	Animal Boarding Establishments Act 1963 Sections 1&2	Licensing of Boarding Establishments Inspection of Boarding Establishments	
55	Breeding of Dogs Act 1973 Sections 1&2	Licensing of Breeding Establishments Inspection of Breeding Establishments	
56	Breeding and Sale of	Illegal sale of dogs	

	Dogs (Welfare) Act 1999 Section 8		
57	Clean Neighbourhoods and Environment Act 2005 Sections 6, 7,22,45,48, 59,61	Litter - Issue of FPN Deposit and Disposal of Waste - Issue of FPN Control on Dogs - [powers available once Dog Control Order approved by Council] - Issue FPNs and Power to require name and address	
58	Dangerous Dogs Act 1991 Section 3	Dog control	
59	Environmental Protection Act 1990 Sections 88,92,93,149	Litter Notices and stray dogs	
60	Environmental Protection Act 1990 Section 149	To reduce the Reclaim Fee where it is believed serious hardship would result to the owner of the dog or there is no realistic prospect of getting the full fee back from the owner	
61	Guard Dogs Act 1975 Section 3	Licensing of Guard Dog Kennels	
62	Health and Social Care Act 2008 section 129	Application for an Order to protect persons from significant harm	
63	Local Government Act 1972 Section 234	Signing Notices by proper Officer	
64	Local Government (Miscellaneous Provisions) Act 1976 Sections 16,20,33	Obtaining particulars of persons, sanitary facilities at places of entertainment and restoration/continuation of water supply.	
65	National Assistance Act 1948 Sections 47, 48	Power to deal with persons requiring certain care and attention	
66	Pet Animals Act 1951 Sections 1,4,6	Licensing of Pet Shops	
67	Prevention of Damage	Notices re: works for prevention of	

	by Pests Act 1949 Sections 4,22,28	damage by pests and powers of entry	
68	Public Health Act 1936 Sections 85,269,284, 287,296	Verminous persons, moveable dwellings	
69	Public Health Act 1961 Section 74	Bird control in build up areas	
70	Public Health (Control of Diseases) Act 1984 Sections 20-23, 31,32,37,41,61,64	Infectious disease control	
71	Road Traffic Act 1988 Section 27	Control of Dogs on Roads	
72	Water Industry Act 1991 Sections 77-80, 84,85	Water quality and supply including private supplies	
73	Building Act 1984 Sections 59,60- 63,76,81,84, 85,93,95,96,113	Drainage and otherwise defective buildings (not dangerous)	
74	Clean Air Act 1993 Sections 4,6,8,10,12,14, 33,35, 36,55,56,58	Approval of chimneys, furnaces and plant and measurement of pollution from same, cable burning.	

75	Clean Neighbourhoods and Environment Act 2005 Sections 3,6, 7,22,30,31,45,48, 73,76,77,78	Litter - Issue of FPN Deposit and Disposal of Waste - Issue of FPN Graffiti and fly posting - Issue FPN's Removal Notices Audible Intruder Alarms - Issue FPN Power to require name and address Power to enter premises to silence alarm Power to apply for warrant to enter premises by force	
76	Control of Pollution Act 1974 Sections 60,91,92	Notices re: construction sites Powers of entry and inspection	
77	Dangerous Wild Animals Act 1976 Sections 1, 3	Licences Inspection of premises	
78	Environment Act 1995 Sections 108-110	Authorisation of Officers and deal with imminent danger of serious pollution	
79	Environmental Protection Act 1990 Sections 6,10,13,14, 34a(2),78,80,81 Sch.3 (2), Sch. 4 (3)	Statutory nuisance, contaminated land, FPNs re waste transfer note etc	
80	Local Government Miscellaneous Provisions Act 1976 Sections 16,35	Requisitions for Information Obtaining particulars of persons' private sewers	

81	Noise and Statutory Nuisance Act 1993 Sch. 3	Powers of entry	
82	Public Health Act 1936 Sections 48,50,78,83,	Drainage, cleansing of common areas, filthy premises, provision of	

	84,87,284,287,296	conveniences	
83	Public Health Act 1961 Sections 17,22,34,37	Drainage, refuse and verminous articles	
84	Refuse Disposal (Amenity) Act 1978 Sections 6,8	Disposal of refuse other than vehicles	
85	Riding Establishments Act 1964 Sections 1,2,5	Licensing of Riding Establishments	
86	Riding Establishments Act 1970 Section 1	Provisional Licences	
87	Zoo Licensing Act 1981 Sections 4-7, 10- 12,15,16,19	Licences and closure	

Business Regulation and Support

To perform all of the functions of council in respect of the Acts listed below (both Councils)

88	European Communities Act 1972 and Food Safety Act 1990 Sections of these Acts and any orders, regulations made thereunder or relating to the foregoing and any modification or re- enactment to the foregoing	Food Safety	
89	Health Act 2006 and Smoke-free (Premises and Enforcement) Regs 2006/Smoke-free (Exemptions and Vehicles) Regs 2007/Smoke-free (Penalties and	Smoke free legislation	

	Discounted Amounts) Regs 2007/Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007/Smoke-free (Signs) Regs 2007 Part 1 and Schedules 1 & 220 Sections 21 22, 25, 38, 39,		
90	Health and Safety at Work Act 1974 sections 19,20,21,22, 25,38,39	Protection of persons at or affected by work activities	
91	Local Government (Miscellaneous Provisions) Act 1982 Sections 14,15,16,17	Control of skin piercing	
92	Sunday Trading Act 1994 Sch. 1&2	Hours of opening	

Delegations to the Head of Housing		
Ref	Delegation	In consultation with or subject to:
1	Determine applications for homelessness and determine the need for temporary accommodation.	
2	Maintain and operate the Housing Register in accordance with the Council's Allocations Scheme and make minor amendments	
3	Determine rent deposit scheme applications including rent in advance loans and deposit bonds in accordance with Council policy	In consultation with the Strategic Director (covering Corporate Finance, Revenues & Benefits, Partnerships, IT Services, Communications and Customer Services)
4	Determine reviews of decisions taken under the Housing and Homelessness Acts	
5	Exercise of powers and duties under the Protection from Eviction Act 1977 and Prevent of Harassment Act 1997	
6	Agree leases of no more than 5 years to provide temporary accommodation for homeless households	
7	Offer occupation agreements to homeless households in leased accommodation	
8	Set charges for leased accommodation	

	Act &Section	Summary of Powers	In consultation with or subject to:
9	Housing Act 1985 Sections 260, 265,330,335,336,337,338,340,600	Demolition Orders and Overcrowding	
10	Housing Act 2004All relevant powers under Part 1,2,3,4,6 & 7	Licensing of HMOs and HHSRS	
11	Housing Construction and Regeneration Act 1996 Sections 13, 18, 24, 28, 76	Power to approve Housing Grants	
12	Local Government Act 1972 Section 234	Proper Officer for signing Notices where they are designated to serve	

13	Local Government Miscellaneous Provisions Act 1982 section 29	Boarding up vacant properties	
14	Public Health Act 1936 Sections 50, 83, 84, 85, 269	Cesspools etc, filthy and verminous premises, verminous articles, verminous persons and their clothing, moveable dwellings	
15	Public Health Act 1936 Sections 48, 287,296	Drainage, cleansing of common areas, filthy premises, provision of conveniences	
16	Local Government Miscellaneous Provisions Act 1976 Sections 16,35	Requisitions for Information Obtaining particulars of persons' private sewers	
17	Prevention of Damage by Pests Act 1949 Section 4	works for prevention of damage by pests	
18	Caravan Sites and Control of Development Act 1960 Sections 3, 5 & 8	Issue Site Licences / attachment / alteration of conditions	
19	Building Act 1984 Section 59 Section 60-63 Section 76 Section 81 Section 84 Section 85	inadequate drainage etc drains and water closets defective premises demolition orders Paving and drainage of yards and passages Maintenance of entrances to courtyards	
20	Environmental Protection Act 1990 Section 80 Section 81	Service of Abatement Notices Supplementary Powers re: statutory nuisances	
21	Home Energy Conservation Act 1995 Section 2	Preparation of energy conservation report	
22	Housing and Regeneration		

	Act 2008 Section 110 Section 192		
West Dorset District Council only:			
23	Lay complaint to a Magistrates' Court in respect of offences under Section 10 of the Caravan Sites Act 1968	In consultation with the Chairman of the Strategy Committee	

Delegations to the Head of Planning (Development Management & Building Control)

Ref	Delegation	In consultation with or subject to:
1	The determination of whether adequate information is submitted with any planning application. In circumstances where an application is considered to be incomplete by the Head of Service responsible for Development Management and/or to be deficient in respect of the requirements of the Councils Planning Application Requirements Document, to decline to register such applications and to return them to the applicant or agent for completion.	
2	The determination of whether an Environmental Statement and the issuing of a formal 'Screening Opinion' in respect of the need for a Statement or otherwise and also the issuing of a 'Scoping Opinion' setting out the matters to be included and addressed within an Environmental Statement when required.	
3	Where an application is submitted without an Environmental Statement or where the Statement is considered to be inadequate having regard to the Environmental Assessment Regulations and the Scoping Opinion issued by the borough/district Council, to decline to register the planning application or to refuse planning consent as appropriate.	
4	The making of observations on applications submitted to adjoining or other authorities, where the proposal is of a non-contentious nature or where the time limit for response does not allow consideration by the committee. <i>Except applications from either West Dorset District Council or Weymouth and Portland Borough Council which will be submitted to Committee.</i>	

5	Refusal of applications requiring revisions or further information. In circumstances where, during the consideration of an application, the applicant or agent has been requested to supply additional information necessary to enable proper consideration of the proposal or to make amendments to an application, in order to address concerns raised by objectors, statutory consultees or the Head of Service responsible for Development Management and no such information or amendments are forthcoming within 10 working days or such other time as may be agreed..	
6	Consideration and determination of applications for non-material changes to planning permission and variation or relaxation of planning conditions.	
7	Take decisions relating to proposed surgery/felling of trees protected by Tree Preservation Orders or within Conservation Areas except where the applicant is the council, a serving Member of the Council or a senior Officer.	
8	Determination of matters relating to submission of details to comply with planning conditions (for example: materials, landscaping, screen walls/fences etc).	
9	Determination of applications for the removal of hedgerows and high hedges complaints and authority to take enforcement action for non-compliance with remedial notice notices in accordance with Part 8 of the Anti-Social Behaviour Act 2003	
10	To authorise any Officer to enter land in accordance with the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Hazardous Substances) Act 1990 (as amended)	
11	To authorise any Officer to enter land in accordance with Part 8 of the Anti-Social Behaviour Act 2003 (provisions in relation to High Hedges)	
12	Determination of submissions of prior notification of agricultural or telecommunications development or demolitions which would normally qualify as permitted development.	
13	Power to undertake all action relating to making and/or confirming Tree Preservation Orders including (for the avoidance of doubt) power to amend, vary, modify and/or revoke the same subject to the ward member(s) of the ward affected by the Tree Preservation	

	Order being notified as soon as reasonably practicable after any making, confirming, amending, varying, modifying and /or revoking (as the case may be).	
14	Determination of applications for the display of advertisements	
15	Decline to determine repetitive applications for planning permission and advertisement consent	With the agreement of the Corporate Manager - Legal
16	Make objections and representations under Regulation 18 of the Goods Vehicles (Operators Licenses, Qualifications and Fees) Regulations 1984 to the Western Traffic Area to the granting of heavy goods vehicle operators' Licenses	In consultation with the Head of Community Protection
17	<p>To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification or variation to agreements, deeds and any other documents entered into wholly or partly pursuant to any Town and Country Planning Legislation including, without prejudice to the generality of the foregoing:</p> <p>(a) agreements made pursuant to section 52 of the Town and Country Planning Act 1971; and</p> <p>(b) planning obligations pursuant to section 106 of the Town and Country Planning Act 1990;</p> <p>provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation imposed by an express decision of a Committee of the Council where, in the opinion of the Head of Planning (Development Management and Building Control) such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).</p> <p>North Dorset District Council only:</p> <p>The proviso which limits the extent of the power specified in</p>	

	<p>delegation 17 above, does not apply if the modification of the planning agreement / obligation concerns a low cost dwelling(s) and will in the opinion of the Planning Development Manager (and Building Control):</p> <p>(a) facilitate its use, in whatever form, by a registered social landlord, or</p> <p>(b) result in the release of the low cost dwelling(s) from future ties as a low cost market dwelling.</p>	
18	The issue of Building Preservation Notices	
19	The authorisation of works for the preservation of unoccupied listed buildings in cases of emergency	
20	Provision of building control services including but not limited to exercise of all powers and duties necessary for the delivery of the service under the Building Act 1984. The Building Regulations 2000. The Party Wall Act, the sustainable and Secure Building Act 2006, the climate change and Sustainable Energy Act 2006 and The building (Approved Inspectors) Regs 2000	
21	To vary the standard fee scales of the Local Government Association Model Scheme by plus or minus 10 per cent for building control functions	
22	Deal with matters arising from the submission of additional information pursuant to the grant of conditional permission.	
23	Approve non material amendments to approved plans.	
24	<p>Authority to determine 'prior approval' applications in respect of Classes IA, MA and MB of the GPDO subject to the following protocol being applied to the consideration of the applications:</p> <p>(i) That adjoining neighbours and consultees are allowed 21 days to submit their comments to the council.</p> <p>(ii) That Town and Parish Councils are consulted on the 'prior notification' applications in respect of Classes IA, MA and MB relevant to their area and allowed 21 days to comment.</p>	

	<p>Furthermore, that Town and Parish Councils are informed of the outcome of all three types of applications.</p> <p>(iii) That the council serves a written notice on adjoining occupiers where appropriate and erects a site notice where there are no adjoining occupiers.</p> <p>(iv) That where neighbour objections are received to 'prior approval' applications under Classes IA, MA and MB, the case Officers will inform the Chairman of the Development Control /Planning and Traffic Committee and the Ward councillors of their provisional recommendations and allow seven days for their comments. The Head of Planning (Development Management & Building Control) will have due regard to any resulting councillor comments before determining the application.</p>	
25	<p>Authority to determine 'prior approval' applications arising from a future amendment to the GPDO subject to the current or any subsequently amended protocol being applied to their determination.</p>	
26	<p>To undertake all action in order to regulate any actual, perceived or potential breaches of any of the Town and Country Planning Legislation, including but without prejudice to the generality of the foregoing:</p> <p>(a) action to regulate breaches of any notices, orders, agreements, obligations or other documents, conditions, restrictions or other limitations issued pursuant to such Town and Country Planning Legislation;</p> <p>(b) the authorising and issuing of requisitions for information;</p> <p>(c) the authorising and issuing of Planning Contravention Notices;</p> <p>(d) the authorising and issuing of Enforcement Notices;</p>	

	<p>(e) the authorising and issuing of Breach of Condition Notices;</p> <p>(f) the authorising and issuing of notices under s215 of the Town and Country Planning Act 1990;</p> <p>(g) determining whether or not to take or to cease action where in the opinion of the Head of Planning (Development Management and Building Control) a breach is trivial, there is insufficient demonstrable harm or, it is not expedient to take / continue to take action; and</p> <p>(h) the authorising and issue of temporary stop notices</p>	
27	<p>To undertake all action in connection with applications for certificates of lawfulness of existing or proposed use or development.</p>	
28	<p>To determine any application (including for the avoidance of doubt but without prejudice to the generality of the foregoing any reserved matter application, applications under section 73 or section 73A of the Town and Country Planning Act 1990 and any, application for listed building consent) submitted pursuant to the Town and Country Planning Legislation (including any necessary determination(s) relating to conditions, obligations, limitations or any other restrictions or requirements necessary in respect thereof) provided that the power to determine does not apply to any application:</p> <p>1. in respect of which:</p> <p>(a) a Written Material Representation has been received by the Head of Planning (Development Management and Building Control) and that Written Material Representation:</p> <p>(i) has been made by a Council Member(s)</p>	

and received by the Head of Planning (Development Management and Building Control) within the Consultation Period; and/or

- (ii) (A) has been made by a town or parish council in whose area the application is situated, and received by the Head of Planning (Development Management and Building Control) within the Consultation Period or other such period in time as the Head of Planning (Development Management and Building Control) might otherwise agree in writing (such extension to the Consultation Period not to be unreasonably refused); and
- (B) contains a recommendation that is contrary to the proposed decision; and in either case

(b) the Head of Planning (Development Management and Building Control) at his/her absolute discretion after consultation with the Chairman of the Planning Committee, the Vice Chairman of the Planning Committee and the Ward Member(s) of the area in which the site of the application is situated considers is a matter which ought to be referred to the Planning Committee for determination; and/or

2. which the Head of Planning (Development Management and Building Control) considers at any time when assessing the application (prior to any determination) for the purpose of this delegation:

(a) would be Contrary to the Development Plan (and the

anticipated decision would be to approve); and /or

- (b) is on land owned by the Council; and/or
- (c) from an Identified Member or Identified Staff; and/or
- (d) would conflict with a decision previously made by the Planning Committee of the same description and on the same or largely the same site; and/or
- (e) requires an Environmental Impact Assessment.

Note as Regards the above consultation provision

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

Definitions relevant to the above

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

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

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

	<p><i>whole or part;</i> <i>“Identified Member” means an application that identifies in response to a question on the application form that the application is made by or on behalf of a Council Member and/ or any partner of such Council Member;</i> <i>“Identified Staff” means an application that identifies in response to a question on the application form that the application is made by or on behalf of an employee of the Council and/ or any partner of such an employee;</i> <i>Town and Country Planning Legislation has the meaning as set out in the Introduction and Interpretation Section. For the avoidance of any doubt reference to Town and Country Planning Legislation includes:</i></p> <p>(a) <i>the Town and Country Planning (General Permitted Development) (England) Order 2015;</i></p> <p>(b) <i>The Town and Country Planning (Development Management Procedure) (England) Order 2015/595.</i></p> <p><i>“Written Material Representation” means a representation received by the Council that is in writing and in the opinion of the Head of Planning (Development Management and Building Control) contains one or more planning considerations of material planning relevance to the application to be determined;.</i></p> <p>.</p>	
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Weymouth and Portland Borough Council only:

30	Authority to determine the 'permitted development' notifications specified in Classes A,J,K and M of the Town and Country Planning (General Permitted Development) (England) Order 2015.	In cases where adjoining neighbour objections are received, such authority shall be exercised following consultation with the relevant ward councillors.
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West Dorset District Council only:

31	Make decisions on individual grants for listed buildings at risk up	
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	to a maximum of £5000.	
32	Allocate individual grants towards the repair of chest and table tombs.	
33	Authority to determine 'prior approval' applications under Classes A, J, K and M of the Town and Country Planning (General Permitted Development) (England) Order 2015.	Where objections are received to these 'prior approval' applications, the case Officers will inform the Chairman of the Development Control Committee and the ward councillor when their provisional recommendations are for approval and allow seven days for their comments. The Head of Planning (Development Management & Building Control) will have due regard to any resulting councillor comments before determining the application.

Delegations to the Corporate Manager (Community & Policy Development)

Ref	Delegation	In consultation with or subject to:
1	Decide which bids from registered social landlords to the Homes and Communities Agency are supported	WPBC only: In consultation with relevant Briefholder & Head of Housing
2	Make decisions on applications for the Weymouth and Portland and West Dorset list of assets of community value	WDDC only: Local ward member(s) to be informed of the applications and decisions
West Dorset District Council only:		
3	To allocate monies from the West Bay and Dorchester car boot sales in consultation with a panel of 3 nominated Members	
4	Determine applications for grants under the Countryside and Conservation Grant Scheme (including applications for repairs to walls) within policy and budgetary criteria	
5	Designate nature reserves subject to controversial applications being submitted to the Strategy Committee	
6	Under the Housing Act 1988 approve or refuse social Housing	

	Grant projects in line with Council policies	
7	<p>Approval of neighbourhood areas where:</p> <ol style="list-style-type: none"> i. the boundary follows a parish boundary line, and ii. there is not a significant level of businesses operating in the area (such as a major industrial estate or town centre), and iii. the area does not overlap with an existing neighbourhood area, and iv. the community functions as a relatively self-contained neighbourhood unit, without undue reliance on a much wider population, or facilities in a neighbouring area, and v. any local plan allocations (including defined development boundaries) in the area do not extend beyond the proposed area, and do not include development at a scale that is likely to result in significant impacts on immediately surrounding areas, and vi. there have been no significant issues raised through the consultation process. <p>In all other cases the decision on neighbourhood area applications will be brought to the next available Strategy Committee.</p>	In consultation with the relevant ward councillor
8	<p>Approve neighbourhood forums in consultation with the relevant local ward councillors, where:</p> <ul style="list-style-type: none"> • No other competing application has been received; • It is set up for the express purposes of promoting or improving the social, economic and environmental well-being of the neighbourhood; • That the neighbourhood area to which the application relates is agreed by the council and it relates to an area where there is no town or parish council; its membership includes a minimum of 21 individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area and has secured membership from at least one representative from each of these categories; • Its membership is drawn from different places in the neighbourhood area and represents a good cross-section of the community as a whole; 	Relevant local ward councillors

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| | <ul style="list-style-type: none">• It has a written Constitution agreed by the Corporate Manager - Legal;• There are no significant issues raised as a result of the consultation. <p>In all other cases the decision on neighbourhood applications will be brought to the next available Strategy Committee.</p> | |
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Delegations to the Head of Assets & Infrastructure

Ref	Delegation	In consultation with or subject to:
1	Cancel Penalty Charge Notices issued under the Traffic Management Act 2004	
2	To make on and off street Road Traffic Regulation Orders under the relevant road traffic legislation and, if applicable, agency arrangements where no written objections have been received.	
3	Exercise all powers and duties conferred by the agency agreement with Dorset County Council as Highway Authority and not otherwise expressly reserved to the Planning and Traffic Committee / Development Control Committee	WPBC only: Consult with Ward members regarding Traffic Regulation Orders
4	Act as the Council's Engineer to its Contracts, under the terms of the appropriate Conditions of Contract published by the Institution of Civil Engineers.	
5	Act on behalf of the Council in any agreements or contracts with water companies or other such bodies	
6	Act on behalf of the Council in the submission of grant applications under the provisions of the Coast Protection Act 1949 and the Land Drainage Act 1991.	
7	Make application for planning permissions and building regulations approvals, for any Council or Water Company (or other such bodies) proposals for projects.	
8	Serve notices under the following Acts: The Land Drainage Act 1991 The Coast Protection Act 1949 The Public Health Act 1936	

9	Appoint agency/contract engineers as required.	
10	Institute proceedings in the County Court for non-payment of fixed penalty notices for parking offences	
11	Act in any lawful manner to safeguard property and/or the public, in conjunction with other emergency services, in pursuit of the resolution of any peacetime emergencies.	
12	Exercise the powers of the Council under Section 138 of the Local Government Act 1972 in cases of emergency.	
13	As Borough/District Controller/Coordinator the power to take any action as may be necessary in case of hostile attack or peacetime disaster and to draw upon an initial allocation of funds to be determined annually from working balances in respect of each emergency.	

Weymouth and Portland Borough Council only:

14	Bring proceedings under Borough of Weymouth and Portland (Off Street Parking Places) Orders and On Street Traffic Regulation Orders	
15	Assigning or subletting leases and tenancies	
16	Granting or refusal of the Council's consent under the terms of any lease or licence	
17	Granting approval for alterations to premises leased by the Council, variations in leases including user clauses and acceptance of the surrender of leases	
18	Granting of licences over the Council's land	
19	Granting of easements and wayleaves (including those for public or statutory undertakings)	

20	To agree the terms of leases for sites for electricity sub-stations or other utilities	
21	To agree all rent reviews and lease renewals due under an existing lease where the new rent does not exceed £50,000 per annum and the review/renewal period is not more than 10 years. The rent reviews and lease renewals are to be carried out in accordance with any specific Council policy for the type of property concerned	
22	To grant new leases where the rent does not exceed £20,000 per annum or where the period of the lease does not exceed 5 years, whatever the rent	
23	To approve the freehold or long leasehold disposal of land which has an open market value of up to £99,999 and the terms of	After consultation with relevant ward councillors and Briefholder

	disposal	
24	To approve applications for the modification or release of covenants of a routine nature	
25	To approve and complete minor deeds of rectification or exchange.	
26	To administer arrangements for the seasonal hire, regulation and use of beach huts, beach tents and beach concessions	
27	Management and maintenance of public conveniences	
West Dorset District Council only:		
28	Dispose of freehold property with a market value over £50,000 and grant leases over 21 years where the Strategy Committee has agreed in principle to the disposal or the granting of the lease.	
29	Grant new leases and lease renewals.	
30	Agree rent reviews.	
31	Accept the surrender, terminate or vary leases.	
32	Grant easements.	
33	Release restrictive covenants.	
34	Acquire the freehold acquisition or leasing in of property, where budgetary provision has been made and where the Strategy Committee has agreed in principle.	
35	Grant licences determinable by notice of 12 months or less.	
36	Make planning applications and building regulation applications in the interest of good management of the property portfolio.	
37	Write-off of unpaid debts up to £500, subject to the Head of Assets & Infrastructure being satisfied that all avenues to recover the money have been investigated.	
38	Disposal of freehold property with a market value up to £50,000 and grant leases up to 21 years.	

<i>(Points 1 to 38 all subject to the Head of Assets & Infrastructure being satisfied that the best possible price/rent/terms are achieved)</i>		
39	Grant of licences to rival market operators at an appropriate fee and on the criteria agreed by the Dorchester Markets Informal Joint Panel.	
40	Authority to grant licences for alternative uses of the Thomas Ensor covered market building and adjoining area on the criteria agreed by the Dorchester Markets Informal Joint Panel	
41	Management and maintenance of the council's offices, furniture, equipment and Officer car parks.	
42	Grant licences for alternative uses of car park land excluding the sale of food.	

Appointment of RIPA Personnel

- (a) The Council (whether solely or in combination with other partners forming the Dorset Councils Partnership) will maintain a RIPA policy (which may be amended at any time and from time to time) that will include identification of Officers employed within the Dorset Councils Partnership appointed to roles identified with that policy. Officers appointed to such roles have power to undertake all action ascribed to those roles in any relevant legislation and the policies adopted by the Council in relation to RIPA (if any).
- (b) Any Officer employed by any of the partners of the Dorset Council Partnership who is appointed to undertake the role of RIPA Officer on behalf of the Council and / or the Dorset Councils Partnership as a whole shall have power to undertake all action to update the RIPA policy at any time to reflect changes to Officers appointed to roles within the RIPA policy .

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 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:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Assistant Chief Executive
S.88(2)	Arranging a Council meeting to appoint the Mayor	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.89(1)	Notice of casual vacancy in office of councillor	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S. 96(1) and (2)	Receipt of Member information on interests in contracts	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Service

S.100(B)(2)	Designation of reports 'not for publication' to the press and public	Chief Executive and the Managers
S.100(B)(7)	Supply of copies of documents	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(C)(2)	Written summary of the proceedings at Committees and sub-Committees	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(D)(1)	List of background papers	Chief Executive and the Managers
S.100(G)(1)	Register of Elected Members	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(G)(2)	List of delegated powers of Officers	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
S.115(2)	Receipt of money due from Officers	Strategic Director with responsibility for finance function ; Head of Financial Services
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Strategic Director with responsibility for finance function; Head of Financial Services
S.151 - and S.114 Local Government and Finance Act 1988	The Officer responsible for the proper administration of the Council's financial affairs	Section 151 Officer and any nominated deputy
S.191	Officer to whom an	Assistant Chief Executive

	application under S.1 of the Ordnance Survey Act 1841 will be sent	
S.204(3)	Receipt of notice of applications for justices' licences	Strategic Director with responsibility for licensing function; Head of Community Protection;
S.210(6) and (7)	Charities	Assistant Chief Executive
S.212	Register of Local Land Charges	Chief Executive
S.224	Custodian of documents	Chief Executive and all the Managers
S.225	Deposit of documents	Chief Executive and all the Managers
S.228(3)	Accounts for inspection by any member of the Council	Assistant Chief Executive; Head of Financial Services
S.229(5)	Certification of photographic copies of documents	Chief Executive and all the Managers
S.234	Authentication of documents	Chief Executive and all the Managers
S236	Sending of copies of byelaws to the County Council	Assistant Chief Executive; Corporate Manager - Legal
S.238	Certification of byelaws	Assistant Chief Executive; Corporate Manager - Legal
S.248	The Roll of Freemen	Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Government Act 1972 Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Chief Executive; Corporate Manager – Democratic and Electoral Services
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Government Act 1972 Schedule 14		
Para 25	Certification of resolution for legal proceedings.	Assistant Chief Executive; Corporate Manager - Legal

S.30(5)	Giving notice that copies of a report of the Local Government Ombudsman's are available	Assistant Chief Executive; Corporate Manager - Legal
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Assistant Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Authorities Cemeteries Order 1977		
	Sign exclusive rights of burial	Strategic Director with responsibility for burial and/or cremation functions; Head of Service / Corporate Manager responsible for Bereavement Services
S.8	Registration Officer	Chief Executive; Corporate Manager- Democratic and Electoral Services;
S.35	Returning Officer for Local	Chief Executive; Corporate Manager – Democratic and Electoral Services
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Returning Officer (Chief Executive); Corporate Manager – Democratic and Electoral Services
Local (Principal Area) (England and Wales) Rules 2006		
Rule 54	Retention and public inspection of documents after an election	Returning Officer (Chief Executive); Corporate Manager – Democratic and Electoral Services
Local Government Finance Act 1988		
S.114	Reporting on unlawful expenditure	Strategic Director with responsibility for finance functions
Local Government and Housing Act 1989		
S. 2	Deposit list of politically	Assistant Chief Executive;

	restricted posts with Proper Officer	Corporate Manager – Human Resources and Organisational Development
S. 4	Head of Paid Service	Chief Executive
S. 5	Report on unlawful actions	Monitoring Officer; any Officer nominated as deputy
S. 6	Administration of financial affairs	Section 151 Officer; any Officer nominated as deputy
S.15 to 17	<p>Receipt of notices concerning:</p> <ul style="list-style-type: none"> • Constitution of political groups • Membership of political groups • Wishes of political groups • Review of allocation of seats to political groups <p>Notification to political groups of:</p> <ul style="list-style-type: none"> • Allocation of seats • Vacation of a seat 	Chief Executive; Corporate Manager – Democratic and Electoral Services
S. 37	Statement of accounts from a voluntary body	Strategic Director with responsibility for finance function; Head of Financial Services
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of Committees and nominations to political groups	Chief Executive; Corporate Manager – Democratic and Electoral Services
Local Authorities (Standing Orders) (England) Regulations 2001		
	Officer who will give written	Chief Executive

	notice of appointment or dismissal of Officers listed in Schedule 1, Part II, paragraph 3	
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive except as specifically provided in this scheme
Cremation Regulations 2008		
Public Health (Control of Disease) Act 1984		
S.31	Certification by Officer of need for disinfection of premises	Strategic Director with responsibility for environmental health functions; Head of Community Protection
S.32	Certification by Officer of need to remove person from infected house	Strategic Director with responsibility for environmental health functions; Head of Community Protection
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Strategic Director with responsibility for environmental health functions; Head of Community Protection
Public Health Act 1961		
S.37	Control of any verminous article	Strategic Director with responsibility for environmental health functions; Head of Community Protection

Part B

General interpretation and definitions relating to Part B

- i. Unless the context otherwise requires, in this Part B of the officer scheme of delegations the following terms shall mean the following:
 - (a) “Chief Executive” means the Officer holding the post or performing the functions/exercising the delegations given to the Chief Executive or Head of Paid Service, provided that for the avoidance of doubt this includes any person fulfilling the functions of either such post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
 - (b) “Council” mean the councils of:
 - 1. North Dorset District Council;
 - 2. West Dorset District Council; and /or
 - 3. Weymouth and Portland Borough Council,
(as the case may be) on whose behalf (from time to time and at any time) that part of the Scheme is being applied at the time;
 - (c) “General Manager” means the Officers holding the posts of Strategic Director, Assistant Chief Executive, Monitoring Officer and Responsible Financial Officer;
 - (d) “inspection” shall be construed as including reference to a survey, inspection, investigation or similar activity;
 - (e) “PGN” means any planning guidance note produced by the Council;
 - (f) “premises” shall mean any place (including any building, land, vehicle or other moveable structure) provided that in the case of the exercise of a specific legislative power of entry it shall be construed as meaning such premises as may be authorised by that legislative power, and any reference to “land” shall be similarly interpreted;
 - (g) “Responsible Financial Officer” means the Officer appointed to have responsibility for the proper administration of the Council’s financial affairs pursuant to Section 151 of the Local Government Act 1972 (“Section 151 Officer”) or if absent or unavailable any officer nominated to act as the deputy to the section 151 officer;
 - (h) “Scheme” the whole of Part B of the officer scheme of delegations as set out in this Constitution;
 - (i) “Section Manager” means any Head of Service, Corporate Manager or manager of a business unit or section of the Council and for the avoidance of doubt includes all posts expressly delegated power under part B of the Scheme;
 - (j) “Significant Development” means where the application is for:

- (i) a residential development comprising over 10 dwellings or a residential site equal to or in excess of 0.5 hectares; or
- (ii) the erection of a building of more than 10,000 square metres;
- (k) “SMT Member” means the Officers holding the posts of Strategic Director, Assistant Chief Executive, Monitoring Officer and Responsible Financial Officer, provided that for the avoidance of doubt this includes any person fulfilling the functions of such a post by way of arrangements entered into pursuant to section 113 Local Government Act 1972;
- (l) “Strategic Director” means any officer appointed to a post of Strategic Director;
- (m) “the Food Provisions” means:
 - i Food Safety Act 1990;
 - ii the General Food Regulations 2006;
 - iii the Contaminants in Food (England) Regulations 2009;
 - iv the Food Hygiene (England) Regulations 2004;
 - v the Official Feed and Food Controls (England) Regulations 2009;
 - vi the Official Controls (Animals, Feed and Food) (England) Regulations 2006
 - vii the Trade in Animals and Related Products Regulations 2011
 - viii European Regulation 178/2002 - Principles of Food Law;
 - ix European Regulation 852/2004 - General Requirements;
 - x European Regulation 853/2004 - Products of Animal Origin;
 - xi European Regulation 854/2004 - Official Controls of POAO; and
 - xii European Regulation 882/2004 - Official Controls on Compliance
 - xiii European Regulation 669/2009 - Control of Imports non-animal origin
 - xiv European Regulation 1069/2009 – Animal by-products
 - xv The Transmissible Spongiform Encephalopathies (England) Regulations 2010
 - xvi European Regulation 206/2009 Personal imports of animal origin
 - xvii European Regulation 669/2009 Amendment
 - xviii European Regulation 1152/2009 Safeguarding controls concerning aflatoxins
 - xix The Animal By-Products (Enforcement) (England) Regulations 2011
 - xx European Regulation 1169/2011 Information to consumers
 - xxi European Regulation 272/2012 Imposing Special Import Conditions

- xxii European Regulation 468/2012 Import of composite products
- xxiii European Regulation 1152/2013 Amending 1152/2009 and 669/2009
- xxiv The Food Information Regulations 2014

- (n) “neighbourhood planning function” means all matters arising in connection with neighbourhood planning carried out by the Council including in particular all matters directly or indirectly connected with the creation / designation of neighbourhood areas, neighbourhood development orders, community right to build orders and neighbourhood development plans pursuant to the Localism Act 2011 and the Town and Country Planning Legislation

- ii. Unless a delegated power expressly provides otherwise, reference in the Scheme to specific legislation or any other document issued by or on behalf of central government or the European Union (including, without prejudice to the generality of the foregoing, regulations, orders, directions, directives, circulars, guidance and statements) shall be deemed to include:
 - (a) any other legislation (including regulations, direction, directives or orders) or other documents made pursuant to it;
 - (b) any existing or future amendment to such legislation or other document; and
 - (c) any re-enactment or replacement (as the case may be) to such legislation or other document with or without modification.

- iii. Where reference is made in the Scheme to an exercise of a power under specific legislation, the delegation shall continue to apply where the legislation is amended or replaced, provided that the nature of the function remains the same.

- iv. Unless the context otherwise requires, references to the Council in the Scheme includes all joint committees, committees, subcommittees and working parties.

- v.
 - (a) Any officer with delegated power under the Scheme may nominate any other suitably qualified officer(s) to exercise any of his or her powers. Any nomination may be cancelled in writing at any time and may be subject to any condition or other restriction as specified in that nomination.
 - (b) The nomination or cancellation will unless otherwise expressly stated, take effect on the date when the nomination or cancellation is made.
 - (c) Details of any nomination or cancellation of a nomination should aim to be registered with the Monitoring Officer within seven working days of the nomination or cancellation being made: however failure to provide such registration will not be deemed to negate the application of that nomination or cancellation (as the case may be).

- (d) For the avoidance of doubt where an officer nominates any other officer to exercise any of his or her powers, the officer making the nomination retains the capacity to exercise the power(s) so nominated.
- vi. Unless otherwise expressly provided, reference in the Scheme to specific primary legislation shall be deemed to include any secondary legislation (including regulations, orders and directions) made thereunder.
- vii. Where a power is delegated to more than one officer, then all officers to whom that power is delegated shall be able to exercise that power independently unless the delegation otherwise expressly so provides.
- viii. Unless the context otherwise requires, reference in the Scheme to the singular includes the plural and vice versa and references to the masculine shall include the feminine and vice versa.
- ix. For the purposes of the general delegations to SMT Members, Section Managers and team Leaders contained in Section 8 below any reference to a "Section", "unit" and/or "Team" shall in the context of SMT Members be construed as referring to all those business units for which the SMT Manager has responsibility and any reference to "Section Manager" shall be construed as incorporating reference to all SMT Members;
- x. Where in relation to a specific Officer post referred to in the Scheme:
 - a) that post ceases to exist, or
 - b) has its post title changed, or
 - c) the Officer appointed to that post ceases to be employed by the Council, then, pending revision to the Scheme, reference in the Scheme to that Officer title shall be construed as referring to the Officer(s) who assume the responsibilities previously attributable to that Officer post.
- xi. Where in the Scheme there is reference to any Member (excluding the defined term SLT Member) or councillor designation then such reference shall be interpreted as meaning a member, or the member, appointed to that councillor designation or reasonable equivalent (as the case may be), of the Council on whose behalf that part of the Scheme is being applied at that time.

DELEGATIONS TO ALL OFFICERS

To act as a witness:

- (a) on behalf of the Council or North Dorset District Council in any proceeding in which the Council is directly involved; or
- (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; or
- (c) in any other circumstance with the prior written approval of the Legal and Commissioned Services Manager.

GENERAL DELEGATION

1. CHIEF EXECUTIVE

- i To exercise the power of any Officer of the Council excluding the statutory powers of the Monitoring Officer and Section 151 Officer.
- ii To deal with the appointment, discipline, dismissal of staff at or below the level of Deputy Chief Officers or the termination of such Officers' contracts of employment by any other means. This power can also be carried out by General Managers or the Monitoring Officer or Responsible Financial Officers in respect of staff under their control or otherwise when nominated by the Chief Executive.
- iii To be the Head of Paid Service as specified by section 4 of the Local Government and Housing Act 1989 and in that capacity, to undertake all action in connection with the management of the staff of the Council in accordance with statute and statutory regulations and for the avoidance of doubt, this includes determining changes to staff terms and conditions of employment
- iv. (1) The Chief Executive may decide that the exercise of any function, question or matter within the powers or duties of the Council or any Committee or Sub-Committee is urgent, and :
 - (a) a decision must be made before the next scheduled meeting of the Council; or
 - (b) a recommendation to any Council body, or within the terms of reference of any Council body should be implemented prior to the next scheduled meeting of any of the Council bodies by which it could or should normally be approved;

and, in either case, if the Chief Executive is satisfied that it is not expedient in the circumstances to convene a special meeting of the body in question then sub-paragraph (c) below shall apply.

- (2) The Chief Executive shall have the power (or may designate any SMT Member who will then have the power) to undertake all action in connection with the matter or to implement the recommendation identified in sub-paragraph (1) above (as the case may be) without further reference to any Council body.
- (3) The exercise by the Chief Executive or any SMT Member of any powers identified in sub-paragraphs (i) and (ii) above shall be subject to the following conditions:
 - (a) the Chief Executive or designated SMT Member before making a decision under paragraph iv shall so far as practicable consult with such members as s/he considers appropriate and practicable in the circumstances;;
 - (b) the Chief Executive or designated SMT Member before making a decision under paragraph iv shall so far as practicable consult with the Legal and Commissioned Services Manager or Monitoring Officer and Responsible Financial Officer or their nominated deputies;
 - (c) a record of all decisions made or recommendations implemented, together with the consultations referred to in paragraphs v(a) and (b) shall be recorded and maintained by the Legal and Commissioned Services Manager; and
 - (d) any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of a Council body where that Council body would otherwise have dealt with the question

or matter.

- v. To act as the "Proper Officer" and the officer authorised to carry out any functions (other than where such authorization is a particular named category of Officer) detailed in:
 - (a) the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000;
 - (b) any other legislative provision; and /or
 - (c) the Constitution not otherwise specifically delegated to another Officer, including in all cases the power to nominate in writing any other Officer to so act.
- vi. To undertake all action (including any determinations necessary in respect thereof) in connection with the arrangement of civic and ceremonial functions.
- vii. To undertake all action in connection with Emergency Planning.
- viii. To undertake all action in connection with requests for radio, television, other coverage or recording of meetings of the Council.
- ix. To resolve a complaint, including the approval of compensation, which is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in existing budget levels being exceeded.
- x. To undertake all action in connection with the settlement of any claim or prospective claim made by or against the Council so long as any expenditure incurred is within existing budget levels.
- xi. To approve extra remuneration to an Officer for the future performance of temporary duties additional to any within the officers job description; such expenditure must be within existing budget levels and the Responsible Financial Officer should be notified of any such arrangement in advance.
- xii. To summon a meeting of the Council, provided the circumstances necessitating the calling of the meeting are identified on the agenda/summons for that meeting.
- xiii. For the purposes of activities to which the Regulation of Investigatory Powers Act 2000 apply, the power to authorise such activities, provided that the Chief Executive may not nominate any other Officer to exercise such a power unless that Officer has the responsibility for the management of investigations.
- xiv. To appoint any Officer to be a Disclosure Officer for the purposes of the Criminal Procedure and Investigations Act 1996.
- xv. To exercise virement powers where a matter is urgent, subject to consultation, where practicable, with such members as the Chief Executive considers appropriate.
- xvi.. To undertake all action in connection with dealing with any petition received by the Council including in particular how that petition is best dealt with by the Council, subject to such prior consultation with any member as the Chief Executive considers appropriate.
- xvii. Power to determine whether to grant a dispensation:
 - a) under the Localism Act for the purposes of participating and/or voting at a meeting; or

b) in relation to any conflict of interest.

xviii Power to determine all matters relating to the agreements entered into pursuant to section 113 Local Government Act 1972 and any other relevant enabling powers, including in particular but without prejudice to the generality of the foregoing, agreements relating to functions / duties performed by the Monitoring Officer and the section 151 Officer.

2. CHIEF EXECUTIVE AND OTHER SMT MEMBERS

- i. To purchase items necessary for the undertaking of services within their responsibility and within the provision of the annual revenue estimates/capital programme subject to a maximum cost per item of £25,000.
- ii. Subject to prior consultation with the Legal and Commissioned Services Manager, to settle any claim or potential claim made by or against the Council in a sum not exceeding £15,000 including power to approve a payment in to court.
- iii. To determine whether or not to waive the Contract Procedural Rules but only as may be provided for in those rules or subject to the prior agreement of the Responsible Financial Officer.
- iv. To undertake all action in connection with applications for grants in respect of which the determining Officer has been given a budget provided:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500.00;
 - (b) the grant is determined in accordance with any relevant Council policy; and
 - (c) any expenditure to be incurred by the Council can be met from a relevant budget head within the control of the determining Officer.
- v. To authorise and sign the identity card of any Officer as may be necessary for the proper performance of that Officer's duties.
- vi. To authorise any Officer or any other person that the SMT Member considers appropriate:
 - (a) to carry out inspections and exercise related powers of entry;
 - (b) to carry out of such further actions arising out of any inspection as are considered to be expedient by the person carrying out the inspection (including without prejudice to the generality of the foregoing the exercise of any relevant powers of sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction);
 - (c) to issue fixed penalty notices; and
 - (d) to seek a warrant;for such purposes as the authorising Officer considers appropriate.
- vii. Without prejudice to any other delegations relating to the authorisation of specific roles and/or duties to authorise any Officer or any other person:
 - (a) to be an inspector; and /or
 - (b) to be an authorised officer; and/or
 - (c) to be an enforcement officerin relation to any functions of the Council including in particular but without prejudice to the generality of the foregoing the functions of the Council arising in connection with:

- (i) the Health and Safety at Work etc Act 1974;
 - (ii) the European Communities Act 1972 and any provisions made thereunder;
 - (iii) the Licensing Act 2003;
 - (iv) the Gambling Act 2005;
 - (v) the Public Health (Control of Disease) Act 1984;
 - (vi) any of the Food Provisions; and
 - (vii) any of the Town and Country Planning Legislation.
- viii. To determine whether to authorise the release of information or the documentation to the press, any member of the public or external body.
 - ix. In consultation with such Members as the determining Officer deems appropriate, to consider and determine a response to any document including consultation documents.
 - x. To act as a co-signatory for any cheque drawn on the Council's accounts.
 - xi. To sign amendments to cheques drawn on the Council's accounts.
 - xii. To undertake all action relevant to that Officer which is required by or identified in Financial Regulations and/or Contract Procedural Rules.
 - xiv. To authorise virements of up to £30,000 in any one transaction between budget heads within the control of the overall service for which the SMT Member has responsibility (including between different units within that overall service) but excluding virements from salaries and associated overheads.
 - xv. To attest the Council seal and sign any document including any contract necessary to give effect to:
 - (a) a resolution of the Council; and /or
 - (b) the exercise of a power delegated by the Council.
 - xvi. Power to sign off and/or approve a report or item to go to any Council body relating to a matter delegated to Officers in the Officer Scheme of Delegation for the purposes of empowering that body to make a decision in relation to it.
 - xvii. Power to consider and determine any review arising in connection with the Council's powers and duties in relation to assets of community value pursuant to the Localism Act 2011, provided that this power does not extend to either the Monitoring Officer or the Responsible Financial Officer unless s/he also holds the post of General Manager or Chief Executive (where it is possible so to do).
 - xviii. In consultation with the Finance Manger to determine (and amend at any time and from time to time) the manner, amount and distribution of PGN contributions received including in particular (but without prejudice to the generality of the foregoing):
 - a) the specific project(s) identified within the PGN (whether an updated PGN or any previous or future amended PGN) to which any contribution shall be applied / expended;
 - b) the total contribution amount to be spent in respect of any such project;

- c) the amount of contribution to any such project to be taken from any payment received;
 - d) the actual project(s) any payment received should contribute towards; and
 - e) that a decision on whether or not to require an (and the extent of any) indemnity in relation to any expenditure of PGN monies be decided in consultation with such members as the determining officer considers appropriate.
- xix. Power to undertake all action in relation to Blight Notices including without prejudice to the generality of the foregoing power to determine whether to issue a counter notice.

3. ALL SMT MEMBERS

- i. To exercise all the powers of:
 - (a) the Chief Executive; or
 - (b) any other officer,

where the Chief Executive or other officer is either absent or otherwise unavailable but excluding the statutory powers of the Monitoring Officer and Section 151 Officer.
- ii. Providing any expenditure can be met from within existing budgets (whether as a result of virement powers or otherwise) to undertake all action in connection with the management of the services and employees for whom the SMT Member is responsible (including all related budgets) in accordance with approved policies, practices and procedures. This shall include, without prejudice to the generality of the foregoing, the appointment, discipline, dismissal of staff provided the SMT Member has been so nominated by the Chief Executive.
- iii. To resolve a complaint, including the approval of compensation, which is made through the Council's formal complaints procedure or the Ombudsman, provided that any expenditure will not result in existing budget levels for the services under their control being exceeded.
- iv. Power to undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.
- v. Power to undertake all action in connection with the receipt of any expression of interest arising in relation to the community right to challenge pursuant to the Localism Act 2011, such power to include without prejudice to the generality of the foregoing, power to receive and validate any such expression of interest, provided that :
 - (i) In relation to the making of an actual decision as to whether to accept or reject an expression of interest there has been prior consultation with such members as the SMT member considers appropriate;
 - (ii) within 3 months of a receipt of an expression of interest the SMT Manager reports to such appropriate body as officer exercising the powers considers appropriate on the interest received; and
 - (iii) this power does not extend to either the Monitoring Officer or the Responsible Financial Officer unless s/he also holds the post of General Manager.
- vi. To consider and determine any review arising in relation to the Council's duties concerning assets of community value pursuant to the Localism Act 2011.
- vii. To undertake all action in connection with the entering into of a service level agreement with any voluntary agency in circumstances where the Council has or is proposing to offer financial assistance to that voluntary agency provided that no such service level agreement shall commit the Council to the utilisation of any resources that have not previously been authorised for such a purpose.

4. MONITORING OFFICER

- i. To investigate, report and make recommendations on any complaints or the results of any investigations in relation to the code of conduct for Members for which the Monitoring Officer is responsible.

5. THE RESPONSIBLE FINANCIAL OFFICER

- i. To approve the waiving of Financial Regulations in any circumstance that, in the opinion of the Responsible Financial Officer, is sufficiently urgent to justify such a waiver provided that a written record is kept of such a decision.
- ii. To act as a co-signatory for any cheque drawn on the Council's accounts.
- iii. To sign amendments to cheques drawn on the Council's accounts.
- iv. To undertake all action relevant to that Officer which is required by or identified in Financial Regulations and/or Contract Procedural Rules.
 - i. To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Finance Portfolio Holder.
 - vi. Subject to prior consultation with the Finance Portfolio Holder, to approve virements within the capital programme of up to £10,000 in any one transaction.
 - vii. To consider and make recommendations in respect of the strategic and annual audit plans.
 - viii. To undertake all action in connection with variation applications under the Data Protection legislation
 - ix. To determine whether to waive any inspection charge under the Data Protection legislation
 - x. To undertake all action in connection with security standards and procedures under the Data Protection legislation and generally in respect of information held of the central computer network.
 - xi. To write off any debt up to £10,000 provided that:
 - (a) in the opinion of the Responsible Financial Officer, the sum is irrecoverable or uneconomic to recover; and
 - (b) details of write-offs are reported quarterly to the Accounts and Audit Committee or such other committee as is considered appropriate.
 - xii. To authorise the overspend of a business unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) of the approved business unit budget subject to the same being reported as soon as reasonably practicable to the next available meeting of such a body as the Responsible Financial Officer considers appropriate
 - xiii. To authorise any virement:
 - (a) between any one or more budget heads (excluding reserves and working balances) but including those within different services / units of up to £30,000 in any one transaction; and

- (b) between any one or more budget heads within the same business unit.
- xiv. To authorise the payment of money secured in connection with any permission, consent or other approval granted pursuant to the Town and Country Planning Legislation provided that the same accords with any protocol as may have been adopted by the Council for such purposes (if any)
- xv. The authorisation of payment of monies collected through section 106 agreements (develop contributions) once approved for payment in accordance with the agreed protocol.
- xvi. In consultation with such member(s) as the Responsible Financial Officer considers appropriate to vire up to £10,000 from Working Balances where a matter is considered urgent by the Responsible Financial Officer.
- xvii. Power to determine and undertake all calculations necessary for the purposes of determining the amount which is the Council Tax base for the Council for any year.
- xviii. Power 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 the Responsible Financial Officer 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
 - (c) complete any related forms and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.

6. ALL STRATEGIC DIRECTORS

- i. To undertake all action in connection with the allocation of capital programme grants for social/ affordable housing purposes, provided:
 - (a) such power does not extend to approving any grant in excess of the budget available for such purposes;
 - (b) the determination is in accordance with any Housing Strategy relevant to the grant if in force;
 - (c) prior to any determination to award a grant, there is consultation with the Financial Services Manager;
 - (d) the determination as to whether to award any grant is also in accordance with any other relevant Council policy; and
 - (e) in any financial year that a determination is made to award a grant, prior to the end of that financial year a report is taken to such a body as the Chief Executive considers appropriate identifying all determinations to award a capital programme grant, including the amount of each grant that has been or will be paid during that financial year.
- ii. To undertake all action in connection with the entering into of a service level agreement with any voluntary agency in circumstances where the Council has or is proposing to offer financial assistance to that voluntary agency provided

that no such service level agreement shall commit the Council to the utilisation of any resources that have not previously been authorised for such a purpose.

- iii. To consider and determine whether or not to support a bid by a Registered Social Landlord for social housing investment programme funding provided that such a determination will not in itself result in the Council having to commit any resource as a consequence of the outcome of any such bid.
- iv. To undertake all action in connection with the allocation of capital programme grants for social /affordable housing purposes, provided:
 - (a) such power does not extend to approving any grant in excess of the budget available for such purposes;
 - (b) prior to any determination to award a grant there is consultation with an SMT Member, such member as the determining officer considers appropriate and the Responsible Financial Officer.
 - (c) prior to any determination to award a grant, there is consultation with the Finance Manager;
 - (d) the determination as to whether to award any grant is also in accordance with any other relevant Council policy; and
 - (e) in any financial year that a determination is made to award a grant, prior to the end of that financial year a report is taken to such a body as the Chief Executive considers appropriate identifying all determinations to award a capital programme grant, including the amount of each grant that has been or will be paid during that financial year.
- v. To consider and determine whether or not to support a bid by a Registered Social Landlord for social housing investment programme funding provided that such a determination will not in itself result in the Council having to commit any resource as a consequence of the outcome of any such bid.

7. ASSISTANT CHIEF EXECUTIVE

- i. To undertake all action in connection with the management and implementation of procedures for the sale / re-sale of low cost market housing including, but without prejudice to the generality of the foregoing, determining whether a person is eligible for consideration for the provision of a low cost home.

8. SMT MEMBERS AND SECTION MANAGERS

- i. To undertake all action in connection with the day to day management of their Unit, Section or Team (including all related budgets) including the management of the employees for which they are responsible in accordance with approved policies, practices and procedures provided that this power does not include the following powers:
 - (a) to authorise any virement between budget heads of the budget(s) relating to their unit;
 - (1) in excess of £10,000 in any one transaction; or
 - (2) from a budget head relating to Officer salaries and associated overheads, without the prior approval of the Responsible Financial Officer or the Finance Manager;

- (b) to overspend on the overall approved budget of their unit by more than whichever is the lower of:
 - (1) 10% of that overall approved unit budget calculated as the total allocated to all expenditure budget heads excluding the budget heads relating to Officer salaries, associated overheads and capital charges; or
 - (2) £50,000 (fifty thousand pounds);
 without either:
 - (3) the prior written approval of either the Responsible Finance Officer or the Finance Manager; or
 - (4) a resolution from such a body as the determining officer considers most appropriate;
- (c) to authorise virements between revenue or capital budgets without the prior approval of either the Responsible Financial Officer or the Finance Manager;
- (d) to appoint, discipline or dismiss employees unless nominated for such a purpose by the Chief Executive;
- (e) to negotiate variation(s) to any individual officer's terms and conditions of employment unless there has been prior consultation with the Human Resources and Organisational Development Manager and thereafter such on-going consultation as the Human Resources and Organisational Development Manager identifies as appropriate; and
- (f) to determine any variation(s) to an individual officer's terms and conditions of employment (provided for the avoidance of doubt that this does not prevent the making of recommendations as to a possible variation);
- ii To undertake all action relevant to that Officer which is required by or identified in Financial Regulations and/or Contract Procedural Rules..
- iii. To purchase items necessary for the undertaking of their powers and functions within the provision of the annual revenue estimates/capital programme.
- iv. To undertake all action in connection with the decision of the Council, or in exercise of the delegated power of an officer, where the subject matter of the said decision or delegated power is within the work undertaken by the Unit, Section or Team concerned or they have otherwise been expressly authorised by the Council or officer possessing relevant authority.
- v. Provided the prior written approval of the Legal and Commissioned Services Manager has been obtained (such approval at the absolute discretion of the Legal and Commissioned Services Manager being either specific to an individual matter or of a more general nature), to authorise, instigate, defend appear in any legal proceedings (including tribunals, hearings and inquiries), including the undertaking of action considered expedient in respect thereof, where the subject matter of the proceedings is within the work undertaken by the section for which the Section Manager is responsible.
- vi. To undertake all action in connection with the enforcement of:

- (c) any actual, perceived or potential breach of any statutory provision; or
- (d) any consent, authorisation, permit, registration, certificate, license, notice, order or other document (including any condition, restriction, limitation or any other provision contained therein) given, issued or made by the Council (whether pursuant to a delegated power or otherwise),

where the subject matter of that provision, or document is within the work undertaken by the section for which the Section Manager is responsible.

- vii To undertake all action in connection with the enforcement of the terms of any agreement, contract, licence, lease or any other legal instrument issued, by or to which the Council is a party, where the subject matter of that instrument is within the work undertaken by the section for which the Section Manager is responsible.
- viii In relation to any function carried out by the section for which the Section Manager is responsible to undertake all action to enter into contracts for works, services and supplies, provided that:
 - (a) it is within budget; and
 - (b) the process and signing of the contract accords with the Contract Procedural Rules.
- ix Except where the Council nominates a consultant instead of an Officer, to act as nominated officer under any contract for works or services in respect of which the Section or Team concerned is acting as client or to deputise a member of her/his staff to so act.
- x Subject to prior consultation with the Legal and Commissioned Services Manager, to determine whether to issue a caution of whatever nature as an alternative to undertaking criminal proceedings in respect of any function which, in the opinion of the decision making officer, is within their responsibility.
- xi To undertake any inspection of land and/or buildings and exercise related powers of entry, that in the opinion of the Section Manager is necessary or appropriate for the proper performance of the duties of their section and/or any specific delegation contained within the Scheme, including the power to undertake all action arising as a consequence of the inspection as is considered expedient by the person carrying out the inspection.
- xii To authorise any Officer within the Section or Team or any other person to:
 - (a) be an inspector; and/or
 - (b) undertake such powers as may be authorised in connection with undertaking inspections (including powers of inspection, sampling, sampling, analysis, detention, seizure, purchasing, checking (including checking of records whether electronic or otherwise) certification and destruction);

where in the opinion of the Section Manager such authorization is necessary or appropriate for the proper performance of the duties of their section.

- xiii To undertake all action in connection with fixed penalty notices that in the opinion of the Section Manager is necessary or appropriate for the proper performance of the duties of their section.

- xiv. To sign any document including a contract necessary to give effect to:
 - (a) a resolution of the Council; and/or
 - (b) the exercise of a delegation given by the Council, provided in both cases that such;
 - (c) documents relate to the work undertaken by the Unit, Section or Team;
 - (d) power does not extend to signing a contract the value of which exceeds any level that may be provided for in the Contract Procedural Rules; and
 - (e) power does not extend to the attesting of the Council seal.
- xv To monitor, store, archive and destroy council documentation held within their Section for which the Section Manager has control provided it accords with Council policies (if any).
- xvi To assess and determine a reasonable fee and / or charge and method of charge for any matter undertaken by the Section for which the Section Manager is responsible, that has not otherwise been formally expressly determined by the Council or for which the amount is expressly set by legislation.
- xvii To authorise and sign identity cards on behalf of any Officer within the section for which the Section Manager is responsible (including inspectors or other persons appointed to undertake work on behalf of the Section or Team), as may be necessary for the proper performance of their duties.
- xviii To authorise and undertake all action in connection with the securing of a warrant where in the opinion of the Section Manager this is necessary in the proper performance of the section for which the Section Manager is responsible.
- xix To instruct and authorise any external person (including consultants) or body to undertake work and/ or act on behalf of the Council in respect of any matter (including at any legal proceedings, tribunals, hearings and inquiries) relating to work undertaken by the section for which the Section Manager is responsible.
- xx To act on behalf of the Council and any other section including the exercise of any of their delegated powers (provided there is no legal restriction preventing the same), when instructed and / or nominated (as the case may be) to do so in connection with any matter for which the Council any section or Officer has power, including engaging in correspondence, negotiations and generally to undertake all action that is necessary to fulfill that instruction.
- xxi To undertake all action in relation to the work undertaken by the section for which the Section Manger is responsible concerned so long as:
 - (a) it is not contrary to relevant Council policy;
 - (b) it does not overturn a relevant previous decision by the Council or a Member requiring the decision to be made by the Council or that Member; and
 - (c) at the time of the decision it is not expected that any reduction in public service will result.

xxii To exercise the power held by any Officer below the level of Strategic Director / Assistant Chief Executive in the event of that Officer being unavailable or absent.

9. ALL STRATEGIC DIRECTORS; ASSISTANT CHIEF EXECUTIVE AND THE CORPORATE PROPERTY OFFICER

- i. To undertake all action in connection with:
 - (a) the taking or granting of licences, tenancies and leases relating to land or property for a term in excess of 6 months ; and
 - (b) the acquisition or disposal of any interest in land or property,provided that in every case:
 - (1) in relation to any disposal it accords with the provisions (if any) relating specifically to the disposal of any premises set out in the Contract Procedural Rules; and
 - (2) any proposed rent, charge, acquisition or disposal price (as the case may be) has been previously recommended by a valuer appointed by the Council and in the opinion of that valuer that price represents a consideration which is the best that can reasonably be obtained; or
 - (3) in the case of a short tenancy (within the meaning of section 123 of the Local Government Act 1972) it:
 - (i) consists of the grant of a term not exceeding seven years or is an assignment of a term, that at the date of assignment, has not more than seven years to run; and
 - (ii) will contain a restriction prohibiting use of the land and any buildings situated thereon so disposed for or in connection with the carrying on of any trade, business, profession or employment (other than community use purposes); and
 - (iii) is, in the opinion of the Corporate Property Officer, in the interests of good estate management, in the interests of the local community and council tax payers, and/or is consistent with the effective economic and efficient discharge of the authority's functions, and
 - (iv) at least seven days prior to the final decision being taken, notification has been given to the Responsible Financial Officer.
- ii. To undertake all action in connection with the entering into of any licence, tenancy or lease, in all cases for a term not exceeding six months.
- iii. To undertake all action in connection with a proposal for the revocation, suspension surrender or forfeiture of any lease, licence, tenancy, permit, certificate, authorisation and/or other document (other than planning permission or listed building consent) in relation to the Council's property function.
- iv. To undertake all action in connection with applications for the approval of schemes for village or community halls, recreational and sports facilities for which a grant has already been approved provided that this power does not include the determination of any statutory consent, approval, permission or any other authorisation that may be required from the Council in respect of any scheme.

- v. To undertake all action associated with the letting of recreation facilities (including sports pitches), and the use of parks and open spaces for special events provided that this power does not include the power to make any determination that, in the opinion of the Corporate Property Officer at the time of making the determination, will result in expenditure that results in existing budget levels being exceeded.
- vi. To maintain a register of all land and buildings owned by the Council including power, subject to the prior approval of the Responsible Financial Officer, to arrange for a rolling programme of valuation of the same.
- vii. To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other property related document.

10. BUSINESS CHANGE COORDINATOR

- i. Subject to prior consultation with such Section Manager or other Officer as the Business Change Coordinator considers appropriate, to undertake all action in connection with a request for the release of information pursuant to:
 - (a) the Freedom Of Information Act 2000;
 - (b) any Environmental Information Regulations; or
 - (c) or any other legislation, but excluding any request pursuant to Data Protection legislation.
- ii. To determine the amount of charge including any waiver in respect of any request for disclosure of information.

11. DATA PROTECTION OFFICER

- i. To undertake all action in connection with an application under the Data Protection legislation.
- ii. To determine the amount of any inspection charge including any waiver of the same under the Data Protection legislation.

12. DEMOCRATIC & ELECTORAL SERVICES MANAGER

- i. Subject to the prior consultation with such Chairman as the Democratic Services Manager considers appropriate (if any), to determine the order of items on a summons or agenda, and the appropriate body or member of the Council to which an item should be taken provided always, for the avoidance of avoid, that this power shall include the determination of the appropriate sub-committee to hear any matter arising pursuant to the Licensing Act 2003 or the Gambling Act 2005.
- ii. To undertake all action in connection with Member attendance at any conference, session and workshop where in the opinion of the Democratic Services Manager such attendance would benefit Members.
- iii. To make arrangements to pay Members' allowances in accordance with any relevant Council policy and relevant legislation.
- iv. Subject to such prior consultation with any Chairman that the Democratic Services Manager considers appropriate, to undertake all action in connection with the arrangements of site visits for members
- v. In circumstances where a meeting of a Committee or Sub-Committee is to be

selected from a panel of members, power to undertake all action necessary to identify and select the members sitting at such a meeting.

- vi To undertake all action in connection with making arrangements (including the holding) of a referendum required in relation to the Council's neighbourhood planning function.

13. DEVELOPMENT & ECONOMY MANAGER

- i. To undertake all action in connection any matter under the Town and Country Planning Legislation that, in the opinion of the Development and Economy Manager, can reasonably be regarded as part of a process for dealing with such a matter and issues arising in relation to it, including but without prejudice to the generality of the foregoing:
 - (a) the determination as to whether an environmental impact assessment is required;
 - (b) the determination of any scoping and/or screening opinion in relation to environmental impact assessments;
 - (c) what, and the extent of, information required in respect of an application;
 - (d) the arrangement of site visits, subject to prior consultation with the Chairman of the Planning Committee;
 - (e) whether any matters which would normally be a reserved matter should be required as part of an outline application;
 - (f) the determination as to when to place an application on any agenda;
 - (g) the determination as to whether to refer an application to the Secretary of State as a departure from the Development Plan;
 - (h) the determination as to whether or not to decline to determine an application;
 - (i) the method and extent of consultation in respect of the notification and advertisement of applications
 - (j) to seek to secure the withdrawal of applications outstanding for a period in excess of six calendar months;
 - (k) authorising changes (including additions, deletions or other modifications) to any registers or other records of the Council as a consequence of any matter that is being dealt with;
 - (l) the determination of requests for deferment or withdrawal by any party in relation to any application; and
 - (m) the determination as to whether any change constitutes a minor amendment.
- ii. To undertake all action in connection with the submission of any scheme, details or any other matter pursuant to any permission, consent, approval, or other determination .
- iii. Where, in the opinion of the Development and Economy Manager it is an emergency and, subject to the agreement of the Legal and Commissioned Services Manager, to authorise the issue of a stop notice (excluding temporary

stop notices) and / or an application for an injunction and undertaking all action in connection therewith.

- iv. To decide and respond to requests as whether or not planning appeals or call-ins should be dealt with by means of written statements, hearings or public inquiries.
 - v. To undertake all action (including any determinations necessary in respect thereof) that the Development and Economy Manager considers appropriate in respect of any appeal, call-in or other inquiry or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation.
 - vi. Subject to the agreement of the Legal and Commissioned Services Manager to authorize the taking of all necessary legal proceedings to secure the removal of and/or prosecute in respect of any advertisements, free standing stalls and display racks.
 - vii. To undertake all action in connection with:
 - (a) applications for the siting of telephone kiosks, police boxes, bus shelters, post boxes, fire alarms, hydrants and other similar street furniture;
 - (b) applications for the display of street banners; and
 - (c) applications (including prior notification applications and determining whether prior notification is required) under the Town and Country Planning General Permitted Development Order 2015.
 - viii. To issue a refusal of an application where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.
 - ix. To undertake all action in connection with completion notices pursuant to relevant Town and Country Planning Legislation.
 - x. To determine the nature of and provide consultation responses on planning applications concerning neighbouring authorities.
 - xi. To undertake all action in connection with any proposal for a change/modification in commons and/or public rights of way (except maintained roads) provided that this power does not extend to confirming any such change unless in the opinion of the Development and Economy Manager no objection that was submitted during any relevant consultation period remains.
14. ENVIRONMENTAL PROTECTION & PRIVATE SECTOR HOUSING & BUILDING CONTROL MANAGER AND FOOD, SAFETY AND LICENSING MANAGER (Both identified herein as "EH< LEADER")
- i. To undertake all action in connection with all aspects of grants relating to house renovation, housing assistance and disabled facilities, provided that:
 - (a) such power does not extend to approving:
 - (i) any mandatory grant in excess of any relevant statutory maximum; and
 - (ii) any discretionary grant available for such purposes in excess of £15,000, and

- (b) the procedure for securing grants and the determination of any grant is dealt with in accordance with any relevant Council policy.
- ii. To undertake all action in connection with the provision of financial assistance for housing improvement, including in particular but without prejudice to the generality of the foregoing, certifying that relevant works have been completed, provided that:
 - (a) the financial assistance given to any one household does not exceed £15,000;
 - (b) the total financial assistance given in any one year does not exceed the budget allocated for such a purpose;
 - (c) any financial assistance is in accordance with any relevant Council policy; and
 - (d) such power does not extend to the determination of any application for an equity mortgage unless prior to any such determination the Finance Manager has been advised of the proposed mortgage and provided with such details as s/he may specify.
- iii. To undertake all action in connection with :
 - (a) the state and/or condition of any dwelling or other building including any hazards identified in relation to it;
 - (b) issues relating to actual or alleged nuisance (whether statutory or otherwise); and
 - (c) requiring the owner or occupier of any building to provide and maintain a suitable receptacle for the storage of house refuse.
- iv. To undertake all action in connection with demolition or closing orders including without prejudice to the generality of the foregoing:
 - (a) the substitution of one for the other;
 - (b) the cancellation of undertakings; and
 - (c) issuing of notices to quit.
- v. To undertake all action in connection with insanitary buildings including in particular, but without prejudice to the generality of the foregoing:
 - (a) the issue of notices requiring action to be taken arising from the demolition of insanitary buildings; and
 - (b) the acceptance of undertakings in respect of work to be carried out on insanitary buildings.
- vi. In connection with buildings, dwelling houses and houses in multiple occupation (whether those as defined in the Housing Act 2004 that possess category 1 and category 2 hazards under the Housing Health and Safety Rating System as defined under the Housing Act 2004 or otherwise), to undertake all action including in particular, but without prejudice to the generality of the foregoing:
 - (a) securing the execution of works, having regard to the number of individuals or households accommodated for whatever purpose, including providing

- amenities or remedying neglect of management;
 - (b) providing adequate means of escape in case of fire; and
 - (c) preventing or reducing overcrowding.
- vii. To undertake all action in connection with the burial or cremation of the dead where in the opinion of an EH< Leader no suitable arrangements would otherwise be made.
- viii. To undertake all action in connection with hours and days of trading and conditions of employment in shops.
- ix. On receipt of medical advice to do so, to undertake all action for the removal to suitable premises of persons in need of care and attention.
- x. To undertake all action in connection with any proposals for work that might give rise to issues relating to the prevention of atmospheric pollution.
- xi. To undertake all action in connection with applications arising from environmental protection and pollution, prevention and control legislation for an authorisation or permit in relation to processes and installations prescribed therein and the appointment of Officers to undertake enforcement functions in respect thereof.
- xii. To undertake all action in connection with applications for approvals, authorisations, certificates, licences, permits, consents, registrations or any other matter (including applications to transfer, vary, cancel or renew) in respect of:-
- (a) acupuncture, tattooing, skin piercing, semi-permanent skin colouring and electrolysis;
 - (b) allotments, including tenancies issued in respect thereof;
 - (c) caravan sites;
 - (d) food businesses;
 - (e) game dealers;
 - (f) game, killing of;
 - (g) headstones, memorials, and monuments in cemeteries;
 - (h) house-to-house and street collections;
 - (i) hypnosis;
 - (j) houses in multiple occupation for the purposes of the Housing Act 2004;
 - (k) offensive trades;
 - (l) pet animals, dog breeders, animal boarding establishments, riding establishments, guard dogs, dangerous wild animals and zoos (with power to take veterinary advice in connection therewith); and
 - (m) poultry cutting premises and wild game stores; and

- (n) salvage operations.
- xiii. To undertake all action in connection with any application for a licence, certificate or statement, any notice made or given to the Council, any other application (including applications to review, transfer, vary (whether a minor variation or otherwise), remove, cancel or renew), and all other matters arising in respect of the Licensing Act 2003 including, without prejudice to the generality of the foregoing, power to determine whether a representation is a "relevant representation" for the purposes of the Act, provided that power to take such action shall not include the following:-
 - (a) the final determination of any matter in respect of which a hearing before members must be, and is, held;
 - (b) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;
 - (c) the making of the final determination where a decision has been made not to hold a hearing as a result of all parties (as identified in the Licensing Act 2003) being in agreement that a hearing is not required;
 - (d) the determination as to whether the Council should make a representation and, if so, the content of the representation where an application under the Licensing Act 2003 has been received by another local authority for which the Council is consultee; and
 - (e) the final determination in relation to the approval of any policy (provided for the avoidance of doubt that the term policy does not include internal procedures operated by the Council).*
- xiv. To undertake all action in connection with the submission of any scheme, details or other matters pursuant to any licence, notice, permission, consent, approval or other determination issued by, or on behalf of the Licensing Authority pursuant to the Licensing Act 2003 or the Gambling Act 2005. *
- xv. To prepare and issue reports on behalf on the Licensing and Orders Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*

* Delegations to officers in relation to the Licensing Act and the Gambling Act rest with the Licensing Committee (Licensing and Orders Committee)

- xvi. To undertake all action in connection with any application for a licence, permit, certificate or statement, any notice made or given to the Council, any other applications (including applications for registration and to review, transfer, vary (including minor variations), remove, cancel or renew), and all other matters arising in respect of the Gambling Act 2005 (including, without prejudice to the generality of the foregoing, power to determine whether a representation is a "relevant representation" for the purposes of the Act) provided that power to take such action shall not include the power to make an actual final determination only where any one or more of the following apply:-
 - (a) the final determination of any matter in respect of which a hearing before members must be, and is, held;

- (b) the final determination of any application for a transfer following representations by the Gambling Commission;
 - (c) the determination as to whether a hearing should be held where a discretion exists as to whether to hold the same;
 - (d) the making of the final determination where discretion exists as to whether or not to hold a hearing and a decision is made not to hold a hearing;
 - (e) the determination as to whether the Council should make a representation, and if so, the content of the representation under the Gambling Act 2005 has been received by another local authority and for which the Council is a consultee; and
 - (f) the final determination in relation to the approval of any policy.*
- xvii. To undertake all action for the purposes of the Health Act 2006 in connection with the control of smoking including in particular but without prejudice to generality of the foregoing:
- (a) the issuing of penalty notices;
 - (b) the obtaining and exercising of warrants;
 - (c) approving the use of any relevant equipment and/or attendance by others; the power to enter premises and vehicles, undertake inspections and examinations, require production of substances and/or products; take and retain samples and / or extracts and retain substances and /or other products; and
 - (d) require any other person to give such information and provide such facilities and assistance as are considered necessary for that purpose.
- xviii. To undertake all action in connection with any land which, in the opinion of the EH< Leader, is or may be contaminated for the purposes of the Environmental Protection Act 1990.
- xix. To undertake all action in connection with the investigation and enforcement of any possible or actual statutory nuisance (whether currently occurring or otherwise) pursuant to the Environmental Protection Act 1990 (as amended) including, without prejudice to the generality of the foregoing:
- (a) the issuing and service of any abatement notice; and
 - (b) the taking of direct action (including where relevant the seizure of equipment) and any actions necessary in order to facilitate such action.
- viii. To undertake all action in connection with the control of disease, including in particular, but without prejudice to the generality of the foregoing the exercise of any power arising under the Public Health (Control of Disease Act) 1984 provided that the prior approval of the Finance Manager shall be secured if such action may result in any compensation being paid.
- xxi. To undertake all action to secure the removal of matter which in the opinion of an EH< Leader is noxious.
- xxii. To undertake all action:

- (a) to prevent the sale of verminous articles, and arrange for their disinfection or destruction;
 - (b) in connection with the cleansing of filthy or verminous premises, including without prejudice to the generality of the foregoing requiring articles to be cleansed, purified, disinfected or destroyed, as appropriate, or removed from premises; and
 - (c) in connection with the removal of verminous persons to cleansing stations.
- xxiii. To undertake all action in connection with any functions of the Council arising pursuant to the Animal Health Act 1981 but excluding any power to acquire land.
- xxiv. To undertake all action in connection with any functions of the Council arising in relation to food, feed or drink whether originating from the United Kingdom, imported, or to be exported, including without prejudice to the generality of the foregoing:
- (a) the exercise of all powers including the investigation and enforcement of all duties arising pursuant to the European Communities Act 1972 in relation to food, feed and drink;
 - (b) the exercise of all powers under the Food Provisions;
 - (c) the consideration and determination of any applications arising pursuant to any legislative provisions relating to food, feed and drink; and
 - (d) power to enter land and premises, carrying out inspections, purchase, take samples, seize, detain or destroy any food, feed or drink.
- xxv. To examine and test drains or any structure or article associated with the transport, disposal or removal of any waste product (including water) that is believed may be defective, or in any way insufficient and to undertake all action (including any determinations necessary in respect thereof) to secure that any defect or insufficiency is remedied.
- xxvi. To require the provision of adequate drainage or repairs to existing drainage.
- xxvii. To require the provision of sanitary appliances at relevant places and to deal with other matters relevant to any such requirement.
- xxviii. To endorse any assignments or transfer of enforcement responsibility under sections 5 and 6 of the Health and Safety (Enforcing Authority) Regulations, 1989.
- xxix. Without prejudice to any general powers available to a Section Manager, to authorise any Officer within the team of the EH< Leader or any other person:
- (a) to be an inspector, enforcement officer and /or other authorised officer; and
 - (b) to have the power to undertake all action but subject to any restriction, condition or limitation as may be specified in any authorisation,
- in both cases in connection with:
- (c) the Health and Safety at Work etc Act 1974;
 - (d) the European Communities Act 1972 and any statutory provisions made thereunder;

- (e) the Public Health (Control of Disease) Act 1984; and
 - (f) the Health Act 2006.
- xxx. To undertake all action in connection with the exercise of any powers of Council (including power to act as an inspector, enforcement officer and / or other authorised officer) and enter any place (including land or premises of whatever nature) in connection with:
- (a) the Health and Safety at Work etc Act 1974;
 - (b) the European Communities Act 1972 and any statutory provisions made thereunder;
 - (c) the Public Health (Control of Diseases) Act 1984;
 - d) the Health Act 2006; and
 - e) the Health Protection (Local Authority Powers) Regulations 2010.
- xxxi. To undertake all action relating to the control and disposal of stray animals.
- xxxii. To undertake all action in relation to inspection, monitoring, sampling, classification and enforcement of water supplies.
- xxxiii. To undertake all action in connection with fairground safety.
- xxxiv. To undertake all action in connection with the receipt by the Council for requests pursuant to section 21 of the Town Police Clauses Act 1847.
- xxxv. To determine whether to and to submit holding objections to the granting of Goods Vehicle Operators Licences.
- xxxvi. To determine whether to and to submit holding objections to proposals for variation in bus or rail services, including fares, pending a Member decision.
- xxxvii. Without prejudice to the general powers available to a Section Manager under the Scheme, the power to undertake all action in connection with the exercise of sections 77 to 79 (inclusive) of the Clean Neighbourhoods and Environment Act 2005 including, for the avoid of doubt (but without prejudice to the generality of the foregoing) power :
- (a) to exercise a power of entry / enter premises including the power to carry out any action available to an Officer of the Council following such entry; and
 - (b) to seek a warrant.
- xxxviii. To undertake all action in connection with the operation and enforcement of any accreditation scheme of the Council, including any landlord accreditation scheme and also including but without prejudice to the generality of the foregoing, the determination of:
- (a) any appeal or review arising in respect thereof; and
 - (b) whether a request for an appeal or a review has been validly made, provided that in either case the scheme provides for an Officer to be able to make such

determinations.

xxxix. To appoint any person to undertake all action for the purposes of dealing with stray dogs.

xl. Subject to prior consultation with such Section Manager or other senior Officer as the EH< Leader considers appropriate to undertake all action in connection with a request for the release of information pursuant to any Environmental Information Regulations.

xli. To determine the amount of charge including any waiver in respect of any request for disclosure of information pursuant to any Environmental Information Regulations.

xlii. To undertake all actions in connection with preventing or controlling the use of any land or premises that are, appear to be or may be being used for the sale or supply of alcohol including in particular but without prejudice to the generality of the foregoing:

(a) the issue of a closure notice pursuant to section 19 Criminal Justice and Police Act 2001.

xliii. To undertake all action in connection with the regulation of sunbeds

xliv. To undertake all action in connection with applications for community safety grants provided that:-

(a) such power does not extend to approving any grant for a sum in excess of £10,000.00;

(b) in the event of the approval of any grant in excess of £2,500, a report is taken to the next available meeting of Cabinet following approval of the grant providing details of the grant; and

(c) the grant is determined in accordance with any relevant Council policy.

xlv. To undertake all action in connection with Anti-Social Behaviour Orders, Acceptable Behaviour Contracts, and any other measure relating to the control of anti-social behaviour.

xlvi. To undertake all action in connection with the investigation and enforcement of all matters relating to the use of pesticides that are plant protection products including their marketing and use, including in particular, but without prejudice to the generality of the foregoing, pursuant to:

(a) the Plant Protection Products Regulations 2011; and

(b) the Plant Protection Products (sustainable Use) Regulations 2012.

xlvii. Subject as provided for below, to undertake all action in connection with any matter arising in relation to the Scrap Metal Dealers Act 2013, including in particular, but without prejudice to the following, all matters:

(a) relating to any application to issue, renew, vary or revoke a collectors licence and/or scrap metal licence (including any transitional licence pursuant to the Scrap Metal Dealers Act 2013; and

(b) relating to closure notices and closure orders including whether to issue or cancel the same (as the case may be), pursuant to the Scrap Metal Dealers Act 2013

Notwithstanding the generality of the above, the power does not include the following:

- (c) power to determine any Statement or Scrap Metal Licensing Policy or any review thereof;
- (d) power to issue a closure notice unless, in the opinion of the Officer exercising the power, the situation is urgent; and
- (e) power to determine to seek to secure a closure order.

xlvi. To undertake all action in connection with the exercise of any powers of the Council (including power to act as an inspector, enforcement officer and / or other authorised officer) relating to smoke free places (including premises, land or vehicles) including, for the avoidance of doubt, the power to determine whether to issue, and issue, a fixed penalty notice as an alternative to prosecution of any offence arising in relation to the above pursuant to the Health Act 2006 where such an option exists.

xlix. Power to undertake all action in relation to all matters arising in connection with designated land for the purposes of the Dogs (Fouling of Land) Act 1996 including in particular but without prejudice to the generality of the foregoing, power to:

- (a) investigate possible offences in relation to designated land;
- (b) determine whether to issue fixed penalty notices; and
- (c) enter into arrangements on behalf of the Council for any other person to exercise enforcement functions relating to the said 1996 Act.

15. ENVIRONMENTAL PROTECTION AND PRIVATE SECTOR HOUSING AND BUILDING CONTROL MANAGER (ONLY)

i. To undertake all action that in the opinion of the Environmental Protection and Private Sector Housing and Building Control Manager is necessary in the interests of the safety of the public in connection with dangerous or dilapidated buildings or structures including, without prejudice the generality of the foregoing:

- (a) the issue of any notice in respect thereof; and
- (b) arrangements for the demolition of such structures or buildings.

ii. To undertake all action in connection with the Building Act 1984 and all Building Regulations including, without prejudice to the generality of the foregoing, any applications submitted in respect thereof.

iii. To undertake all action in connection with applications for community safety grants and sports grants provided that:

- a) in respect of community safety grants:
 - i. such power does not extend to approving any grant for a sum in excess of £10,000.00; and
 - ii. in the event of the approval of any grant in excess of £2,500, a report is taken to the next available meeting of the North Dorset District Council Cabinet following approval of the grant providing details of the grant; and
- b) in respect of sports grants such power does not extend to approving any grant for a sum in excess of £2500; and in either case,
- c) the grant is determined in accordance with any relevant Council policy.

vi. To undertake all action in connection with the control of Anti-Social Behaviour, including in particular, but without prejudice to the generality of the foregoing:

- (a) the issue of written warnings;

- (b) the issue of a Community Protection Notice;
 - (c) the issue of a Public Spaces Protection Order;
 - (d) the issue of a fixed penalty notice as an alternative to prosecution in relation to an anti-social behaviour related issue: and
 - (e) subject to prior consultation with the Legal and Commissioned Services Manager, seeking an injunction in relation to an anti-social behaviour order.
- v. Power to undertake all action in connection with securing appropriate provision and checking by landlords of smoke and carbon monoxide alarms including in particular, but without prejudice to the generality of the foregoing, power:
- (a) to carry out any inspection;
 - (b) to determine whether there are reasonable grounds to suggest a breach of any relevant legislation has occurred;
 - (c) to issue a remedial notice;
 - (d) to authorise any person to carry out works relating to securing such provision;
 - (e) to determine the amount of, and whether to issue, any penalty charge;
 - (f) subject to prior consultation with the Legal and Commissioned Services Manager, to undertake a review in relation to any remedial notice and/or penalty charge; and
 - (g) to the extent that such power exists, to determine whether to withdraw any remedial notice or penalty charge.
- vi. Power to undertake all action to secure that every relevant person engaging in lettings agency work and/or property management work is a member of an appropriate redress scheme for dealing with complaints, including in particular but without prejudice to the generality of foregoing, power:
- (a) to determine whether on balance there are reasonable grounds to believe that a person has failed to comply with any legislative requirement to belong to any such redress scheme;
 - (b) to determine the amount of, and whether to issue, a monetary penalty;
 - (c) to issue a notice of intent;
 - (d) subject to prior consultation with the Legal and Commissioned Services Manager, to consider representations against any monetary penalty; and
 - (e) to the extent that such power exists, to determine whether to withdraw any monetary penalty.
16. FOOD SAFETY & LICENSING MANAGER (ONLY)
- i. To undertake all action in connection with emergency planning.
17. FINANCE MANAGER
- i. To undertake all action required by or identified in the relevant Financial Regulations and/or the relevant Contract Procedural Rules.
 - ii. To apply for any grants or subsidies to which the Council is, or may be, entitled excluding those expressly requiring the approval of the Responsible Financial Officer
 - iii. To pay allowances to Councillors and co-opted Members of Committees and Sub-Committees.
 - iv. To undertake all action in connection with the negotiation and agreement of financing arrangements for items in the capital programme authorised by Cabinet of North Dorset District Council.

- v. To pay invoices for work done, goods supplied or services rendered.
- vi. To undertake all action in connection with arrangements for the collection of income.
- vii. To undertake all action in connection with the Council's Treasury Management Function in accordance with all Financial Procedure Regulations and such policies and strategy as the relevant Council may adopt from time to time, including, but without prejudice to the generality of the foregoing:
 - (a) fixing interest rates for all loans made by the Council, except those fixed by any employees' contracts of service and the Government;
 - (b) in the name of the Council, the investment and re-investment of Council monies;
 - (c) the opening and operating accounts in the name of the Council;
 - (d) the ordering, signing, endorsing and general control of all cheques drawn on the Council's accounts;
 - (e) acting as authorised signatory, authorising the transfer and / or giving instructions to transfer money by CHAPS, BACS or other transfer system (whether electronically or otherwise), from, between and /or to any account held by or on behalf of the Council in respect of sums properly payable and / or held by the Council; and
 - (f) to act as the Council's registrar of stocks, bonds and mortgages.
- viii. To write off any debt up to £10,000 provided that:
 - (a) in the opinion of the Finance Manager, the sum is irrecoverable or uneconomic to recover; and
 - (b) details of write-offs are reported to members in accordance with the requirements of the Financial Regulations (if any).
- ix. To undertake all action in connection with establishing and securing the recovery of debts owed to the Council.
- x. To undertake all action in connection with the making of payments from the Council's funds provided that at all time any such action shall be accordance with the Financial Procedure Rules and any adopted policies or procedures of the Council
- xi. To undertake all action in connection with the design and approval of the format of official order forms and receipts used by the Council including procedures for their supply and control including:
 - (a) any terms and conditions associated therewith; and
 - (b) where payments are made to the Council to determine whether a receipt should be issued.
- xii.. To undertake all action in connection with the design and implementation of the accounting systems, forms of accounts and supporting financial records used by the Council.

- xiii. To undertake all action in connection with the establishment of arrangements for the audit of the Council's financial affairs.
- xiv. To undertake all action in connection with the arrangement and approval of insurance cover for the Council and, in consultation with such other officers as the Finance Manager deems appropriate, to arrange for the negotiation of, and to approve the payment of, claims.
- xv. To maintain an asset register for all fixed assets.
- xvi. To undertake all action in connection with the payment of salaries, wages, honoraria, compensation, professional subscriptions and any other emoluments in accordance with national and local agreements and the policies of the Council.
- xvii. To authorise the overspend of a business unit budget by up to but not exceeding £150,000 (one hundred and fifty thousand pounds) of the approved business unit budget subject to the same being reported as soon as reasonably practicable to the next available meeting of the Cabinet of North Dorset District Council.
- xviii. To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Finance Portfolio Holder of North Dorset District Council.
- xix. To approve the variation to any strategic audit plans and annual audit plans provided that:
 - (a) the prior approval of the Responsible Financial Officer is obtained to any variation; and
 - (b) the Finance Manager takes a report following the variation to the next available meeting of the Council body that approved the strategic or annual audit plan which has been varied.

18. HOUSING MANAGER

- i. To undertake all action in connection with applications for inclusion on the housing waiting lists of the Council.
- ii. To undertake all action arising under Part VI and Part VII of the Housing Act 1996(as amended) including, but without prejudice to the generality of the foregoing, the determination:
 - (a) as to whether a person is a qualifying tenant;
 - (b) of any application for allocation of housing (including the allocation of any points that may need to be awarded under any scheme adopted by the Council);
 - (c) as to whether a person should be removed from the housing waiting list;
 - (d) of allocations (including nominations) of residential properties; and of homelessness applications.
- iii. Subject to the prior approval of both the Legal and Commissioned Services Manager and the Corporate Property Officer or any Strategic Director, to agree terms, to take on leases of properties and enter into other short term non-secure arrangements on behalf of the Council to secure accommodation for the homeless and any others evacuated in an emergency.

- iv. To determine what information shall be regarded as 'accessible' in accordance with the Access to Personal Files (Housing) Regulations, 1989.
- v. To undertake all action arising out of issues relating to protection from eviction and harassment.
- vi. To undertake all action in connection with applications for grants supporting housing solutions in the community provided that:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500.00; and
 - (b) the grant is determined in accordance with any relevant Council policy.
- vii. Power to consider and determine nominations and individual eligibility to the use and/or occupation of affordable housing (including exception housing) controlled by planning obligations relating to the Council's area, including power to issue guidance relating to the same.

19. HUMAN RESOURCES MANAGER

- i. to interpret employment legislation, policies, custom and practice and to undertake all action in connection with the implementation of processes based on the same.
- ii. To develop employment policies in relation to employees / staff of the Council and negotiate with trade unions recognised by the Council in relation to such policies.
- iii. To consult and negotiate on behalf of the Council with trade unions recognised by the Council and / or individual employees or other appointed bodies (as the case may be) in relation to employee / staff terms and conditions of employment including power to make recommendations to the Council in respect of such negotiations but excluding the power to bind the Council in respect of any such negotiations.
- iv. To undertake all action in relation to the training and development of Officers.
- v. To appoint and instruct any external advisor or body on employment issues (including the provision of training) providing the anticipated costs can be met from existing budgets within the control of the Human Resources Manager.

20. ENVIRONMENT, COMMUNITY & COMMISSIONED SERVICES MANAGER

- i. To undertake all action in connection with applications for:
 - (a) historic buildings repair grants;
 - (b) arts grants; and
 - (c) grants relating to environmental initiatives,provided that in all cases:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500.00; and
 - (b) the grant is determined in accordance with any relevant Council policy.
- ii. To undertake all action in connection with applications for:
 - (a) the letting of allotments and recreational facilities, sports pitches and the use

of parks and open spaces for special events

- (b) any consent required under the terms of an allotment tenancy; and
 - (c) the erection of headstones, memorials, and monuments in cemeteries.
- iii. To prepare and submit requests to the relevant central government department to spot list buildings which in the opinion of the Environment, Community & Commissioned Services Manager are of architectural or historic interest, and are under threat.
- iv. To undertake all action pursuant to any Town and Country Planning Legislation in connection with:
- (a) the issuing of a building preservation notice provided that in the opinion of the Environment, Community & Commissioned Services Manager the circumstances constitutes an emergency;
 - (b) trees which in the opinion of the Environment, Community & Commissioned Services Manager are, or may be, dangerous; and
 - (c) an application for work to, including the felling of, a tree that is subject to a tree (including groups of trees and woodland) preservation order, within a conservation area or otherwise requires approval by the Council for works to be undertaken provided that unless in the opinion of the Environment, Community & Commissioned Services Manager the need to determine such an application is urgent notice of the application has been sent to any Member in whose ward the tree is situated, at least seven calendar days before a determination is made.
- v. To undertake all action in connection with the entering into of agreements for grave maintenance.
- vi. To undertake all action in connection with any matter arising under any Town and Country Planning Legislation relating to any hedge and / or hedgerow, provided that where that matter specifically is an application to undertake works to that hedge or hedgerow (as the case may be), then prior to any determination in relation to the same, notification of the application has been sent at least seven calendar days before a determination is made to:
- (a) any Member in whose ward the hedge or hedgerow is situated; and
 - (b) the Parish or Town Council of the area to which the application relates (if any).
- vii. To undertake all action that the Environment, Community & Commissioned Services Manager considers appropriate in respect of any appeal, call-in or other inquiry or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation.
- viii. To undertake all action (that the Environment, Community & Commissioned Services Manager considers appropriate in connection with Urgent Works Notices pursuant to the Town and Country Planning Legislation.
- ix. To undertake all action in order to regulate any actual, potential or perceived breaches of any Town and Country Planning Legislation including, but without prejudice to the generality of the foregoing:

- (a) action to regulate breaches of any notices, orders, agreements, obligations or other documents, conditions, restrictions or other limitations issued pursuant to such Town and Country Planning Legislation;
 - (b) the authorising and issuing of requisitions for information;
 - (c) the authorising and issuing of Enforcement Notices;
 - (d) the authorising and issuing of notices relating to Hedgerows; and
 - (e) determining whether or not to cease action where in the opinion of the Environment, Community & Commissioned Services Manager a breach is trivial, there is no demonstrable harm or it is not expedient to take / continue to take enforcement action.
- x. To undertake all action in connection with the submission of any scheme, details or any other matter pursuant to any permission, consent, approval, other determination and/ or planning obligation.
- xi. To undertake all action in connection with:
- (a) the exercise of the functions of the Council as local planning authority under the Pastoral Measure 1983 (as amended); and
 - (b) the provision of responses to consultations to faculty procedure and pastoral measures relating to alterations to ecclesiastical buildings to schemes for redundancy.
- xii. To undertake all action in connection with the granting of licenses and/or permissions on land within the ownership or control of the Council that is used for the parking of vehicles provided that this power does not include power to make any determination arising pursuant to any Town and Country Planning Legislation.
- xiii. To undertake all action in connection with the temporary closure of any car parks or part thereof within the Council's ownership or control.
- xiv. To undertake all action in connection with applications for grants to community partnerships provided that:
- (a) the grant relates to the funding of running costs of the community partnership;
 - (b) the total amount of grant awarded to any one community partnership pursuant to this delegated power does not exceed £16,000 per financial year; and
 - (c) the grant is determined in accordance with any relevant Council policy.
- xvi. To undertake all action in connection with applications for grants associated with economic development provided that:
- (a) such power does not extend to approving any grant for a sum in excess of £5,000; and
 - (b) the grant is determined in accordance with any relevant Council policy.
- xvi. To undertake all action in connection with applications for match funding grants to individual businesses provided that:

- (a) such power does not extend to approving any grant for a sum in excess of £2,500; and
- (b) the grant is determined in accordance with any relevant Council policy.

xvii. Power to undertake all action in connection with assets of community value pursuant to the Localism Act 2011, such power to include without prejudice to the generality of the foregoing, power to maintain all relevant registers and determine whether an asset should be registered and/or removed, provided that:

- (i) such power does not include determining any review arising in relation to the same; and
- (ii) in the case of any decision relating to a claim for compensation, there shall have been prior consultation with the Finance Manager.

21. PLANNING POLICY MANAGER

- i. To undertake all action in connection with the setting and review of the prices for the sale of low cost housing.
- ii. To determine whether or not a plan or programme should have an environmental assessment and/or whether a plan or programme might or would have significant environmental effects including the preparation of reasons in respect thereof.
- iii. To undertake all action in connection with the entering into of service level agreements or contracts for the purpose of matters arising in connection with the preparation and development of the Local Development Framework including any document relating thereto pursuant to the Town and Country Planning Legislation.
- iv. To undertake all action in connection with the Council's neighbourhood planning function ,excluding only :
 - 1. the final determination as to whether to designate a neighbourhood area and make such an area a business area;
 - 2. the final determination as to whether to make a neighbourhood development order /community right to build order and the terms of any planning permission granted pursuant to a neighbourhood development order /community right to build order;
 - 3. the final determination as to whether to make a neighbourhood development plan; and
 - 4. the power to make arrangements in relation to a referendum arising pursuant to the exercise of the neighbourhood planning function.

22. PRINCIPAL TECHNICAL OFFICER

- i. In consultation with such members of North Dorset District Council as the Principal Technical Officer deems appropriate, to determine applications relating to the use of open space in the ownership or under the control of the Council provided that this power does not include power to make any determination arising pursuant to any Town and Country Planning Legislation.

- ii. On behalf of the Council to act as the nominated "Engineer" and / or "Contract Administrator" and / or CDM Coordinator, or any equivalent designation in relation to contracts entered into by the Council in connection with land and / or buildings including power to take all action arising in relation to such a nomination including, but without prejudice to the generality of the foregoing, power to:
 - (a) require the undertaking of further work under the contract; and
 - (b) negotiating and agreeing variations to any such contract, provided that in all cases:
 - (c) no action that is undertaken results in the amount of money both allocated and still available for use in respect of the contract being exceeded; and
 - (d) no action will result in the Council securing substantially less from the contract than was originally agreed without the prior approval of the Chief Executive or a General Manager being obtained.

23. BUSINESS IMPROVEMENT AND SCRUTINY MANAGER

- i. To undertake all action in connection with applications for community grants provided that:
 - (a) such power does not extend to approving any grant for a sum in excess of £2500; and
 - (b) the grant is determined in accordance with any relevant Council policy
- ii. To undertake all action in connection with the writing and release of information or documentation to the press, any member of the public or external body, provided that no information or documentation may be released pursuant to this power unless there has been prior approval by the Chief Executive, a General Manager or the Legal and Commissioned Services Manager.
- iii. To undertake all action in connection with the preparation and issuing of responses to complaints against the Council made pursuant to the Council's formal complaints procedure or an Ombudsman complaint, provided that such power shall not extend to the issuing of any response that provides for any expenditure by the Council unless:
 - (a) the prior approval of the Chief Executive, a General Manager, the Monitoring Officer or the Finance Manager has been obtained;
 - (b) any expenditure that is to be incurred will not result in existing budget levels being exceeded; and
 - (c) if any expenditure is proposed to be taken from a relevant budget head outside of the control of the Business Improvement and Scrutiny Manager then the prior approval of that budget holder and the Responsible Financial Officer has been obtained.

24. LEGAL & COMMISSIONED SERVICES MANAGER

- i. To exercise all the powers of:
 - (a) the Chief Executive; and

(b) General Managers,

where the Chief Executive and all General Managers are either absent or otherwise unavailable.

- ii. To authorise, institute, prosecute, defend and appear in any legal proceedings (including tribunals, hearings and inquiries) on behalf of the Council together with the undertaking of such preliminary or further work in relation to the same as is deemed appropriate, including in particular, but without prejudice to the generality of the foregoing:
 - (a) action in respect of any caravan, tent or other structure (whether of a permanent or temporary nature) that in the opinion of the Legal and Commissioned Services Manager is unlawfully placed on any land;
 - (b) the enforcement of any order or byelaw made or confirmed by or on behalf of the Council;
 - (c) action in respect of securing anti-social behaviour orders and/or anti-social behaviour injunctions;
 - (d) the obtaining of warrants; and
 - (e) the securing and enforcement of injunctions including the giving of appropriate undertakings.

but provided that in the case of a final determination as to whether to commence formal litigation action to seek to recover outstanding monies in excess of £10,000 secured pursuant to a Planning Obligation, such determination is subject to such consultation with the Leader of North Dorset District Council or any other Member of the Cabinet of North Dorset District Council as the Legal and Commissioned Services Manager at her/his discretion considers appropriate.

- iii. To investigate issues relating to, and undertake all action in connection with the enforcement of any license, authorisation, consent, approval, notice, order or other document (including any condition, restriction, limitation, obligation or other requirement relating thereto) given, issued or made by the Council or any Officer in such a manner as is deemed appropriate (including, without prejudice to the generality of the foregoing, proceedings in any court, tribunal or other body).
- iv. To investigate issues relating to and undertake all action in connection with the enforcement of the terms of any agreement, contract, lease or any other legal instrument to which the Council is a party (including any conditions, restrictions, limitations or other requirements relating thereto), in such a manner as is deemed appropriate including, without prejudice to the generality of the foregoing, proceedings in any court, tribunal or other body.
- v. To approve terms, prepare, and issue contracts and all other associated documentation concerned with the acquisition and/or disposal or any interest in land or property (including without prejudice to the generality of the foregoing rental levels and fees), provided that there has been previous approval for such acquisition and/or disposal.
- vi. To instruct and authorise any person (including counsel and/ or consultants) or body to undertake work and/ or act on behalf of the Council in respect of any legal issue (including legal proceedings, tribunals, hearings and inquiries) relating to the Council including, without prejudice to the generality of the foregoing, the outsourcing of legal work

- vii. To determine whether to authorise the release of information or other documentation to the press or any member of the public or external body.
- viii. To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including in particular, but without prejudice to the generality of the foregoing, power to determine whether or not to issue any certificate or other document for the purposes of, or where he considers it appropriate in relation to, the provisions of any planning obligation, including where appropriate, power to carry out all actions to give effect to and as a consequence of any such determination
- ix. To consider, and undertake all action that the Legal and Commissioned Services Manager considers appropriate in relation to resolving an appropriate process for dealing with the provisions of any planning obligation, provided that where such obligations expressly relate to re-sale provisions of low cost market housing then this power is subject, at the discretion of the Legal and Commissioned Services Manager, to prior consultation with the Leader.¹
- x. To approve terms, prepare and issue documentation for agreements, easements and wayleaves provided that there has been previous approval for the entering into of the same and generally to undertake all action that the Legal and Commissioned Services Manager considers necessary in connection with the same.
- xi. To attest the Council seal and sign any document including a contract necessary to give effect to:
 - (a) a resolution of the Council; and / or
 - (b) the exercise of a delegated power.
- xii. To undertake all action in connection with the making and/or determination as to whether to confirm (with or without modification):
 - (a) byelaws, and
 - (b) orders for the control of drinking in public places, provided that in all cases:
 - (c) there has been a prior decision of the Council or an officer (with power so to do) to proceed with the obtaining of the same; and
 - (a) in the opinion of the Legal and Commissioned Services Manager there has been no representation received within any relevant specified time period constituting an objection to the same.
- xiii. To undertake all action required by or identified in Financial Regulations and/or the Contract Procedural Rules.
- xiv. To undertake all action including, without prejudice to the generality of the foregoing, the determination as to whether to issue a caution of whatever nature.
- xv. To undertake all action in connection with the terms, preparation and issuing of any contract, notice, order, permit, certificate, requisition or other document (including power to withdraw, vary and/or revoke the same) pursuant to the exercise of any decision of the Council or an officer (with power so to do), including without prejudice to the generality of the foregoing:
 - (a) Notices and orders relating to vehicles;

- (b) stop notices;
- (c) temporary stop notices;
- (d) road closures; and
- (e) applications for late night shopping.

xvi To authorise in writing any officer:

- (a) to act as a witness; or
- (b) to represent the Council,

in any actual or potential legal proceedings (including tribunals, hearings and inquiries) whether instigated by or on behalf of the Council or otherwise, whether or not the Council is involved in the same.

xvii To determine whether to contest or settle any claim for repayment of a developer contribution however secured and in the case of any settlement, the terms relating to the same, provided that in the case of any claim in excess of £10,000 this subject to such consultation with the Leader or any other Member of North Dorset District Council's Cabinet as the Legal and Commissioned Services Manager at her/his discretion considers appropriate.

xviii In connection with the Proceeds of Crime Act 2002:

- (a) subject to such consultation with the Leader of North Dorset District Council or other relevant Portfolio Holder of North Dorset District Council as s/he considers appropriate, power to determine whether or not to pursue an application on behalf of the Council pursuant to the Proceeds of Crime Act; and
- (b) power to undertake all action including such preliminary and subsequent action as s/he considers necessary in order to secure and then progress any such determination.

xix To undertake all action in connection with the Council's functions relating to land charges including in particular but without prejudice to the generality of the foregoing:

- (1) Responding to any enquiries concerning property searches;
- (2) issuing land charges certificates; and
- (3) providing replies to CON29 and CON29(O) enquiries or any questions relating to, in addition to or replacing such documents.

xx To consider and determine whether to seek to secure a closure order pursuant to the Scrap Metal Dealers Act 2013.

xxi To undertake all action in connection with all matters relating to the naming and re-naming of highways and naming / numbering and re-naming / re-numbering of properties.

In the case of a process that expressly relates to the future re-sale of low cost market housing, the Legal and Commissioned Services Manager will have regard to the following principles in the exercise of this power; (a) any right for the Council to appoint a nominee will be retained; (b) where the agreement so recognises, a potential disposal to a registered social landlord would be identified / encouraged; and (c) not to seek to prevent the release of properties from future ties to re-sale where the planning obligations contain such provisions.

PART D

**FINANCIAL
REGULATIONS**

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Status of Financial Regulations

Introduction

Financial regulations provide the framework for managing the Council's financial affairs. They apply to every Member and Officer of the Council and anyone acting on its behalf.

The regulations identify the financial responsibilities of the Full Council, the Strategy Committee and Members appointed to the Overview and Scrutiny Committee and Audit & Governance Committee, the Head of Paid Service, the Monitoring Officer, Section 151 Officer, Strategic Directors and Heads of Service /Corporate Managers.

All Members and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

The Section 151 Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council.

Heads of Service / Corporate Managers are responsible for ensuring that all staff in their Service are aware of the existence and content of the Council's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that all Officers are aware of their availability on the Intranet and copies are made available to Officers within their service areas if required.

The Section 151 Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Council are required to follow.

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

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

For the avoidance of doubt, in the case of any conflict between the provisions of the Financial Regulations and any other part of the Constitution then an interpretation that results in a decision not being ultra vires will take precedence. The Officer appointed to the post of Monitoring Officer in consultation with the Officer appointed to the post of Section 151 Officer (or any deputies appointed by them) shall have power to

resolve such conflicts and amend the Constitution accordingly, and the Articles of this Constitution shall be interpreted to incorporate this provision.

Financial Regulations

Financial Regulation A:

Financial Management

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.
- A.2 All Officers and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Responsibilities Full

Council

- A.3 The Full Council is responsible for adopting the Council's Constitution and Councillors' Code of Conduct and for approving the policy framework and budget within which the Council operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in its Constitution.
- A.4 The Full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Full Council and its Committees. These delegations and details of who has responsibility for which decision's, are set out in Parts B and C of the Constitution.

Committees of the Council

- A.5 The Strategy Committee generally has an important role to play in the formulation of the budget and various policies further details of which can be found in the Budget and Policy Framework Procedure Rules set out in Part B of this Constitution. The Strategy Committee also has wide delegated powers further details of which can be found in Article 7 – Strategy Committee– Part A of this Constitution.
- A.6 The Overview and Scrutiny Committee is responsible for various scrutiny and review activities and undertaking cross-cutting reviews of Council services or of matters of relevance to the Council and district. Further details of this can be found in Article 6 – Overview and Scrutiny Committee - Part A of this Constitution
- A.7 In certain cases some matters maybe referred to the Joint Advisory Overview and Scrutiny Committee.
- A.8 The Audit Committee is responsible for approving the Statement of Accounts and receiving reports from external and internal auditors. It also will often have a role to play in commenting on proposed changes to this Constitution. Further details of such functions can be found in Article 8 – Quasi Judicial and Other Committees – Part A of this Constitution. This Article also includes details of other Committees of the Council.
- A.9 The Council has entered into various joint arrangements with other bodies. Details of these arrangements can be found in Article 11 – Joint Arrangements – Part A of this Constitution.

Statutory Officers

Head of Paid Service (Chief Executive)

- A.10 The Chief Executive is responsible for the corporate and overall strategic management of the Council as a whole. S/he must report to and provide information for the Strategy Committee, the Full Council, the Overview and Scrutiny Committee and other Committees. S/he is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Full Council's decisions (see below).
- A.11 Further details on the function of the Head of Paid Service can be found in Article 12 – Officers – Part A of this Constitution.

Section 151 Officer

- A.12 The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
- The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 1996
 - The Local Government Act 2003
- A.13 The Section 151 Officer is responsible for:
- the proper administration of the authority's financial affairs
 - setting and monitoring compliance with financial management standards
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - providing financial information
 - preparing the revenue budget and capital programme
 - providing advice on the robustness of the budget estimates
 - comment on the adequacy of reserves
 - Treasury Management.
- A.14 Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to Council and external auditor if the Council or one of its Officers:
- has made, or is about to make, a decision which involves incurring unlawful expenditure
 - has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
 - is about to make an unlawful entry in the Council's accounts.

- A.15 Section 114 of the 1988 Act also requires:

- the Section 151 Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally
- the Council to provide the Section 151 Officer with sufficient staff, accommodation and other resources including legal advice where this is necessary – to carry out the duties under section 114.

A.16 Further details on the function of the Section 151 Officer can be found in Article 12 – Officers – Part A of this Constitution.

Monitoring Officer

A.17 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to Full Council, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

Strategic Directors, Assistant Chief Executive, Heads of Service and Corporate Managers

A.18 Strategic Directors, the Assistant Chief Executive, Heads of Service and Corporate Managers are responsible for:

- ensuring that Full Council and its Committees are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer;
- signing contracts on behalf of the Council as provided for in Article 14 – Finance, Contracts and Legal Matters – Part A of this Constitution and the Officer Scheme of Delegations – Part C;
- promoting sound financial practices in relation to the standards, performance and development of Officers in their services.

A.19 It is the responsibility of Strategic Directors, the Assistant Chief Executive, Heads of Service and Corporate Managers to consult with the Section 151 Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

Virements and Variations

A.20 The Strategy Committee has wide delegated powers which can include responsibility for agreeing procedures for virements and variations between budget headings; further details of the Strategy Committee's powers can be found in Article 7 – Strategy Committee – Part A of this Constitution.

A.21 A variation is defined as moving a budget from one heading to another heading within the same category (employees, premises, transport etc)

A.22 A virement is defined as moving a budget to a heading within a different category, therefore using the budget for a different purpose than originally intended, for example moving a budget within supplies and services to a transport heading.

Why is this important?

A.23 These rules on virements and variations are intended to enable the Strategy Committee, Heads of Service / Corporate Managers and their staff to manage budgets with a degree of flexibility within the overall budgetary framework determined by the Full Council, and therefore optimise the use of resources

Key Controls

A.24 Key controls for the virements and variations scheme are:

- (a) It is administered by the Section 151 Officer within parameters set out in this paragraph
- (b) The overall budget is set by Full Council. Budget Holders are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover the process of switching resources between approved estimates or heads of expenditure
- (c) Virement or variation do not create additional overall budget liability
- (d) When the virement is to increase an income budget the Section 151 Officer may require the production of a robust business plan before the virement is approved or additional expenditure incurred
- (e) When determining which value category the variation or virement falls into, the cumulative value of previous variations or virements on the codes should be taken into account
- (f) If the Section 151 Officer does not authorise the virement or variation, the Head of Service / Corporate Manager may ask the matter to be considered by the Strategy Committee. The Section 151 Officer's report to the Strategy Committee should outline the reasons for non-approval.

Responsibilities

A.25 The level of approval required will depend on where the revenue budget is being moved to and from and its value, as detailed below Reference to the Head of Financial Services also include the Section 151 Officer.

	Value	Variation	Virement
Within a service	up to £5,000	Head of Financial Services or other officer nominated by the HFS for such purposes	Head of Financial Services or other officer nominated by the HFS for such purposes
	£5,000 - £10,000	Head of Financial Services or other officer nominated by the HFS for such purposes	Head of Financial Services
	£10,001 - £100,000	Head of Financial Services	Section 151 Officer
	£100,000 +	Head of Financial Services	Strategy Committee
Between different services	up to £5,000	Head of Financial Services or other officer nominated by the HFS for such purposes	Head of Financial Services or other officer nominated by the HFS for such purposes
	£5,000 - £10,000	Head of Financial Services	Head of Financial Services
	£10,001 - £100,000	Head of Financial Services	Section 151 Officer
	£100,000 +	Head of Financial Services	Strategy Committee

A.26 Virements between capital budget schemes must be approved by Strategy Committee.

Contributions to or from Reserves

Why is this important?

A.27 Holding adequate reserves is a key part of good financial management. Reserves are either held for specific purposes (earmarked reserves) or for dealing with unexpected items not included within the budget (general reserves).

Key Controls

A.28 Risk based assessment of general reserves sets out the minimum and maximum levels of general reserves that should be held.

A.29 The Section 151 Officer must confirm that the reserves are adequate.

A.30 Regular reporting of the level of reserves as part of the budget monitoring process to the Strategy Committee.

Responsibilities of Strategy Committee

A.31 Requests for contributions to or from all reserves need the approval of the Strategy Committee and the report should include a comment from the Section 151 Officer about the adequacy of level of reserves, if the contribution was approved.

A.32 The Strategy Committee may only authorise contributions from the General Reserve provided that the level of General Reserve does not fall below the risk based assessment minimum level.

Treatment of year-end balances

Why is this important?

A.33 The potential to carry forward underspends at the year end allows Heads of Service / Corporate Managers to manage budgets flexibly however this needs to be balanced against the overall financial position of the Council.

Key Controls

A.34 Net underspends on service estimates under the control of a Head of Service / Corporate Manager may be carried forward subject to:

- the approval of the Section 151 Officer who will make an assessment of the overall Council Balances.
- The reporting to and approval of the Strategy Committee detailing the source of underspending or additional income and the proposed application of those funds.

Responsibilities of Section 151 Officer

A.35 It is the responsibility of the Section 151 Officer to administer the scheme and to report all over and underspendings on service estimates to be carried forward, to the Strategy Committee.

Responsibilities of Strategy Committee

A.36 It is the responsibility of Strategy Committee to approve the carry forward requests, put forward by the Section 151 Officer.

Accounting policies

Why is this important?

A.37 The Section 151 Officer is responsible for the preparation of the Council's statement of accounts, in accordance with proper practices for each financial year ending 31 March.

Key Controls

A.38 The key controls for accounting policies are:

- (a) systems of internal control are in place that ensure financial transactions are lawful.
- (b) Suitable accounting policies are selected and applied consistently.
- (c) Proper accounting records are maintained.
- (d) Financial statements are prepared which provide a true and fair view of the Council and its expenditure and income.

Responsibilities of Section 151 Officer

A.39 To select accounting policies and ensuring that they are applied consistently. The accounting policies are set out in the statement of accounts, and cover such items as:

- separate accounts for capital and revenue transactions
- the basis on which debtors and creditors at year end are included in the accounts
- details on substantial provisions and reserves
- fixed assets
- depreciation
- capital charges
- work in progress
- stocks and stores
- accounting for value added tax
- government grants
- leasing
- pensions.

Accounting records and returns

Why is this important?

A.40 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have

been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

Key Controls

A.41 The key controls for accounting records and returns are:

- (a) all finance staff and budget holders operate within the required accounting standards and timetables.
- (b) All the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
- (c) Procedures are in place to enable accounting records to be reconstituted in the event of a systems failure.
- (d) Reconciliation procedures are carried out to ensure transactions are correctly recorded.
- (e) Prime documents are retained in accordance with legislative and other requirements.

Responsibilities of Section 151 Officer

A.42 To determine the accounting procedures and records for the Council. When these are maintained outside Financial Services, the Head of Service / Corporate Manager must consult the Section 151 Officer.

A.43 To Arrange for the compilation of all accounts and accounting records under their direction.

A.44 To comply with the following principles when allocating accounting duties.

- (a) Separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or distributing them.
- (b) Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

A.45 To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations.

A.46 To ensure that all claims for funds including grants are made by the due date.

A.47 To authorise all grant claims or applications on behalf of the Council or where the Council is acting as accountable body.

A.48 To ensure the proper retention of financial documents in accordance with legislative and other requirements.

Responsibilities of Strategic Directors, Assistant Chief Executive, Heads of Service / Corporate Managers

A.49 To comply with the principles of A.41 when allocating accounting duties.

A.50 To maintain adequate records to provide a management trail leading from the source of income / expenditure through to the accounting statements.

A.51 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Section 151 Officer.

A.52 To ensure all grant claims or applications on behalf of the Council or where the Council is acting as accountable body are signed by the Section 151 Officer or nominated deputy.

The annual statement of accounts

Why is this important?

A.53 The Council has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. Audit & Governance Committee is responsible for approving the statutory annual statement of accounts.

Key Controls

A.54 The key controls for the annual statement of accounts are:

- (a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its Officers has the responsibility for the administration of these affairs. In this Council, that officer is the Strategic Director whose responsibility includes the Finance Unit.
- (b) The Council's statement of accounts must be prepared in accordance with proper practice.

Responsibilities of Section 151 Officer

A.55 The Section 151 Officer must:-

- (a) select suitable accounting policies and to apply them consistently;
- (b) make judgements and estimates that are reasonable and prudent;
- (c) comply with the Proper Practice;
- (d) sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March;
- (e) draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Financial Planning

Financial Regulation B:

Introduction

B.1 The Full Council is responsible for agreeing the Council's policy framework and budget as normally proposed to it by the Strategy Committee, further details of which can be found in Article 4 – Full Council – Part A of this Constitution and the Budget and Policy Framework Procedure Rules – Part B. In terms of financial planning, the key elements are:

- The Revenue Budget
- The Capital Programme
- The Medium Term Financial Plan

Policy Framework

B.2 The Full Council is responsible for approving the policy framework and budget further details of which can be found in Article 4 – Full Council – Part A of this Constitution.

B.3 The Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework to the extent as provided for in this Constitution, further details of which can be found in Article 4 – Full Council – Part A and the Budget and Policy Framework Procedure Rules – Part B.

B.4 The Full Council is responsible for setting the level at which the Strategy Committee may reallocate budget funds from one service to another. The Strategy Committee is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Budgeting - Revenue

Budget format

B.5 The general format of the budget will be determined by the Section 151 Officer.

Why is this important?

B.6 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around variations and variations will operate and sets the level at which funds may be reallocated within budgets.

Key Controls

B.7 The key controls for the budget format are:

- (a) The format complies with all legal requirements.
- (b) The format complies with CIPFA's Service Reporting Code of Practice.
- (c) The format reflects the accountabilities of service delivery.

Responsibilities of Section 151 Officer

B.8 To determine the format of the budget that is approved by Full Council.

Budget preparation Why

is this important?

B.9 The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with priorities. The budget is the financial expression of the Council's plans and policies.

B.10 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of Full Council. Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a council to budget for a deficit.

B.11 The Section 151 Officer is responsible for ensuring that a detailed revenue budget is prepared on an annual basis and an outline financial plan for future years for consideration by the Strategy Committee, before submission to the Full Council. The Full Council may amend the budget or ask the Strategy Committee to reconsider it before approving it.

B.12 The budget approved by Full Council, usually in February each year, sets out the planned income and expenditure for the year ahead. This provides the legal authority for officers to incur expenditure. It is important that the budget reflects service plans and priorities.

B.13 Further details relating to the normal budgetary process can be found in the Budget and Policy Procedure Rules – Part B of this Constitution.

Key Controls

B.14 Once off sources of funding are not used to support ongoing expenditure without being explicitly explained.

B.15 Amendments to be proposed by Members to the budget at Full Council must be made in writing 55 hours before the meeting commences and must identify the source of funding for the amendment.

B.16 Budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability for their budgets and the level of service to be delivered.

B.17 A monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure any corrective action is taken.

Responsibilities of the Section 151 Officer

B.18 To prepare the detailed annual revenue budget and outline financial plan for future years for Strategy Committee.

B.19 To prepare and submit reports on budget prospects for the Strategy Committee, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.

- B.20 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Full Council, and after consultation with the Strategy Committee.
- B.21 To prepare and submit reports to the Strategy Committee on the aggregate spending plans of services and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.
- B.22 To encourage the best use of resources and value for money by working with the Senior Leadership Team and the Corporate Leadership Team to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- B.23 To advise the Full Council on Strategy Committee proposals in accordance with his/her responsibilities under section 151 of the Local Government Act 1972.
- B.24 To certify the robustness of the budget estimates.

Responsibilities of Strategic Directors, Assistant Chief Executive, Heads of Service/Corporate Managers

- B.25 To ensure that budget estimates reflect agreed service plans and that these estimates are prepared in line with guidance issued by the Section 151 Officer.
- B.26 Draw attention to the Section 151 Officer of any significant changes to the service which will impact upon the service budget estimates or future years' budgets.
- B.27 Undertake budget preparation tasks as identified by the Section 151 Officer.
- B.28 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

Budget monitoring and control Why is this important?

- B.29 Budget management ensures that once the budget has been approved by Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget during the financial year. It also provides the mechanism that calls to account managers responsible for defined areas of the budget.
- B.30 By continuously identifying and explaining variances against budgets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an overall limit, approved when setting the budget. To ensure that the Council does not overspend, each service is required to manage its own expenditure and income within the budget allocated to it.

Key Controls

- B.31 The key controls for managing and controlling the revenue budget are:
- (a) budget holders are responsible for budgets within their area.
 - (b) There is a named budget holder for each budget.
 - (c) Budget holders accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
 - (d) Budget holders follow an approved certification process for all expenditure.

- (e) Income and expenditure is properly accounted for.
- (f) Regular budget monitoring and reporting.

Responsibilities of the Section 151 Officer

B.32 The Section 151 Officer is responsible for establishing an appropriate framework of budgetary management and control that ensures:

- (a) budget management is exercised within annual limits unless the Full Council agrees otherwise;
- (b) each Head of Service / Corporate Manager has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
- (c) expenditure is committed only against an approved budget head;
- (d) all Officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
- (e) each budget has a single named responsible officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure;
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

B.33 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. They must monitor and control overall expenditure and income against budget and high-level, budget monitoring reports should be produced on a regular basis to both the Strategy Committee and the Senior Senior Leadership Team.

B.34 The Section 151 Officer will advise on whether expenditure is revenue or capital. The Section 151 Officer will determine the most appropriate source of funding at the time of setting the budget and on production of the Statement of Accounts.

Responsibilities of Strategic Directors / Assistant Chief Executive

B.35 To hold Heads of Service / Corporate Managers to account for the budgets under their control.

B.36 To agree any necessary corporate actions to address budget variances.

Responsibilities of Heads of Service / Corporate Managers

B.37 It is the responsibility of Heads of Service / Corporate Managers to:

- (a) maintain budgetary control within their Service and to ensure that all income and expenditure are properly recorded and accounted for;
- (b) ensure that spending remains within the services overall limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast;
- (c) ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively;
- (d) prepare and submit to Financial Services reports on the services projected income and expenditure compared with its budget, including actions to be taken to address the variances.
- (e) Alert the Section 151 Officer of any problems identified.

Medium Term Planning Why is this important?

B.38 Medium term planning involves planning the budget over a number of years. As each year passes, another future year will be added to the medium term plan. This ensures that the Council is always preparing for events in advance.

Key Controls

B.39 The key controls for medium term planning are:

- (a) A plan is produced setting out assumptions on future years expenditure and income levels.
- (b) The plan is reported to Members to provide future years outlook when taking decisions.

Responsibilities of the Section 151 Officer

B.40 To produce a medium term financial plan

B.41 To advise on the medium-term implications of spending decisions.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

B.42 Draw attention to the Section 151 Officer of any significant changes to the service which will impact upon the service budget estimates or future years budgets.

Budget Control – Capital

B.43 The Section 151 Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Strategy Committee before submission to the Full Council.

Why is this important?

B.44 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

Key Controls

B.44 The key controls for the capital programme are:

- (a) Specific approval by the Full Council for the programme of capital expenditure.
- (b) Expenditure on capital schemes is subject to the approval of the Section 151 Officer.
- (c) A scheme and estimate and associated revenue costs are prepared for each scheme.
- (d) Schemes are identified individually in the capital programme.
- (e) The development and implementation of asset management plans.
- (f) Accountability for each scheme is accepted by a named manager.
- (g) Regular budget monitoring of progress of capital schemes.

Responsibilities of the Section 151 Officer

B.45 To prepare capital estimates jointly with the Senior Leadership Team and Heads of Service / Corporate Managers and to report them to the Strategy Committee for approval. The Strategy Committee will make recommendations on the capital estimates and on any associated financing requirements to Full Council.

- B.46 The Section 151 Officer is also responsible for producing a Capital Strategy that details a medium term capital programme.
- B.47 To prepare and submit reports to the Strategy Committee on the projected income, expenditure and resources compared with the approved estimates.
- B.48 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.
- B.49 To obtain authorisation from the Strategy Committee for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

- B.50 It is the responsibility of the Heads of Service / Corporate Managers to comply with guidance concerning capital schemes and controls issued by the Section 151 Officer.
- B.51 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Section 151 Officer.
- B.52 To prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Section 151 Officer.
- B.53 To ensure that adequate records are maintained for all capital contracts.
- B.54 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer.
- B.55 To prepare and submit reports, jointly with the Section 151 Officer, to the Strategy Committee, of any variation in contract costs greater than the approved limits. The Strategy Committee may meet cost increases by virement from savings elsewhere within their capital programme.
- B.56 To prepare and submit reports, jointly with the Section 151 Officer, to the Strategy Committee, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- B.57 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.
- B.58 To gain the approval of the Section 151 Officer and to seek Strategy Committee approval where there are proposals to bid for supported borrowing approvals to be issued by government departments to support expenditure that has not been included in the current year's capital programme.

Maintenance of Reserves

- B.59 It is the responsibility of the Section 151 Officer to advise the Strategy Committee on prudent levels of reserves using a risk management based approach.

Why is this important?

- B.60 The Strategy Committee must decide the level of general reserves it wishes to maintain before Full Council can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as maintenance of assets.

Key Controls

B.61 To maintain reserves in accordance with proper practice and agreed accounting policies.

B.62 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

B.63 Authorisation and expenditure from reserves by Strategy Committee.

Responsibilities of the Section 151 Officer

B.64 To advise Strategy Committee on prudent levels of reserves for the Council using a risk based approach.

Leases

Why is this important?

B.65 There are two types of leases, operating and finance leases and there are specific accounting tests to determine what type a lease is. Operating leases result in revenue costs whilst finance leases affect both revenue and capital budgets. There are also specific accounting and disclosure requirements for each type of lease. This has been further enhanced by the introduction of International Financial Reporting Standards. It is important that the terms of each lease are assessed to determine how the lease would be classified before the lease is entered into.

Key Controls

B.66 No leases entered into without prior approval of Section 151 Officer

Responsibilities of the Section 151 Officer

B.67 It is the responsibility of the Section 151 Officer to consider the classification of a lease and the resulting implications prior to authorising the signing of the lease, in writing.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

B.68 To gain the approval of the Section 151 Officer, in writing, before entering into any lease or hire purchase type arrangement. This applies to leases where the Council is either the lessee or the lessor.

B.69 Heads of Service / Corporate Managers must ensure that charges arising from such arrangements can be met from the delegated budget for the current and future years.

Risk Management and Control of Resources

Financial Regulation C:

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2 The Strategy Committee is responsible for approving the Council's risk management strategy and for reviewing the effectiveness of risk management. The Strategy Committee is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The Senior Leadership Team is responsible for promoting the Council's risk management strategy throughout the Council.

Why is this important?

- C.4 All organisations, whether public or private sector, face risks to people, property, reputation and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence, it is therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

Key Controls

- C.5 The key controls for risk management are:
- (a) Procedures are in place to identify, assess, prevent or contain material risks, and these procedures are operating effectively throughout the Council.
 - (b) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
 - (c) Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.
 - (d) Provision is made for losses that might result from the risks that remain.
 - (e) Procedures are in place to investigate claims within required timescales.
 - (f) Acceptable levels of risk are determined and insured against where appropriate.
 - (g) The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources

Responsibilities of the Section 151 Officer

- C.6 To prepare and promote the Council's risk management strategy.
- C.7 To develop risk management controls in conjunction with Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers.
- C.8 To include all appropriate employees of the Council in a suitable fidelity guarantee insurance.
- C.9 To affect corporate insurance cover, through external insurance and to negotiate all claims in consultation with other Officers, where necessary.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

- C.10 To notify the Section 151 Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Section 151 Officer or the Council's insurers.
- C.11 To take responsibility for risk management in their areas, having regard to advice from the Section 151 Officer and other specialist officers (e.g. health and safety).
- C.12 To ensure that there are regular reviews of risk within their service.
- C.13 To notify the Section 151 Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- C.14 To consult the Section 151 Officer and the Corporate Manager - Legal on the terms of any indemnity that the authority is requested to give.
- C.15 To ensure that employees or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

Internal Control

- C.16 Internal control refers to the systems of control devised by the management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

Why is this important?

- C.17 The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- C.18 The Council has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- C.19 The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- C.20 The system of internal controls is established in order to provide measurable achievement of:
 - (a) Efficient and effective operations.
 - (b) Reliable financial information and reporting.
 - (c) Compliance with laws and regulations.
 - (d) Risk management.

Key Controls

- C.21 The key controls and control objectives for internal control systems are:
 - (a) Key controls should be reviewed on a regular basis and the Council should make a formal statement annually to the effect that it is satisfied that the

systems if internal control are operating effectively.

- (b) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial actions. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- (c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
- (d) An effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline 'Guidance for Internal Auditors', CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any other statutory obligations and regulations.

Responsibilities of the Section 151 Officer

C.22 The Section 151 Officer is responsible for advising on effective systems of internal control which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

C.23 It is the responsibility of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

C.24 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

C.25 To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Section 151 Officer. Strategic Directors, the Assistant Chief Executive, Heads of Service / Corporate Managers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

C.26 To ensure staff have a clear understanding of the consequences of lack of control.

Audit Requirements

C.27 The Accounts and Audit Regulations require every local authority to maintain an adequate and effective internal audit.

C.28 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

C.29 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs who have statutory rights of access.

Internal Audit

Why is this important?

- C.30 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations specifically require that a “relevant body will maintain an adequate and effective system of internal audit of their accounting records and control systems”.
- C.31 Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key Controls

- C.32 The key controls for Internal Audit are:
- (a) That it is independent in its planning and operation
 - (b) Internal audit has direct access to the head of paid service, all levels of management and directly to elected members
 - (c) The internal auditors comply with the Auditing Practices Board’s auditing guideline ‘Guidance for Internal Auditors’ as interpreted by CIPFA’s Code of Practice for Internal Audit in Local Government in the United Kingdom.

Responsibilities of the Section 151 Officer

- C.33 To ensure that internal auditors have the authority to:
- (a) access Council premises at reasonable times
 - (b) access all assets, records, documents, correspondence and control systems
 - (c) receive any information and explanation considered necessary concerning any matter under consideration
 - (d) require any Officer to account for cash, stores or any other Council asset under his or her control
 - (e) access records belonging to third parties, such as contractors, when required
 - (f) directly access the Chief Executive, Chair of Strategy Committee and Chair of Audit Committee
- C.34 To approve the strategic and annual audit plans prepared by Internal Audit, which take account of the characteristics and relative risks of the activities involved.
- C.35 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of Directors and Heads of Service / Corporate Managers

- C.36 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- C.37 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- C.38 To consider and respond promptly to recommendations in audit reports.
- C.39 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- C.40 To notify the Section 151 Officer immediately of any suspected fraud, theft,

irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, managers should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

C.41 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by internal audit prior to implementation.

External Audit

Why is this important?

- C.42 The external auditor has rights of access to all documents and information necessary for audit purposes.
- C.43 The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:
- (a) the financial aspects of the audited body's corporate governance arrangements
 - (b) the audited body's financial statements
 - (c) aspects of the audited body's arrangements to manage its performance.
- C.44 The Council's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts presents a true and fair view of the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

Key Controls

- C.45 The Audit Commission appoints external auditors. The Audit commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Section 151 Officer

- C.46 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- C.47 To ensure there is effective liaison between external and internal audit.
- C.48 To work with the external auditor and advise Full Council, Strategy Committee, Audit Committee, Strategic Directors, the Assistant Chief Executive and Heads of Service / Corporate Managers on their responsibilities in relation to external audit.

Responsibilities of Directors and Heads of Service / Corporate Managers

- C.49 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- C.50 To ensure that all records and systems are up to date and available for inspection.

Preventing Fraud and Corruption

Why is this important?

- C.51 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the council.

C.52 The Council's expectation of propriety and accountability is that all Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

C.53 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Key Controls

C.54 The key controls regarding the prevention of financial irregularities are that:

- (a) The Council has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud and corruption.
- (b) All Members and Officers act with integrity and lead by example.
- (c) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council, or who are corrupt.
- (d) High standards of conduct are promoted amongst Members by the Monitoring Officer.
- (e) The maintenance of a register of interests in which any hospitality or gifts accepted must be recorded.
- (f) Whistle blowing procedures are in place and operate effectively.
- (g) Legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Section 151 Officer

C.55 To develop and maintain an anti-fraud and corruption strategy

C.56 To maintain adequate and effective internal control arrangements

C.57 To ensure that all suspected irregularities are reported to Internal Audit and Chief Executive.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

C.58 To ensure that all suspected irregularities are reported to Internal Audit.

C.59 To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

C.60 To ensure that where financial impropriety is discovered, the Section 151 Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the Police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.

Assets

Why is this important?

C.61 The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key controls

C.62 The key controls for the security of resources such as land, buildings, fixed plant

and machinery, equipment, software and information are:

- (a) Resources are used only for the purposes of the Council and are properly accounted for.
- (b) Resources are available for use when required.
- (c) Resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits.
- (d) An asset register is maintained for the Council, assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset.
- (e) All staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the Data Protection Act and software copyright legislation.
- (f) All Officers are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's computer and internet security policies.

Responsibilities of the Section 151 Officer

C.63 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £10,000. The function of the asset register is to provide the Council with information about fixed assets so that they are:

- Safeguarded
- Used efficiently and effectively
- Adequately maintained.

C.64 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC)

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

C.65 Strategic Directors, the Assistant Chief Executive, Heads of Service / Corporate Managers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

C.66 To ensure the proper security of all buildings and other assets under their control.

C.67 To consult the Section 151 Officer in any instances where security is thought to be defective or where it is considered that special security arrangements may be needed, or where circumstances suggest the possibility of any irregularity.

C.68 To ensure that no Council asset is subject to personal use by an employee without proper authority.

C.69 To ensure cash holdings on premises are kept to a minimum.

C.70 To ensure that keys to doors, safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Section 151 Officer as soon as possible.

C.71 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in

manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

Stocks, Stores, Furniture & Equipment

Responsibilities of Heads of Service / Corporate Managers

- C.72 Each Head of Service/Corporate Manager will be responsible for the care and physical control of all stocks, stores furniture, plans and equipment in their custody. Records should be maintained in a form specified by the Section 151 Officer.
- C.73 All stocks of goods held as stores, or for resale, will be subject to stock check every six months. A certificate of the value held at 31st March each year at current prices will be certified by the Head of Service / Corporate Manager and the certificate forwarded to Internal Audit as soon as possible.
- C.74 All discrepancies should be investigated and pursued to a satisfactory conclusion.
- C.75 Correction of deficiencies and surpluses on stocks and stores accounts will be in accordance with the procedures laid down by the Section 151 Officer, and adjustments exceeding £500 will be reported to Internal Audit.
- C.76 There will be independent control of all receipt forms, cheques, tickets or similar documents and it will be the responsibility of the appropriate Head of Service / Corporate Manager to ensure that all such items are serially numbered and controlled in accordance with arrangements agreed with Internal Audit.

Buildings, Land & Property

Responsibilities of the Section 151 Officer

- C.77 Periodic surveys of the conditions of all properties in which the Council has a proprietary interest will be made. The Section 151 Officer will ensure that such surveys are carried out and reports prepared.

Responsibilities of Specific Heads of Service / Corporate Managers

- C.78 The Head of Assets and Infrastructure will maintain an Asset Management Plan for all land and buildings owned by or leased to the Council.
- C.79 The Head of Assets and Infrastructure will maintain records and systems that ensure that the best use is made of all properties.
- C.80 The Head of Assets and Infrastructure will, in consultation with Legal Services, ensure that all leases are kept up to date and rents due are revised at the appropriate time. The Head of Assets and Infrastructure will advise the Council on alternative uses of land and property as best serves the Council's interests at the time.
- C.81 The Corporate Manager – Legal will have custody of the title deeds and other agreements under seal or hand of all land owned by the Council (together with all deeds and documents held as security for any monies owed to the Council) and is responsible for their safe-keeping.

Treasury Management

- C.82 The Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.83 The Full Council is responsible for approving the Treasury Management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The Policy Statement is proposed to the Full Council by Strategy Committee. The Section 151 Officer has

delegated responsibility for implementing and monitoring the statement.

- C.84 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Section 151 Officer.
- C.85 The Section 151 Officer is responsible for reporting to the Strategy Committee a proposed Treasury Management strategy for the coming financial year at or before the start of each financial year. The Strategy Committee will receive regular updates on Treasury Management activities.
- C.86 All management decisions on borrowing, investment or financing will be delegated to the Section 151 Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- C.87 Because of the impact upon the finances of the Council and with the Section 151 Officer having significant delegated authority, the Council will have a Treasury Management Forum made up of Members. The Section 151 Officer is responsible for reporting to the Strategy Committee not less than twice in each financial year on the activities of the Treasury Management operation and on the exercise of his or her delegated Treasury Management powers. One such report will comprise an annual report on Treasury Management for presentation by 30 September of the succeeding financial year.

Why is this important?

- C.88 Many millions of pounds pass through the Council's books each year. This led to the establishment of codes of practice. These aim to provide assurance that the Council's money is properly managed in a way that balances risk and return, but with the overriding consideration being given to the security of the Council's capital sum.

Key Controls

- C.89 That the Council's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the Council's policy statement.
- C.90 Full Council approve the Treasury Management Strategy Statement setting limits on treasury management activities.

Responsibilities of the Section 151 Officer

- C.91 To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's treasury management policy statement and strategy.
- C.92 To report at least twice a year on treasury management activities to the Strategy Committee and at least twice a year to the Treasury Management Forum.
- C.93 To ensure all investments of money are made in the name of the Council or in the name of nominees approved by the Full Council

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

- C.94 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of Full Council, following consultation with the Section 151 Officer.

Banking Arrangements

Responsibilities of the Section 151 Officer

- C.95 All arrangements with the Council's bankers concerning the Council's bank accounts and the issue and deposit of cheques will be made through the Section 151 Officer.

- C.96 The Section 151 Officer will be authorised to operate such subsidiary bank accounts as they deem necessary. All amendments/changes to these arrangements will be reported to the Chief Executive.
- C.97 Any overdraft on the Council's bank accounts will be kept within the set limits. Bank accounts will be reconciled at intervals no longer than one month.
- C.98 All agreements with Banking Organisations regarding Direct Debits will be approved by the Section 151 Officer.
- C.99 All cheques and direct debit mandates drawn on the bank accounts of the Council will:
- Be signed only by the Section 151 Officer or other officer authorised by the Chief Executive to sign on behalf of the Section 151 Officer.
 - Bear the name of the Section 151 Officer as produced by the Council's computers where this has been specifically agreed by the Section 151 Officer.
- C.100 The Section 151 Officer will arrange for such safeguards as are deemed necessary and practicable, including the separation of duties, so that as far as possible the following procedures are the responsibility of separate officers:
- The checking of creditors' accounts
 - The control of cheques
 - The preparation of cheques
 - The signature of cheques
 - The entry of the cash amount
 - The authorisation of BACS and CHAPS payments
 - The reconciliation of bank balances
- C.101 The Section 151 Officer will issue Cash Handling and Banking procedures.
- C.102 The list of outstanding cheques will be examined at least monthly by Financial Services and reasons sought for cheques which have not been cashed. Cheques, which have not been cashed six months after the date of issue, will be cancelled.

Responsibilities of Heads of Service / Corporate Managers

- C.103 Each Head of Service / Corporate Manager is responsible for ensuring the control, monitoring and regular banking of daily receipts arising from cash collection points under their control. The Section 151 Officer will provide detailed procedure notes, which will be adhered to at all times.
- C.104 All monies received on behalf of the Council will, without delay, be banked in the Council's name in accordance with the instructions of the Section 151 Officer.
- C.105 There will be separation of duties between receiving and paying out monies. Officers who collect cash will not be involved in the maintenance of financial records in respect of that cash. This requirement can only be excepted on the written approval, in advance, of the Section 151 Officer.
- C.106 Post that may contain income will be subject to control by not less than 2 persons from the point of delivery through to the receipt of a signature at the cash desk. The Section 151 Officer will issue detailed written instructions for

handling postal income and these instructions will be adhered to at all times.

Staffing

Why is this important?

C.107 In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

Key Controls

C.108 The key controls for staffing are:

- (a) An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
- (b) Procedures are in place for forecasting staffing requirements and cost.
- (c) Controls are implemented that ensure staff time is used efficiently and to the benefit of the Council.
- (d) Checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

Responsibilities of the Section 151 Officer

C.109 To ensure that budget provision exists for all existing and new employees.

C.110 To act as an advisor to managers on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of Heads of Service / Corporate Managers

C.111 Heads of Service / Corporate Managers are responsible for controlling total staffing numbers by:

- advising the Strategy Committee on the budget necessary in any given year to cover estimated staffing levels;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- the proper use of appointment procedures.

C.112 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision.

C.113 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

C.114 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.

C.115 To ensure that the Section 151 Officer is informed if the staffing budget is likely to be materially over or underspent.

Insurance

Why is this important?

C.116 The Council's assets, both physical, financial and staffing need to be adequately protected against risks through insurance.

Key Controls

C.117 Insurance cover is arranged and controlled centrally to ensure consistent and adequate cover is maintained.

Responsibilities of the Section 151 Officer

- C.118 The Section 151 Officer will make arrangements for approved insurance cover, maintaining adequate records and negotiating claims with the Council's insurers.
- C.119 The Section 151 Officer will, with the co-operation of other managers, review insurance cover annually.
- C.120 The Section 151 Officer will keep all Heads of Service / Corporate Managers notified as to the nature and extent of the various risks that are covered or left exposed.

Responsibilities of Heads of Service / Corporate Managers

- C.121 Each Head of Service /Corporate Manager will advise the Insurance Officer of the extent and nature of all new risks where insurance may not exist or may be inadequate.
- C.122 Each Head of Service /Corporate Manager will notify immediately the Insurance Officer, in writing, of any loss, liability or damage or any event likely to lead to a claim in connection with the Heads of Service / Corporate Managers area of responsibility.
- C.123 Each Head of Service / Corporate Manager will be responsible for ensuring proper maintenance of inventories of furniture, equipment and the means for prompt and efficient identification of each item for the purposes of insurance claims or claims under suppliers' guarantees.

Write off of Bad Debts

Why is this important?

- C.124 All income due to the Council from all sources such as the sundry debtors system, penalty charge notices, council tax & NNDR and repayment of training costs on leaving the Council, is important but there will be circumstances where it is not possible to collect monies due and debts need to be written off. It is important that this is a last resort after all appropriate recovery has been undertaken.

Key Controls

- C.125 Write offs dealt with centrally to ensure a consistent approach.

Responsibilities of Specified Officers

- C.126 The following delegated authority applies to the write off of bad debt:
- Council tax and NNDR bad debts to be written off as irrecoverable up to £10 – Head of Revenues and Benefits
 - All Bad Debts to be written off as irrecoverable up to £100 – Head of Financial Services
 - All Bad Debts to be written off as irrecoverable over £100 and up to £2,000 – Section 151 Officer
 - All Bad Debts over £2,000 – Section 151 Officer in consultation with the Chairman of Strategy Committee.

Responsibilities of Heads of Service / Corporate Managers

- C.127 To ensure the Section 151 Officer is notified of all debts to be considered for write off.
- C.128 To notify the Section 151 Officer of any additional information which may lead to the recovery of amounts due, even after the debt has been written off, for

example a forwarding address.

Breaches of Financial Regulations

- C.129 Where a failure to comply with these regulations is identified the matter should be brought to the immediate attention of the Section 151 Officer.
- C.130 The Section 151 Officer will report to the Chief Executive for minor breaches and to Strategy Committee where the Section 151 Officer considers the matter to be more serious.

Systems and Procedures

Financial Regulation D:

Introduction

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

Why is this important?

- D.2 Services have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Services are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- D.3 The Section 151 Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

Key Controls

- D.4 The key controls for systems and procedures are:
- (a) Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated.
 - (b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.
 - (c) Early warning is provided of deviations from target, plans and budgets that require management attention.
 - (d) Operating systems and procedures are secure.

Responsibilities of the Section 151 Officer

- D.5 To make arrangements for the proper administration of the Council's financial affairs including to:
- (a) Issue advice, guidance and procedures for officers and others acting on the Council's behalf.
 - (b) Determine the accounting systems, form of accounts and supporting financial records.
 - (c) Establish arrangements for audit of the Council's financial affairs.
 - (d) Approve any new financial systems to be introduced.
 - (e) Approve any changes to be made to existing systems.
- D.6 Any changes made by Heads of Service / Corporate Managers to the existing financial systems or the establishment of new systems must be approved by the

Section 151 Officer. However, Heads of Service / Corporate Managers are responsible for the proper operation of financial processes in their own services.

Responsibilities of Heads of Service / Corporate Managers

- D.7 To ensure that accounting records are properly maintained and held securely.
- D.8 To ensure that invoices and documents with financial implications are not destroyed, except with arrangements approved by the Section 151 Officer.
- D.9 To ensure that a complete management trail, allowing transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- D.10 To incorporate appropriate controls to ensure that, where relevant:
 - (a) all input is genuine, complete, accurate, timely and not previously processed.
 - (b) All processing is carried out in an accurate, complete and timely manner.
 - (c) Output from the system is complete, accurate and timely.
- D.11 To ensure that the organisation structure of their services provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- D.12 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- D.13 To ensure that systems are documented and staff trained in operations.
- D.14 To consult with the Section 151 Officer before changing any existing system or introducing new systems.
- D.15 To supply a list of authorised officers, with specimen signatures and delegated limits, to the Section 151 Officer, together with any subsequent variations.
- D.16 Any changes to agreed procedures by Heads of Service / Corporate Managers to meet their own specific service needs should be agreed with the Section 151 Officer.
- D.17 Heads of Service / Corporate Managers should ensure that their Officers receive relevant financial training that has been approved by the Section 151 Officer.
- D.18 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- D.19 To ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Heads of Service / Corporate Managers must ensure that staff are aware of their responsibilities under freedom of information legislation.
- D.20 To ensure that relevant standards and guidelines for computer systems issued by the Section 151 Officer are observed.
- D.21 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism etc.
- D.22 To comply with the copyright, design and patents legislation and, in particular, to ensure that:
 - (a) only software legally acquired and installed by the Council is used on its computers.
 - (b) Staff are aware of legislative provisions.

- (c) In developing systems, due regard is given to the issue of intellectual property rights.

Income and expenditure

D.23 It is the responsibility of Heads of Service / Corporate Managers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Heads of Service / Corporate Managers behalf, or on behalf of the Council, in respect of payments, income collection and placing orders, together with the limits of their authority. The Strategy Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control. Further details relating to existing Officer delegations can be found in the Officer Scheme of Delegations – Part C of this Constitution.

Income

Why is this important?

D.24 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

Key Controls

D.25 The key controls for income are:

- (a) All income due to the Council is identified and charged correctly, in accordance with approved charges.
- (b) All income is collected from the correct person, at the right time, using the correct procedures.
- (c) All money received by an employee on behalf of the Council is banked without delay either directly or by the Customer Services Unit. The responsibility for cash collection should be separated from that:
 - For identifying the amount due.
 - For reconciling the amount due to the amount received.
- (d) Effective action is taken to pursue non-payment within defined timescales.
- (e) Formal approval for debt write off is obtained.
- (f) Appropriate write off action is taken within defined timescales.
- (g) Appropriate accounting adjustments are made following write off action.
- (h) All appropriate income documents are retained and stored for the required time period.
- (i) Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Section 151 Officer

D.26 To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentations for its collection.

D.27 To approve the exclusion of specific fees and charges from publication.

D.28 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

- D.29 To agree the write off of bad debts up to £2,000 in each case and to consult the Chairman of the Strategy Committee on larger sums.
- D.30 To ensure that appropriate accounting adjustments are made following write off action.

Responsibilities of Heads of Service / Corporate Managers

- D.31 To separate the responsibility for identifying amounts due and the responsibility for collection as far as is practicable.
- D.32 To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- D.33 To hold receipts, tickets and other records of income for the appropriate period.
- D.34 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- D.35 To ensure that income is paid fully and promptly into the appropriate bank account in the form in which it is received. Appropriate details should be recorded on to paying in slips to provide an audit trail.
- D.36 To ensure income is not used to cash personal cheques and other payments.
- D.37 To ensure all fees and charges are published in the Scale of Charges unless the Chief Financial Officer has agreed for specific charges to be excluded.
- D.38 To provide Financial Services with all necessary information in order to assist in collecting debts that the service have originated, including any further information requested by the debtor, and in pursuing the matter on the Council's behalf.
- D.39 To recommend to the Section 151 Officer all debts to be written off. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and / or billing of the original debt.
- D.40 To notify the Section 151 Officer of outstanding income relating to the previous financial year, as soon as possible after 31 March, in line with the timetable determined by Financial services.

Ordering and paying for work, goods and services Why is this important?

- D.41 Public money should be spent with demonstrable probity and in accordance with the Council's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. This section should be read in conjunction with the Contract Procedural Rules (Section F of these Financial Regulations).

General

- D.42 Every Officer and Member has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and / or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct – further details of relevant Members Code of Conduct and Employee Code of Conduct can be found in Part E of this Constitution.
- D.43 Official orders must be raised on the Purchase Ordering and Commitments System. Official orders must be raised for all work, goods or services to be supplied to the Council except for petty cash purchases, refunds or other exceptions specified by the Section 151 Officer.
- D.44 Standard terms and conditions must not be varied without the prior approval of

the Section 151 Officer.

- D.45 The normal method of payment by the Council will be by BACS. The use of direct debit will only be in exceptional circumstances and must be signed by the Section 151 Officer.
- D.46 Official orders must not be raised for any personal or private purchase, nor must personal or private use be made of Council contracts.

Key Controls

- D.47 The key controls for ordering and paying for goods, works and services are:
- (a) All goods and services are ordered only by appropriate persons and are correctly recorded.
 - (b) All goods and services shall be ordered in accordance with the Contract Procedural Rules.
 - (c) Goods and services received are checked to ensure they are in accordance with the order.
 - (d) Payments are not made unless goods have been received by the Council to the correct price, quantity and quality standards.
 - (e) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
 - (f) All appropriate evidence of the transaction and payment documents are retained and stored for the required period.
 - (g) All expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected.

Responsibilities of the Section 151 Officer

- D.48 To ensure that all the Council's financial systems and procedures are sound and properly administered.
- D.49 To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- D.50 To approve the form of official orders and associated terms and conditions.
- D.51 To make payments from the Council's funds on the Head of Service / Corporate Manager's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- D.52 To make payments, whether or not there is a budget, where the payment is specifically required by statute or is made under a court order.
- D.53 To make payments to contractors on the certificate of the appropriate Head of Service / Corporate Manager, which must include details of the value of the work, retention money, amounts previously certified and amounts now certified.

Responsibilities of Heads of Service / Corporate Managers

- D.54 To ensure that orders are raised on the Purchase Ordering and Commitments system for all goods and services, usually before the commitment is entered into, other than the exceptions specified in D.43.
- D.55 To ensure that orders are only used for goods and services provided to the service. Individuals must not use official orders to obtain goods or services for their private use.
- D.56 To ensure that the Procurement Officer is consulted on all procurements over £10,000 or as otherwise provided for in the Contract Procedure Rules set out in Section F of these Financial Regulations.
- D.57 To ensure the authorised signatory list held by Financial Services is up to date,

including specimen signatures identifying in each case the limits of their authority for both ordering and / or authorisation of invoices. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if required. Value for money should always be achieved.

- D.58 To ensure that goods are checked on receipt to verify that they are in accordance with the order.
- D.59 To ensure that payment is not made unless a proper VAT invoice has been received, checked, and certified for payment, confirming:
- (a) Receipt of goods or services.
 - (b) That the invoice had not previously been paid.
 - (c) The expenditure has been properly incurred and is within budget provision.
 - (d) The prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices.
 - (e) Correct accounting treatment of tax.
 - (f) That the invoice is correctly coded.
 - (g) That discounts have been taken where available.
 - (h) That appropriate entries will be made in accounting records.
- D.60 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. A different Officer from the person checking the invoice should authorise the invoice.
- D.61 To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than a formal invoice. Where the original invoice has been lost, a faxed copy will be accepted only where it has been certified that it is a true copy that has not previously been passed for payment.
- D.62 To ensure that the Service obtains best value from purchases and comply with the Contract Procedural Rules.
- D.63 To ensure that employees are aware of the Employee Code of Conduct.
- D.64 To ensure that loans, lease agreements or rental agreements are not entered into without prior agreement of the Section 151 Officer.
- D.65 To notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March, in line with the timetable determined by Financial services.
- D.66 To notify the Section 151 Officer immediately of any expenditure to be incurred as a result of statute / court order where there is no budgetary provision.

Payments to employees and Members

Why is this important?

- D.67 Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with the individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members allowances are authorised in accordance with the scheme adopted by Full Council.

Key Controls

- D.68 The key controls for payments to employees and members are:

- (a) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
- Starters,
 - Leavers,
 - Variations,
 - Enhancements,
- and that payments are made on the basis of contracts, timesheets or claims
- (b) Frequent reconciliation of payroll expenditure against approved budget.
- (c) All appropriate payroll documentation are retained and stored for the required period.
- (d) That HMRC regulations are complied with.

Responsibilities of the Section 151 Officer

- D.69 To arrange and control secure and reliable payment of salaries, wages, or other emoluments to existing and former employees, in accordance with procedures prescribed by them, on the due date.
- D.70 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- D.71 To make arrangements for payment of all travel and subsistence claims.
- D.72 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

Responsibilities of Heads of Service / Corporate Managers

- D.73 To ensure appointments are made in accordance with Human Resources Policies and Procedures and that adequate budget provision is available.
- D.74 To notify the Corporate Manager – Human Resources and Organisational Development of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee.
- D.75 To ensure that adequate and effective systems and procedures are operated, so that:
- Payments are only authorised to bona fide employees
 - Payments are only made where there is valid entitlement
 - Conditions and contracts of employment are correctly applied.
 - Employees names listed on the payroll are checked at regular intervals to verify completeness and accuracy.
- D.76 To ensure the authorised signatory list held by Financial Services is updated for staff changes, listing who is authorised to sign timesheets, claim forms etc.

- D.77 To ensure that payroll transactions are processed only through the payroll system. Heads of Service / Corporate Managers should give careful consideration to the employment status of individuals providing services on a self-employment or subcontract basis. HMRC applies a tight definition for employee status, and in case of doubt, advice should be sought from Financial Services.
- D.78 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost effective use of travel arrangements is achieved. Claims should be supported by itemised receipts and should not include reimbursement for alcohol.
- D.79 To ensure that the Section 151 Officer is notified of any employee benefit in kind, to enable full and complete reporting within the income tax self-assessment system.
- D.80 To ensure that all appropriate payroll documentation is retained for the required period.

Taxation

- D.81 The Section 151 Officer is responsible for advising Strategic Directors the Assistant Chief Executive and Heads of Service / Corporate Managers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
- D.82 The Section 151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Why is this important?

- D.83 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrect accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key controls

- D.84 The key controls for taxation are:
- (a) Budget managers are instructed on required record keeping.
 - (b) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
 - (c) Records are maintained in accordance with instructions.
 - (d) Returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Section 151 Officer

- D.85 To complete all HMRC returns regarding Pay As You Earn (PAYE).
- D.86 To complete a monthly VAT return to HMRC.

D.87 To provide details to HMRC regarding the Construction Industry tax scheme (CIS).

D.88 To maintain up to date guidance for Council employees on taxation issues.

Responsibilities of Heads of Service / Corporate Managers

D.89 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.

D.90 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary CIS requirements.

D.91 To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

D.92 To follow the guidance on taxation issued by the Section 151 Officer.

Trading accounts

Why is this important?

D.93 Trading accounts have become more important as local authorities have developed a more commercial culture. Councils are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost.

Responsibilities of the Section 151 Officer

D.94 To advise on the establishment and operation of trading accounts.

Responsibilities of Heads of Service / Corporate Managers

D.95 To ensure that the same accounting principles are applied in relation to trading accounts as for other services.

External Arrangements

Financial Regulation E:

Introduction

- E.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

Why is this important?

- E.2 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver services but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- E.3 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General

- E.4 The main reasons for entering into a partnership are:
- (a) The desire to find new ways to share risk.
 - (b) The ability to access new resources.
 - (c) To provide new and better ways of delivering services.
 - (d) To forge new relationships.
- E.5 A partner is defined as either:
- (a) An organisation (private or public) undertaking, part funding or participating as a beneficiary in a project,
- or
- (b) a body whose nature or status gives it a right or obligation to support the project.
- E.6 Partners participate in projects by:
- (a) Acting as a project deliverer or sponsor, solely or in concert with others.
 - (b) Acting as a project funder or part funder.
 - (c) Being the beneficiary group of the activity undertaken in a project.
- E.7 Partners have common responsibilities:

- (a) To be willing to take in a role in the broader programme appropriate to the skills and resources of the partner organisation.
- (b) To act in good faith at all times and in the best interests of the partnerships aims and objectives.
- (c) Be open about any conflict of interests that might arise.
- (d) To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors.
- (e) To hold confidentially any information received as a result of partnership activities or duties that is of confidential or commercially sensitive nature.
- (f) To act wherever possible as ambassadors for the project.

Key controls

E.8 The key controls for authority partners are:

- (a) If appropriate, to be aware of their responsibilities under the Council's financial regulations and contract procedural rules.
- (b) To ensure that risk management processes are in place to identify and assess all known risks.
- (c) To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.
- (d) To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.
- (e) To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Section 151 Officer

E.9 To advise on effective controls that will ensure that resources are not wasted.

E.10 To advise on the key elements of funding a project. They include:

- (a) A scheme appraisal for financial viability in both the current and future years.
- (b) Risk appraisal and management.
- (c) Resourcing, including taxation issues.
- (d) Audit, security and control requirements.
- (e) Carry-forward arrangements.

E.11 To ensure that the accounting arrangements are satisfactory.

Responsibilities of Strategic Directors, Assistant Chief Executive and Heads of Service / Corporate Managers

E.12 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Section 151 Officer.

- E.13 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Section 151 Officer.
- E.14 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
- E.15 To ensure that all agreements and arrangements are properly documented.
- E.16 To provide appropriate information to the Section 151 Officer to enable a note to be entered into the Council's statement of accounts concerning material items.
- E.17 Strategic Directors, the Assistant Chief Executive and Heads of Service / Corporate Managers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- E.18 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

Responsibilities of Strategy Committee

- E.19 The Strategy Committee is responsible for approving delegations, including frameworks for partnerships to the extent as provided for in the Constitution including Article 4 – Full Council and Article 7 Strategy Committee – Part B. The Strategy Committee will usually be the initial focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs (subject where appropriate to the approval of Full Council).
- E.20 The Strategy Committee can delegate various matters – including those relating to partnerships – to Officers. Further details of the delegated powers of the Strategy Committee can be found in Article 7 – Strategy Committee. Where functions are delegated, the Strategy Committee remains accountable for them to the Full Council.

External Funding

Why is this important?

- E.21 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private sector providers. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Key controls

- E.22 The key controls for external funding are:
 - (a) To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.

- (b) To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council.
- (c) To ensure that any match funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect those requirements . .

Responsibilities of the Section 151 Officer

- E.23 To authorise all applications and claims for external funding.
- E.24 To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- E.25 To ensure that the match funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- E.26 To ensure that audit requirements are met.

Responsibilities of Heads of Service / Corporate Managers

- E.27 To ensure that all applications and claims are authorised by the Section 151 Officer.
- E.28 To ensure that all claims for funds are made by the due date.
- E.29 To ensure that the project progresses in accordance with the agreed approach and that all expenditure is properly incurred and recorded.
- E.30 To report to Members as required.

Work for Third Parties

Why is this important?

- E.31 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a service to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.
- E.32 The Strategy Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies to the extent that its delegations allow (for further details see Article 7 – Strategy Committee).

Key controls

- E.33 The key controls for working with third parties are:
 - (a) To ensure that proposals are costed properly in accordance with guidance provided by the Section 151 Officer.
 - (b) To ensure that contracts are drawn up using guidance provided by the Section 151 Officer and that the formal approvals process is adhered to.

Responsibilities of the Section 151 Officer

- E.34 To issue guidance with regard to the financial aspects of the third party contracts and the maintenance of the contract register.

Responsibilities of Heads of Service / Corporate Managers

- E.35 To ensure that the approval of the Strategy Committee (or Full Council where appropriate) is obtained before any negotiations are concluded to work for third parties.
- E.36 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Section 151 Officer.
- E.37 To ensure the appropriate insurance arrangements are made.
- E.38 To ensure that the Council is not put at risk from any bad debts.
- E.39 To ensure that no contract is subsidised by the Council.
- E.40 To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- E.41 To ensure that the service has the appropriate expertise to undertake the contract.
- E.42 To ensure that such contracts do not impact adversely upon the services provided for the Council.
- E.43 To ensure that all contracts are properly documented.
- E.44 To provide appropriate information to the Section 151 Officer to enable a note to be entered into the statement of accounts.

Accountable Body

Why is this important?

- E.45 Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private sector providers. If the Council acts as accountable body for a project it needs to demonstrate the same high level of stewardship over the management of these funds .

Key controls

- E.46 The key controls for accountable bodies are:
 - (a) All responsibilities as an accountable body must be approved by the Section 151 Officer.
 - (b) All financial regulations will apply as if it were the Council's own funds, unless expressly agreed by the Section 151 Officer.

Responsibilities of the Section 151 Officer

- E.47 To approve all applications for the Council to act as Accountable Body.
- E.48 To approve any non application of Financial Regulations in relation to the Accountable Body.

Responsibilities of Heads of Service / Corporate Managers

- E.49 To ensure all Financial Regulations are enforced in relation to the Accountable Body funds.

Contract Procedural Rules

Financial Regulation F:

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Introduction

- F.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. This section should be read in conjunction with the Financial Regulations.
- F.2 These procedural rules set out the rules that must be followed when the Council purchases the supplies, services and works it needs to deliver services.
- F.3 The difference between supplies, works and services is explained in the Glossary of terms at the end of the Rules.
- F.4 The Rules apply to any contract that results in a payment being made by the Council as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council (known as concessions).
- F.5 The Rules also apply to the disposal of surplus goods.
- F.6 The Rules do not cover grants which the Council may receive or make (unless the grant is part of a contract for services). However, it will cover how we spend grant funding unless those supplying the grant specify otherwise.
- F.7 The Rules do not apply to the purchasing of property.
- F.8 If you are in any doubt about whether the Rules apply, you must always check with the Procurement Officer.
- F.9 The Council's "best value duty" is very important. It means that we must always consider how each procurement is consistent with the Council's duty to secure continuous improvement in what we do having regard to economy, efficiency and effectiveness. We therefore need to question whether we should be buying anything at all and if we do, whether we can do it best ourselves, or jointly, or rely on someone else to get better value.
- F.10 Government and EU public procurement policy require that the Council must permit, and be seen to be permitting, freedom of opportunity to trade with the Council and to be open and transparent about how we do things.

- F.11 If we fail in this duty, a supplier or contractor may have cause for a complaint against us, may be able to claim compensation and the contract may be cancelled.
- F.12 The most important principles are transparency, openness and fair competition. Whenever we are buying things for the Council we must always act to promote competition.
- F.13 Our Rules have three main purposes:
- (a) to comply with the obligations that govern the spending of public money such as the EU procurement regime;
 - (b) to obtain Best Value in the way we spend money, so that we may in turn offer better and more cost effective services to the public; and
 - (c) to protect people who follow the Rules.
- F.14 This document contains rules and refers to guidance. The Rules should be read alongside the Council's Procurement Guidance.

Context

- F.15 The Section 151 Officer is responsible for keeping the Rules under review and monitoring compliance.
- F.16 The European Union sets down (through a Treaty) the obligations on the Council when buying goods and services. The key principle is to ensure that everyone in the marketplace who could provide the goods, supplies, works or services to the Council is able to do so if they wish.
- F.17 If you are buying goods, works or services with a Total Value of £10,000 or more you must complete the Contract Strategy (Appendix A) and consult with the Procurement Officer before you start.

Before We Start

Who can buy goods and services

- F.18 The Head of Financial Services holds a list of financial limits and authorised signatories who can buy things for the Council. These limits must not be exceeded.
- F.19 Heads of Service / Corporate Managers must ensure that procurement is undertaken by authorised persons who can demonstrate skills and knowledge appropriate to the task. These people should already have delegated authority under the Council's Constitution, if not, then they need to be granted authority from the relevant person or body.

Defining the need

- F.20 Before starting a procurement process, we need to make sure that we have carefully identified the need and fully assessed the options for satisfying it. This should include what is required, if others also require it, either within the Council or other authorities and if similar purchases will need to be made in future. This will enable decisions about the most appropriate procurement options to be made.

- F.21 If following consideration of alternative buying solutions, a joint procurement or other form of collaborative procurement is to be used with another local authority, the conduct of the procurement should be on terms no less rigorous than the requirements of these Rules for any Council procurement.
- F.22 For procurements by our Council on behalf of the Dorset Procurement Partnership you must consult with the Procurement Officer.
- F.23 For major, specialist, higher value or important contracts for example, those which involve the transfer of Council employees to a contractor, a Private Finance Initiative (PFI) or Public Private partnership (PPP) arrangement, Heads of Service / Corporate Managers **must**:
- (a) seek a Member decision from the appropriate Committee as to whether tenders are to be invited under the Head of Service / Corporate Manager's recommended contract strategy;
 - (b) once tenders have been evaluated, must seek a further decision from the Members as to whether a contract is to be awarded and to whom;

Defining the Scope

- F.24 As a minimum, you must clearly and carefully specify the supplies, services or works to be supplied, the agreed programme for delivery and the terms for payment together with all other terms and conditions that are agreed. You also need to ensure that you will have the funds in the budget to pay for them.
- F.25 This means you must decide in advance of the competitive process the size, scope, and specification of the supplies, service or works required. If you are undertaking a joint procurement with another organisation, you must decide this scope with your partners first.
- F.26 You must refer to and abide by any other Council policies which could apply to what you want to buy. If in doubt, you must check with the Procurement Officer.

Calculating The Value

- F.27 The value of a contract means the estimated total monetary value over its full duration, including any extension options (**not the annual value**) and including the spend by all partners to the contract.
- F.28 To determine which procurement procedure should be followed the total value of the contract (in money or equivalent value) must be calculated as follows:
- (a) where the contract value is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (including for example, ongoing maintenance or support);
 - (b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months;
 - (c) Where the contract is for an uncertain duration by multiplying the monthly payment by 48;
 - (d) For feasibility studies: the value of the scheme or contracts which may be awarded as a result;
 - (e) For nominated suppliers and sub-contractors: the Total Value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.

F.29 We must never deliberately split the value of contracts.

F.30 We must calculate the value of the separate contracts of the same type over a 12 month period together for the purpose of determining which Band the contract falls into.

F.31 Wherever possible, the Council should make its purchases in the form of a single large procurement in preference to a series of smaller procurements. However a large procurement can be arranged into “lots”, for example geographically, with smaller contracts awarded if this promotes competition and/ or encourages Small and Medium Sized Enterprises (SMEs) to bid.

F.32 The thresholds at which the different rules apply are summarised in the table below

Band	Value	Competition Requirement	Documentation	Signatures
1	Up to £5,000	One Quote	Purchase Order with Standard Ts&Cs	Signature by Head of Service/ Corporate Manager
2	£5,001 to £10,000	Two Quotes	Purchase Order with Standard Ts&Cs or Form of Agreement approved by Legal Unit	Signature by Head of Service / Corporate Manager
3	£10,001 to £50,000	Three Quotes	Purchase Order with Standard Ts&Cs or Form of Agreement approved by Legal Unit	Signature by Head of Service / Corporate Manager
	£50,001 to EU Threshold	Tender – minimum of four	Minimum of four tenders following advert Form of Agreement approved by Legal Unit	Contract signed by any two of Strategic Director, Assistant Chief Executive or Chief Executive; Or 'For contracts valued over £100,000 a contract sealed in accordance with the Constitution

5	Over EU Threshold	EU Tender	EU Tender procedure – strict timescales apply Form of Agreement approved by Legal Department	Contract sealed in accordance with the Constitution
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F.33 If you do not receive the minimum number of quotes/ tenders required above then you must record the reasonable steps you have taken on the Contract Strategy and seek the approval of the Procurement Officer to proceed.

Contract Strategy

F.34 Once the need is determined, you must determine a contract strategy by which the supplies, works or services will be acquired. The Contract Strategy must be recorded using the standard template and for all procurements over £10,000 the strategy must be approved by the Procurement Officer.

F.35 This means taking a step back from the traditional procurement process and assessing the options particularly to the provision of services.

F.36 Under Best Value legislation, you must consider options for the delivery of supplies, works or services. The options for supplies, works or services are:

- (a) not buying the supplies, having the works done or providing the services at all;
- (b) providing the goods, works or services ourselves (for example, by taking surplus supplies from another department or using their staff);
- (c) getting someone else to provide the ongoing supplies, works or service (“outsourcing”/ provision by the private, voluntary, “third” sectors or another local authority or public body);
- (d) providing the supplies, works or services in partnership with someone else (with the private, voluntary, “third” sectors or another local authority or public body);
- (e) by commissioning jointly with another local authority; and / or
- (f) shared service delivery with another local authority ie by delegating our functions to another local authority, setting up a Joint Committee or setting up a new company to deliver the services for us or with other authorities jointly.

How We Buy the Goods and Services We Need

Band 1 – Low value transactions – up to £5,000

F.37 For transactions valued at or below £5,000 at least one written quotation must be obtained from a supplier before a formal purchase order is issued specifying the supplies, services or works and setting out prices and terms of payment unless a framework already exists.

F.38 If a framework already exists then you must use the framework and follow the procedure set out in that framework.

F.39 Your purchase order must contain the standard form of terms and conditions of contract between

the Council and the supplier. A quotation and a purchase order will create a legally binding contract. The purchase order is used to formalise the terms of the contract.

F.40 Emailed quotations are acceptable but copies must be retained on the relevant file.

Band 2 - Medium value transactions – between £5,000 and £10,000

F.41 For transactions valued over £5,000 but at or below £10,000, at least two written quotations must be invited before a purchase order or contract is issued, specifying the supplies, services or works and setting out prices, terms and conditions of contract and terms of payment.

F.42 If a framework already exists then you must use the framework and follow the procedure set out in that framework.

F.43 Your purchase order must contain the standard form of terms and conditions of contract between the Council and the supplier. If additional or alternative terms and conditions are required then an alternative Form of Agreement can be used provided it has been approved by the Legal Unit. A quotation and a purchase order will create a legally binding contract. The purchase order is used to formalise the terms of the contract.

F.44 Emailed quotations are acceptable but copies must be retained on the relevant file.

Band 3 – Intermediate value transactions – Between £10,000 and £50,000

F.45 For transactions valued over £10,000 but at or below £50,000, at least **three** written quotations must be invited before a purchase order or contract is issued, specifying the supplies, services or works and setting out prices, terms and conditions of contract and terms of payment.

FOR ALL CONTRACTS OVER £10,000 A CONTRACT STRATEGY MUST BE APPROVED BY THE PROCUREMENT OFFICER

F.46 The Contract Strategy must be approved by the Procurement Officer.

F.47 If a framework already exists then you must use the framework and follow the procedure set out in that framework.

F.48 Your purchase order must, as a minimum, contain the standard form of terms and conditions of contract between the Council and the supplier.

F.49 If additional terms and conditions are required an alternative Form of Agreement can be used provided it has been approved by the Legal Unit. A quotation and a purchase order will create a legally binding contract. The purchase order is used to formalise the terms of the contract.

F.50 Emailed quotations are acceptable but copies must be retained on the relevant file.

Band 4 – High Value transactions (Between £50,000 and EU threshold)

F.51 For transactions valued at over £50,000 but below the relevant EU threshold a formal tender process must be conducted in the manner outlined below.

F.52 The Contract Strategy must be approved by the Procurement Officer.

F.53 If there is no suitable Framework arrangement or Approved List the Officer must place an advert inviting tenders on the Contract Opportunities page of the Council's website (the advert may also be placed in appropriate publications or online portals).

F.54 Where a Framework arrangement exists tenders shall be invited from all capable contractors

having regard to the principles of Best Value and the call-off procedures of the framework.

F.55 Where tenders are to be invited the procedure to be followed must be determined prior to advertising and must be one of the following:

- (a) open tender (all interested contractors submit a tender in response to an advertisement);
- (b) restricted procedure (expressions of interest from interested contractors in response to an advertisement, with a selection of a minimum of four being invited to submit a tender) The Council's standard Pre-Qualification Questionnaire (PQQ) shall be used to shortlist from the response to adverts with the addition of tender specific questions as appropriate;
- (c) negotiated procedure (expressions of interest from interested contractors in response to an advertisement, with a selection of those contractors being invited to negotiate). Use of the negotiated procedure must be given prior written approval by the Procurement Officer; or
- (d) **A minimum of four** candidates should be invited to tender unless it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirement, in which case, subject to the written approval of the Procurement Officer, all suitably qualified candidates must be invited.
- (e) A reasonable period of time must be allowed for submission of the PQQ and also for the tender submission. A period of four weeks should be allowed for the PQQ and a further four weeks should be allowed for the ITT wherever possible. Any shorter time period must be approved by the Procurement Officer.

F.56 In addition, other steps must be taken as necessary to obtain adequate competition and value for money.

Band 5 - Transactions Over the EU threshold

F.57 For transactions valued over the relevant EU threshold for supplies, services or works, if there is no suitable Framework arrangement, a formal EU tender process must be followed.

F.58 A Contract Notice must be placed in the Official Journal of the European Union. Only **after** the Contract Notice has been published may the advert also be placed on the Contract Opportunities page of the Council's website and appropriate publications or online portals.

F.59 Where tenders are to be invited the procedure to be followed must be in accordance with the relevant European and UK Public Contract Regulations. Strict timescales apply and you must consult with the Procurement Officer at the outset of the project.

F.60 The Contract Strategy must be approved by the Procurement Officer.

F.61 Where a Framework arrangement exists, tenders shall be invited from all capable contractors having regard to the principles of Best Value and the call-off procedures of the framework.

Framework agreements

F.62 Framework agreements are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period for estimated quantities against which orders may be placed if and when required during the contract period. They offer benefits of bulk-buying, improved service and reduced administration and procurement costs over the period of the arrangement.

F.63 Wherever possible, a Council framework agreement should be used or a regional or national one such as those maintained by Dorset Procurement Partnership, the Government Procurement

Service or the “Pro 5” procurement group.

- F.64 The procurement of a contract that “calls off” a framework must be conducted in accordance with the processes laid down in the framework and a “mini-tendering” or “mini competition” exercise as set out in the framework shall be conducted.
- F.65 You must investigate whether call-off contracts or frameworks are relevant, open to the Council to use and that you can properly use them.
- F.66 If there is not a framework already in place then you must consider if it would be better value to set up a framework. This is likely where you are going to need to buy the same or similar things again in the future. Guidance on how to set up a framework is in the Procurement Guidance and you should liaise with the Procurement Officer.
- F.67 Where Framework contracts have been awarded for use by the Council (for example by another service, partner authority, or the Dorset Procurement Partnership) the Framework can be used regardless of the value of the call-off contract.
- F.68 A framework agreement may have the option for you to hold a “mini - competition” in which case you must invite to quote / tender all of the suppliers listed on the framework that are capable of providing what you need.
- F.69 A framework agreement arranged by the Dorset Procurement Partnership, the Government Procurement Service, SW Councils , Pro 5 Procurement consortium or other public sector organisation shall be exempt from the requirement to seek quotations and / or tenders in accordance with these Rules provided that the:
- (a) framework is open to the Council to use;
 - (b) contractual terms are agreed by the Legal Unit;
 - (c) call-off procedures and evaluation criteria laid down in the framework are followed for the call- off contract.
- F.70 The Officer shall certify and provide evidence of the above and submit to the Procurement Officer with the Contract Strategy for approval.
- F.71 Acceptance of tender rules still apply to this type of contract.
- F.72 You must place a Contract Award Notice in the Official Journal for the European Union when you award a contract “calling off” a framework when the total contract value is over the relevant EU threshold.

Electronic Procurement

e-Tendering

- F.73 The Council’s secure electronic tendering system shall be used where directed by the Procurement Officer.
- F.74 The e-Tendering enables the tendering process to be conducted via the internet. This process includes the advertisement of the requirement, document production, supplier registration, electronic delivery of documents between buyer and supplier, opening ceremony, evaluation of submissions and finally contract award and publication. There can be no submission of late tenders using the e Tendering system and the system will cut down the administrative costs of the Procurement and allows the timescales for the process to be shortened.

e-Auctions

F.75 An e-Auction is a reverse auction where suppliers bid against each other online for contracts against a published specification using secure internet-based technology. It is unlikely that the Council will need to purchase sufficient volume to make this a cost effective procurement route but, subject to approval by the Procurement Officer, there could be scope to participate in an e-Auction event run by another organisation, such as the Government Procurement Service.

F.76 Purchasing from auction based websites (such as EBay) is not permitted.

Concession Contracts

F.77 A Concession Contract is used where the Council wishes to engage a party to provide a service to the Council, for which the party supplier (“the concessionaire”) is given a right to charge the public for the services being provided instead of their being a financial payment between the Council and supplier.

F.78 You **must** consult the Procurement Officer and follow the appropriate rules for concession contracts. Where the concessionaire intends to sub-contract the performance of services the concessionaire may fall within the scope of the EU procurement rules. In all cases, where the concessionaire is procuring goods and/or services as a part of the concession contract, any procurement should be carried out in accordance with these Rules.

F.79 Advice from the Procurement Officer **must** be sought before engaging in any procurement relating to a concession contract.

The EU Directives

F.80 Contract values above which procedures governed by the EU Directives apply are currently (as at 1 January 2012) :

For supplies and services (including goods and consultancy services):	£173,934
For works:	£4,348,350

Please note that these thresholds are amended bi-annually in January and you must refer to the Procurement Officer to check the latest thresholds.

Procedures governed by the EU Directives

F.81 If your contract has a value over the EU threshold you must procure under the Public Contracts Regulations 2006 (as amended).

F.82 The Regulations contain provisions relating to submitting of notices and other documents electronically.

F.83 Your contract must be tendered under the Open, Restricted, Competitive Dialogue (for particularly complex contracts) or, in exceptional circumstances, the Negotiated procedure.

F.84 The EU Directives and UK Regulations are very long and only the principal requirements can be given here. If in doubt, refer to the Guidelines and advice should be sought from the Procurement Officer.

F.85 For each contract, except where indicated below, a Contract Notice must be published in the Supplement to the Official Journal of the European Union (OJEU). Advertisements published

additional (for example on the Council's website on an online portal) to this:

- (a) must not appear in any form before a Contract Notice is transmitted to OJEU; and
- (b) must not contain any information additional to that contained in the Contract Notice in OJEU.

F.86 Minimum timescales relating to tender procedures governed by the EU Directives are shown in the Guidance and these must always be followed.

F.87 Where a Prior Information Notice (PIN) announcing a forthcoming Contract Notice has been sent to OJEU between 52 and 365 days before the Contract Notice is sent, reduced timescales may apply.

Use of the Competitive Dialogue Procedure governed by EU Directives

F.88 Advice must be sought from the Procurement Officer at the earliest opportunity before commencing a tender process governed by EU Directives particularly when using either the Competitive Dialogue or the Negotiated Procedure.

F.89 Under EU Directives, the Competitive Dialogue Procedure may be used for contracts valued at or over EU thresholds in certain circumstances where:

- (a) we wish to award a particularly complex contract and think that the use of the open or restricted procedures will not allow the award of that contract; or
- (b) the contract is for a service and the precise nature of the service required cannot be clearly specified or accurately priced (eg some PFI or PPP contracts, bespoke software applications, insurance services, intellectual and artistic services).

F.90 The Negotiated Procedure should not now be used (except in very specific circumstances) for the procurement of particularly complex projects.

F.91 The Legal and Democratic Services Manager **must** give prior written approval to use the Competitive Dialogue or Negotiated procedures.

Receiving and opening tenders

Receipt

F.92 Every response to an invitation to tender for a transaction valued over £50,000 must be delivered in the tender envelope provided by the Council:

- (a) no later than the time specified for submission of tenders in the invitation to tender;
- (b) addressed to the Procurement Officer at the Council's main office address;
- (c) in hard copy (with a copy on CD ROM if required); and
- (d) with no labelling or other markings that identify the tenderer on the envelope.

F.93 Electronic tenders must only be received via the electronic tendering software system. To use the Electronic Tendering (e-Tendering) system you must contact the Procurement Officer for advice.

F.94 Faxed or emailed tenders must not be accepted.

F.95 Receipt of each Tender must be logged immediately upon receipt in the Tender Record Book and the envelope shall remain sealed and be noted with the date and time of receipt and the name and signature of the Receiving Officer. If received by post, receipt shall be undertaken by

officers dealing with the post, if received by hand, receipt shall be logged by the Customer Services Officer. Tenders shall be immediately passed to the Procurement Officer.

- F.96 The Officer must not disclose the names of candidates to any staff involved in the receipt, custody or opening of Tenders.
- F.97 The Procurement Officer must keep the tenders securely in a locked cabinet until the time specified for their opening. The opened tenders must be recorded in the Tender Record Book.
- F.98 The Procurement Officer must ensure that all Tenders are opened at the same time when the period for their submission has ended. The Project Officer or his representative must be present. Tenders must be opened in the presence of an officer representing the Chief Executive and an Officer from Financial Services. Invitations should also be sent to Internal Audit and the Section 151 Officer who may also wish to attend.

Irregular Tenders

- F.99 Where a tender has been received which is an Irregular Tender in that it does not fully comply with the instructions given in the Invitation to Tender documentation because it is received after the appointed time for receipt or contains a mark of identification, the Officer shall, **prior to opening any of the tenders**, submit a report to the Section 151 Officer giving details of the Irregular Tender.
- F.100 If, having considered that report, the Section 151 Officer considers that the tenderer who submitted the Irregular Tender has gained no advantage from its irregularity he may determine to accept the Irregular Tender and authorise that it be opened and evaluated together with any other tenders in accordance with this Regulation.
- F.101 The Section 151 Officer shall record in writing the reasons why each Irregular Tender has been accepted or rejected and sign and date the record. This record shall be kept with the Tender Record Book and a copy on the contract file.

Opening

- F.102 Upon opening, a summary of the main terms of each Tender must be recorded in the Tender Record Book and signed and dated by all officers present at the opening.
- F.103 Tenders shall be compared with an estimate prepared by officers to check whether they are unrealistically high or low.

Clarification Procedures and Post-Tender Negotiation

- F.104 Providing clarification of an Invitation to Tender to potential or actual candidates in writing or by way of a meeting may be permitted subject to the approval of the Procurement Officer. Care must be taken to ensure that no unfair advantage is gained by a candidate and questions and answers must therefore be circulated to all participants.
- F.105 If there appears to be an error in a bid or supporting information, the candidate must be invited to confirm or withdraw the bid. Where the error relates to the tender total as calculated from tendered rates and variable quantities, the bid will be regarded as the tender total bid and the rate adjusted accordingly. The tenderer will be invited to confirm or withdraw the bid and resulting rate.
- F.106 Where a procurement is conducted through either the open or restricted procedures no post tender negotiations are permitted.
- F.107 Where a Negotiated Procedure has been used and post-tender negotiation has been entered

into, all tenderers should be invited to submit their best and final offers at the conclusion of negotiations under the same procedure as for the receipt and opening of tenders above. In this case, the best and final offers should be evaluated by revisiting the objective scoring process and revising scores as appropriate.

Evaluating tenders

- F.108 Where written quotations are invited for contracts valued at or below £50,000 then the bidder submitting the lowest price compliant bid must be awarded any resulting contract, **unless** alternative pre-determined criteria are detailed in the document used to invite bids awarded on that basis.
- F.109 For contracts valued over £50,000 and for all contracts governed by EU Directives, a more complex Best Value tender evaluation procedure based on the identification of the Most Economically Advantageous Tender ("MEAT") should be used. There are some situations, however, where MEAT will not be an appropriate method of evaluation - usually where the only discerning factor between products and/or solutions will be that of price (eg where you are buying stationery or other standard items). It is unlikely that providers for Services or Works could be selected on price alone as these will often require more quality based evaluation techniques. While criteria for evaluation is at the discretion of the Council care needs to be taken that using a lowest price method of evaluation rather than using MEAT is appropriate for the procurement.
- F.110 This evaluation involves scoring tenders objectively by a panel of two or more Officers and/or independent experts using criteria which must:
- (a) be pre-determined and listed in the invitation to tender documentation in order of importance;
 - (b) be strictly observed at all times throughout the tender process;
 - (c) reflect the principles of Best Value;
 - (d) include price;
 - (e) consider whole-life costing, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account;
 - (f) be capable of objective assessment;
 - (g) be weighted according to their respective importance;
 - (h) for restricted procedures, must not include criteria which have already been assessed at the shortlisting (PQQ) stage;
 - (i) include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE);
 - (j) include, where applicable, the quality of the tenderer's proposals to consider corporate objectives such as sustainability, third sector, SMEs and ethical purchasing; and
 - (k) avoid discrimination or perceived discrimination on the basis of age, gender, ethnicity, religion/belief, disability or sexuality or other protected characteristics or cause contrary to

any of the Council's policies.

- F.111 Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, ie the tender that achieves the highest score in the objective assessment.
- F.112 The Officer must prepare a report to include the allocated scoring and reasons and recommendation. The report should be submitted with the Contract strategy to the Procurement Officer for approval prior to the contract being awarded.
- F.113 Following the opening of tenders, the lowest or most economically advantageous tender may be accepted as follows:-

Contract Value	Authorised to Accept Tender
Up to £100,000	Head of Service / Corporate Manager
Over £100,000 but not exceeding £1,000,000	Head of Service / Corporate Manager and Strategic Director / Assistant Chief Executive
Over £1,000,000	Strategy Committee.

Awarding contracts and Audit Trails

- F.114 The results of the shortlisting evaluation process and tender evaluation process must be recorded in writing.
- F.115 For all transactions valued at or over £10,000, brief details must be passed to the Procurement Officer using the Contract Strategy (Appendix A) and details of the contract, including the Officer responsible for managing the contract, must be recorded on the Contract Register.
- F.116 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award. The officer must confirm that the appropriate procurement procedures have been followed and the appropriate funds are in place by completing the Contract Strategy and submitting it with the contract when it is presented to the authorised signatory for signing. This form must be approved by the Procurement Officer and copied to the Legal Unit.
- F.117 Heads of Service / Corporate Managers should ensure that proper records of all procurement activity are kept on a contract file for six years (or twelve years if the contract is sealed) after the end of the contract. However documents which relate to unsuccessful candidates may be microfilmed or electronically scanned or stored by some other suitable method after 12 months from award of contract, provided there is no dispute about the award.
- F.118 Copies of contract documentation for any contracts procured by the Dorset Procurement partnership, or other collaborative partner, must be retained on the contract file to enable effective contract management and a copy passed to the Legal Department for safekeeping.
- F.119 All original contract documentation must be passed to the Legal Unit for safekeeping.

Standstill Period (for all contracts over £50,000 - Bands 4 & 5)

- F.120 For all contracts tendered under EU Directives, and call – offs from a framework with a value

over the EU threshold, a 'standstill period' must be observed between the decision to award and contract conclusion.

- F.121 For all contracts tendered over £50,000 but below the EU threshold it is recommended that a 'standstill period' be observed between the decision to award and contract conclusion. Any decision not to include a standstill period must be approved by the Procurement Officer.
- F.122 Once the decision to award a contract is made, each tenderer must be notified in writing on the outcome of the tender process. This notification must include:
- (a) details of the contract award criteria;
 - (b) where practicable the score the tenderer obtained against those award criteria;
 - (c) where practicable the score the winning tenderer obtained;
 - (d) the name of the winning tenderer;
 - (e) the relative characteristics and advantages of the winning tender; and
 - (f) all other legal requirements
- F.123 There must be a minimum of 15 calendar days between the dispatch of this notification and the conclusion of the contract. This time period can be reduced to 10 calendar days if notification is by electronic means.
- F.124 Special rules apply where a tenderer requests a debrief on the tender process. Even if a tenderer asks for a debrief outside of the standstill period we are still obliged to provide this. In this instance, advice must be sought from the Procurement Officer at the earliest opportunity.
- F.125 The contract documentation must be completed and signed before the contract commences. Only with the prior written approval of the Legal Unit should the contract be commenced without the contract documentation having been signed and completed.

Contract Award Notice

- F.126 All contracts awarded under EU Directives, including a call off contract from a framework where the total value of the call off has a value over the relevant EU threshold, must be announced by means of a Contract Award Notice in OJEU published no later than 48 calendar days after the date of award.

Conditions of contract

- F.127 All transactions must use an appropriate form of contract approved by the Legal Unit.
- F.128 For all contracts for services where the services are of an unusual or complex nature, including PFIs or PPPs, the Legal Department must be consulted to produce a suitable set of conditions of contract before inviting tenders.
- F.129 Where a contract is considered to be of a strategically important or politically sensitive nature or where the extended limitation period would be of value, the contract must be in writing and executed under seal.
- F.130 The Legal Unit must:
- (a) keep a record or list of all model sets of conditions of contract that gives details of when the conditions were last updated, who is responsible for their updating and contact references;
 - (b) review all current conditions of contract, at least every 2 years, or when new legislation is

- introduced;
- (c) monitor and review conditions of contract issued by other organisations from time to time;

F.131 The Procurement Officer will maintain the Council's contract register and make it available to the public on the Council's internet;

Parent Company Guarantees and Performance Bonds

F.132 The person buying for the Council must consult the Section 151 Officer and Procurement Officer on all tenders where the total value exceeds £100,000 to determine if a bond, parent company guarantee or other security is required.

Disposal of Assets

F.133 Heads of Service / Corporate Managers are responsible for the disposal of their own surplus goods. The same competitive process for buying supplies, services and works must also be applied to the disposal of surplus goods. Separate arrangements are in place for land and property disposals.

F.134 If you are in any doubt, professional advice must be sought when making valuations.

F.135 Assets for disposal must be sent to public auction except where better value for money is likely to be obtained by inviting sealed bids. You must consider the full cost of the process and the commission payable before deciding which method of disposal is appropriate.

F.136 When inviting sealed bids to dispose of surplus assets (other than land and property) the process is determined as follows:

Total Value	Procedure
Up to £100	one written bid
£100.01 to £10,000	three written sealed bids
£10,000.01 to £75,000	four written sealed bids
£75,000.01 and above	Invitation to Tender to at least four candidates

F.137 The highest value unconditional bid received should be accepted unless, in the view of the Section 151 Officer, a conditional bid offers better value to the Council.

F.138 Officers dealing with the disposal of land should consult with the Legal Department.

Exemptions from the Rules

F.139 Exemptions from these Rules must be obtained in advance in accordance with the following procedure. Exemptions must not be used as a means of avoiding tendering procedures in circumstances where there is a genuine market which may achieve financial or service economies.

F.140 An exemption **cannot** be given for a contract where the Total Value exceeds the relevant EU

threshold (for more information see F.80).

- F.141 An exemption may be agreed by the Section 151 Officer if s/he is satisfied after considering a written report using the Contract Exemption Form signed by the Service Manager and approved by the Procurement Officer that the exemption is justified on at least one of the following grounds:
- (a) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable because the contract can only be performed by **one specialist contractor**; or
 - (b) the contract is for works, supplies or services that are required in circumstances of **unforeseeable extreme urgency**. However, this does not apply to cases where the time constraints are due to a failure to plan properly; or
 - (c) if there is a clause in the existing contract providing for an **extension**, the extension is relevant to the existing contract and a change of supplier would cause
 - disproportionate technical difficulties; or
 - diseconomies; or
 - significant disruption to the delivery of council servicesthen a contract can be extended for up to 12 months. Any extension of term must not exceed the total advertised value of the contract.
- F.142 A record of the decision approving an exemption and the reasons for it must be kept with the Contract Strategy and an entry made on the contract register.
- F.143 Any exemptions granted for more than one year must be reviewed annually and either reconfirmed or amended.
- F.144 You must still follow the remainder of these Rules even if you are granted an exemption from the competitive requirements. If you do not follow the Rules and enter into a contract on behalf of the Council / partnership this could be a disciplinary offence.
- F.145 The Head of Financial Services must hold a complete record of all exemptions.

Transfers of Contracts

- F.146 In appropriate circumstances following consultation with the Procurement Officer and approval by the Section 151 Officer, the Council may agree to transfer a contract. The Contract Register must be updated with the transfer details.

Conflicts of Interest

- F.147 Any interest which may affect the award of a contract under these Rules must be declared. Every Officer must make a written declaration of interests and update it immediately when an interest changes.
- F.148 The Corporate Manager – Legal in consultation with the Monitoring Officer must either certify such interests as being acceptable or take any necessary action in respect of potential conflicts of interest and the officer should take no part in the award of a contract by the Council.

F.149 No gifts or hospitality should be accepted from any tenderers to any contract being let by the Council and to do so is a disciplinary offence. You must inform the Section 151 Officer and Procurement Officer if you are dealing with a contract for the Council and have been offered such a gift or hospitality.

F.150 No Council contract shall be used by officers for personal use.

Variations

F.151 Contracts must not be extended or varied without consulting the Procurement Officer. Any variation to the contract must be recorded in writing and stored with the original contract documentation.

Contract formalities

F.152 Contract documentation shall be completed in accordance with the Council's Constitution.

F.153 Officers must ensure that all contract documents are passed to the Legal Unit for safekeeping.

F.154 The officer must ensure that where appropriate contract details are notified to the Insurance Officer prior to the commencement of any new contract.

F.155 Subject to F.152 above, a contract must be sealed where:

- (a) The Council may wish to enforce the contract more than six years after its end; or
- (b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- (c) Where there is any doubt about the authority of the person signing for the other contracting party; or
- (d) The Total Value exceeds £100,000.

Post Contract Monitoring and Evaluation

F.156 During the life of the contract the Officer must monitor and make a record on the contract file in respect of:

- (a) Performance;
- (b) Compliance with specification and contract;
- (c) Cost;
- (d) Any value for money requirements;
- (e) User satisfaction and risk management.

F.157 A copy of any variation approved in accordance with F.151 above must be placed on the contract file and with the original contract documents.

F.158 Any failure to meet the specification must be reported to the service manager immediately.

Prevention of Corruption

F.159 The Officer must comply with the Constitution and must not invite or accept any gift, hospitality or reward in respect of the award or performance of any contract. If any gift, hospitality or reward is offered or received the Officer must immediately notify a Strategic Director / Assistant Chief

Executive and the Corporate Manager – Legal.

F.160 It will be for the Officer to prove that anything received was not received corruptly.

F.161 High standards of conduct are obligatory. Corrupt behaviour may lead to dismissal and is a crime under the statutes referred to in Regulation F.163.

F.162 The Officer must immediately notify the Section 151 Officer and Corporate Manager – Legal if s/he becomes aware of any personal interest or relationship to any candidate.

F.163 A clause to the following effect must be put in every written council contract:

- The council may terminate this contract and recover all its loss if the contractor, its employees or anyone acting on the contractor's behalf do any of the following things:
 - (a) Offer, give or agree to give to anyone any inducement or reward in respect of this or any other council contract (even if the contractor does not know what has been done); or
 - (b) Commit an offence under the Prevention of Corruption Acts 1889 to 1916, the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or
 - (c) Commit any fraud in connection with this or any other council contract whether alone or in conjunction with council members, contractors or employees.

Any clause limiting the contractor's liability shall not apply to this clause.

Procurement by Consultants

F.164 Any consultants used by the Council will be appointed in accordance with these Contract Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Head of Service / Corporate Manager / Strategic Director / Assistant Chief Executive will ensure that the consultants are provided with a copy of these Procedural Rules and that they carry out any procurement in accordance with them. No consultant will make any decision on whether to award a contract or who a contract should be awarded to. The Project Officer will ensure that the consultant's performance is monitored.

F.165 Any consultant who has been appointed to seek tenders on behalf of the Council as all or part of their duties will comply with these procedural rules and will act as the Head of Service / Corporate Manager unless an Officer has been appointed to do so in accordance with the High Value Procurement Rules.

Income Generation Opportunities

F.166 The thresholds outlined in F.32 will apply to income generation opportunities such as licences and concessions.

F.167 New, innovative proposals may be given a contract for a maximum of 2 years before testing the market, where the proposed sum is below the EU threshold.

Other Relevant Documents

ARTICLE I. Financial Management Strategy

ARTICLE II. Financial Strategy

ARTICLE III. Medium Term Financial Plan ARTICLE IV. Medium Term Capital Plan ARTICLE V.

Risk Based Level Of Balances ARTICLE VI. Risk Management Strategy ARTICLE VII.

Anti Fraud And Corruption Strategy ARTICLE VIII. Annual Audit Plan

ARTICLE IX. Scheme Of Constitution

ARTICLE X. Asset Management Plan

PART E

**GUIDANCE
AND
PROTOCOLS**

WEST DORSET DISTRICT COUNCIL

**CODE OF CONDUCT FOR COUNCILLORS
AND CO-OPTED MEMBERS**

Introduction

1. The Council has a duty under Section 27(1) of the Localism Act 2011 to promote and maintain high standards of conduct by its Members and co-opted Members.
2. Under Section 27(2) of the Localism Act the Council in discharging this duty must adopt a Code of Conduct dealing with the conduct that is expected of Council Members and co-opted Members when acting in that capacity (i.e. conducting the business of and representing the Council).
3. This Code was adopted by the Council on the 5th day of July 2012.
4. To comply with Section 28(1) of the Localism Act the Code must be viewed as a whole to be consistent with the principles set out in Appendix A (these include the specific seven principles set out in the Act).
5. In addition to all of the Council's policies protocols and other procedures relating to the conduct of Members they must also comply with the following.
6. (1) You must treat others with respect.
(2) You must not –
 - (a) do anything which may cause your Council to breach any of the equality enactments;
 - (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 member (including yourself) has failed to comply with his or her authority's 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, your council.
7. You must not –

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

(i) you have the consent of a person authorised to give it;

(ii) you 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 –

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the council; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

8. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute.

9. You –

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your council –

(i) act in accordance with your council's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

10. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –

(a) your council's chief finance officer; or

(b) your council's monitoring officer,

whether that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

11. The Council's Monitoring Officer is required under Section 29 of the Localism Act to establish and monitor a register of members interests. Members must notify the Monitoring Officer of the following interests to be entered in the Council's Register. (see Appendix D)
12. Disclosable Pecuniary Interests – This is an interest prescribed in Regulations made by the Secretary of State under Section 30(3) of the Localism Act and set out in Appendix B.
13. Disclosable interests other than Pecuniary Interests and Hospitality & Gifts – Detailed information about these interests must be disclosed and are set out in Appendix C.
14. Any complaint received by the Monitoring Officer alleging misconduct by a Member under the Code will be considered by the Council's Standards Committee in accordance with arrangements under Section 28(6) of the Localism Act.
15. This Code will be kept under review by a Committee with a scrutiny roles which will make recommendations to the Council of any revisions to the Code as it considers necessary from time to time.
16. To the extent it is permitted by law, the Chief Executive may upon receipt of a written request grant a dispensation in relation to a restriction against participation / voting arising under the Member Code of Conduct in accordance with such procedure as the Monitoring Officer may from time to time adopt for this purpose (if any).

APPENDIX A

THE 10 GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honest and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully for example against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership and by example, and should always act in a way that secures or preserves public confidence.

APPENDIX B

DISCLOSURE BY MEMBERS OF PECUNIARY INTERESTS THE RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

1. In these regulations -

“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;

“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.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of section 30(3) of the Localism Act 2011 are the interests specified in the Schedule to these Regulations.

SCHEDULE

<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	<p>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.</p> <p>This includes any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a).</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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</p>

APPENDIX C

DISCLOSURE BY MEMBERS OF OTHER INTERESTS, HOSPITALITY & GIFTS, POSITIONS OF CONTROL OR MANAGEMENT (NON PECUNIARY INTERESTS)

The Member shall declare membership of or hold position of general control or management in the following bodies:

- (i) Bodies to which they have been appointed as a representative of West Dorset District Council
..... Parish Council / Town Council:
- (ii) Public authorities or bodies exercising functions of a public nature:
- (iii) Companies, industrial and provident societies, charities or bodies directed to charitable purposes:
- (iv) Bodies whose principal purposes include the influence of public opinion or policy:
- (v) Trade unions or professional associations:

DECLARATION OF GIFTS & HOSPITALITY

The Member must reveal the name of any person or organisation from whom they have received a gift or hospitality with an estimated value of at least £50 which they have received in their capacity as a member of the Local Authority.

The Details required are:

Date / Receipt of Gift / Hospitality

Name of Donor

Reason and Nature of Gift / Hospitality

APPENDIX D

DISCLOSURE OF INTERESTS AND REGISTRATION OF MEMBERS INTERESTS

Disclosure of interests

If you as a member or co-opted member of the District Council are present at a meeting of the full District Council, any Committee, Sub Committee, Joint Committee or the Executive and have a disclosable pecuniary interest in any matter to be considered you must:-

- If the interest is not entered in the District Council's register, disclose the interest to the meeting (subject to the provisions on sensitive interests below).
- If the interest is not entered in the District Council's register and is not the subject of a notification already made to the Monitoring Officer, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- You may not participate in any discussion of the matter at the meeting or participate in any vote taken on the matter at the meeting (unless you have obtained a dispensation).
- The District Council is adopting a procedure rule (Standing Order) to provide for the exclusion of a member or co-opted member from a meeting while any discussion or vote takes place in which you may not participate.

In accordance with the Localism Act 2011, an offence is committed if without reasonable excuse you fail to comply with any of the obligations regarding members' interests. An offence is also committed if you provide information that is false or misleading (knowingly or recklessly as to whether the information is true). The offence can be prosecuted by or on behalf of the DPP and can attract, if there is a conviction, a fine not exceeding level 5 on the standard scale.

Registration of members' interests

(1) The Monitoring Officer must establish and maintain a register of both disclosable pecuniary interests and non-pecuniary interests of members and co-opted members of the District Council. This will be made available for inspection at all reasonable hours and be published on the website. A member or co-opted member of the District Council must, before the end of 28 days from the day they become a member, notify the Monitoring Officer of any disclosable pecuniary interests or non-pecuniary interests existing at that time. You, as a member, have a disclosable pecuniary interest if it is of a description specified in the Regulations and is either:-

- Your interest or an interest of:-
 - Your spouse or civil partner;
 - A person with whom you are living as husband and wife; or
 - A person with whom you are living as if you are civil partners and you are aware of that other person's interest.

(2) You as a member have a disclosable non-pecuniary interest if it is of a description specified in Appendix C.

(3) You are required to provide notice in writing (this will include an e-mail) to the Monitoring Officer who will acknowledge receipt in writing and confirm that the interest is being entered into the register.

Sensitive interests

Where a member or co-opted member of the District Council has an interest (whether or not it is a disclosable pecuniary interest) and the nature of the interest is such that the member and the Monitoring Officer consider the disclosure could lead to the member or a person connected with the member 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 and if there is a need to disclose the interest at a meeting, the disclosure is limited to a statement that the member has a disclosable pecuniary interest, but without further details being given.

**Member
Complaint
Process**

The Code Of Conduct Complaints Process

Interpretation

Reference to:

- (a) "the Monitoring Officer" shall mean the person appointed to the post of Monitoring Officer or any other officer nominated by him to undertake code of conduct complaints
- (b) "Head of Paid Service" shall mean the person(s) appointed to the post of head of paid service or any other officer nominated by him to undertake determinations relating to code of conduct complaints
- (c) "Complaint" means a complaint received by the Council in relation to the Council's Member Code of Conduct or any other complaint relating to a councillor of a town or parish council which the Monitoring Officer considers to relate to that council's adopted code of conduct

Procedure

1. New Complaint arrives.
2. If the Complaint is considered by the Monitoring Officer to be relevant to the appropriate code of conduct the Monitoring Officer shall usually notify both the complainant and the person the subject of the complaint; provided that in the event that the Complaint relates to a matter that might give rise to a criminal prosecution including in particular disclosable pecuniary interests, then the Complaint will be normally be referred to the police for possible investigation.
4. The Head of Paid Service shall determine if the Complaint is to be investigated. For the purposes of determining whether a Complaint should be investigated the Head of Paid Service may in particular take into account whether the Complaint is considered frivolous or vexatious and/or whether the matter is being referred to the police.
5. Where the Complaint is to be investigated, the Monitoring Officer shall investigate and prepare a report (only the complainant and relevant party complained of will normally be interviewed).
6. A draft of the report with recommendation shall be sent to the parties and the Independent Person for comments and the Chairman of Full Council, or if the Monitoring Officer considers this might be inappropriate having regard to the Complaint / the Chairman is unavailable, then to either of the leader of the largest political party of the Council or the leader of the second largest political party (as the Head of Paid Service considers appropriate), or if the Monitoring Officer considers that neither of these would be appropriate / are unavailable then such other Member as the Monitoring Officer identifies; for comments. The Monitoring Officer shall determine the appropriate process and appropriate timescale for responses to be provided.
7. The final report shall be submitted to the Head of Paid Service for decision. No right for further comment after submission of the final report will normally be available.
8. There shall be no right to make oral or direct representations to the Head of Paid Service. The Head of Paid Service may allow a mechanism for oral or direct representation to him but only if first recommended by the Monitoring Officer.

9. The Head of Paid Service shall determine the Complaint. There shall be no automatic right of appeal against the decision of the Head of Paid Service. In exceptional circumstances only, the Monitoring Officer after considering written representation and after consultation with the Head of Paid Service may direct an appeal should take place against the decision made. In such rare cases, the appeal will be heard by another member of the Strategic Leadership Team. The process of any appeal will be the same as that for the original Complaint. The outcome of any appeal will be final.
10. A letter shall be sent to the complainant and person, the subject of the complaint, with confirmation of the decision and whether a sanction is to be imposed. In the event of a breach of the Code being determined against a Member, the sanction may include that Member being asked to apologise to the complainant in writing. In relation to a complaint relating solely to Parish/ Town Council councillor, if the Chief Executive decides there has been a breach of the Code the case at that point will be referred back to the Town or Parish Council to decide whether any sanction should be imposed against the Councillor concerned.
11. No press notice will normally be issued in relation to a decision but a copy of the decision notice will be placed on DorsetForYou. The Head of Paid Service may as a consequence of a decision refer the matter to Full Council or such other body/ person as s/he considers relevant with such recommendation as s/he considers appropriate.
12. The timetable for undertaking an investigation in relation to a complaint under this process will normally be 60 working days. The Monitoring Officer will usually seek to advise the complainant in writing in the event that this time may be exceeded.

**Officer and
Member
Protocol**

Introduction and Principles

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.5 This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.6 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and any guidance issued by the Monitoring Officer.

The Relationship: General Points

- 2.1 Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees.
- 2.2 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 2.3 Inappropriate relationships can be inferred from language/style. To protect both Members and Officers, Officers should address Members as 'Councillor XX' save where circumstances clearly indicate that a level of informality is appropriate.

- 2.4 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels s/he has not been treated with proper respect, courtesy, or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, s/he should raise the matter with the a relevant Manager, Head of Service or Corporate Manager who will then look into the facts and report back to the Member. If the Member continues to feel concern, then s/he should report the facts to the Strategic Director / Assistant Chief Executive who heads the Directorate concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Employment and Disciplinary Procedure Rules.
- 2.5 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Section or Directorate at or in a manner that is incompatible with the overall objectives of this Protocol.
- 2.6 Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member, s/he should raise the matter with his/her Manager, Strategic Director / Assistant Chief Executive or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Manager, Strategic Director / Assistant Chief Executive or Chief Executive will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer.

The Relationship: Officer Support to Members: General Points

- 3.1 Officers are responsible for day-to-day managerial and operational decisions within the Council and will provide support to all Councillors in their areas.
- 3.2 Certain statutory officers – the Chief Executive, the Monitoring Officer and the Section 151 Officer – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 3.3 The following key principles reflect the way in which the Officers generally relate to Members.
 - all Officers are employed by, and accountable to the authority as a whole;
 - support from Officers is needed for all the Council's functions including Full Council, Overview and Scrutiny, individual Members representing their communities etc;
 - day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive and other Officers; and
 - all Officers will be provided with training and development to help them support the various Member roles effectively and to understand the new structures.

- 3.4 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the Officer, rather than the Member or Members, who takes the action and it is the Officer who is accountable for it.
- 3.5 Finally, it must be remembered that Officers within a Directorate are accountable to their Manager and their Strategic Director / Assistant Chief Executive and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Manager or Strategic Director / Assistant Chief Executive.

The Relationship: Officer Support: Members and Party Groups

- 4.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.
- 4.2 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 4.3 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 4.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
 - 4.4.1 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
 - 4.4.2 party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - 4.4.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 4.5 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Member Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, Officers may not attend and/or give advice to such meetings.

- 4.6 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 4.7 Whilst any Member may ask a relevant Manager, Strategic Director/ Assistant Chief Executive or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, e.g., employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Corporate Manager – Legal (or such other Officer as he may nominate for such a purpose) or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, s/he should raise the matter in the first place with the relevant Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 4.8 In relation to budget proposals:
- (a) the Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - (b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 4.9 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 4.10 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

The Relationship: Officer Support: Overview and Scrutiny

- 5.1 It is not Overview and Scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it usually the role of Officers to become involved in what would amount to disciplinary investigations on behalf of a Council body. In most cases, this is the Chief Executive's function alone in relation to staff and the Monitoring Officer's role as regards the conduct of Members. This means:
- Overview and Scrutiny's questioning should be used to establish the facts about what occurred in the making of decisions or in the implementation of Council policies. However, questioning should not be directed towards the conduct of individual Members with the intention of allocating criticism or blame;
 - In these circumstances, it is for the Chief Executive to institute a formal enquiry, and Overview and Scrutiny may ask (but not require) him to do so.

- 5.2 Overview and Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure, and external/statutory, e.g. Local Government Ombudsman or appeal to the Courts. That said,
- Overview and Scrutiny may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
 - they can comment, however, on the merits of a particular policy affecting individuals.
- 5.3 It would be unfair to invite someone to appear before an Overview and Scrutiny Committee without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Overview and Scrutiny ought to provide written questions ('Indicative Topics') beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Overview and Scrutiny Committee had previously indicated.
- 5.4 Further information in relation to the exercise of functions by the Overview and Scrutiny Committee can be found in the Overview and Scrutiny Procedure Rules in Part B of this Constitution.

Support Services to Members and Party Groups

- 6.1 The only basis on which the Council can lawfully provide support services (e.g., stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their public duties as elected members. Such support services should never be used for private purposes or in connection with party political activity other than the business of recognized political groups within the Council.

Members' Access to Information and to Council Documents

- 7.1 Members are to have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. 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. Such approaches should normally be directed to the Manager or another senior Officer of the Directorate concerned. In cases of doubt, Members should approach the Corporate Manager - Legal for assistance.
- 7.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a restricted item on the agenda for a meeting. The items in question are those which contain confidential or exempt information, e.g. relating to employees, occupiers of Council

property, applicants for grants and other services, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

- 8.4 The common law rights of Members remains intact, are much broader and are based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Members to properly perform his/her duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 8.6 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that s/he has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and 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 the particular Manager whose Directorate holds the document in question (with advice from the Legal Services Unit). In the event of dispute, unless the law otherwise requires the question shall be determined by the Strategy Committee
- 8.7 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature are either not accessible to Members or are accessible only by the political group forming the administration and not by other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the disclosure of which prematurely might be against the Council's and the public interest.
- 8.8 Whilst the term 'Council document' is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 8.9 Further advice regarding Members rights to inspect Council documents are contained in the Access to Information Procedure Rules in Part B of this Constitution.
- 8.10 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is covered by paragraph 7 of the Member Code of Conduct in relation to confidential documents:

'You must not –

disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;

- (c) 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
- (d) the disclosure is –
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the Council.

Correspondence

- 9.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 9.2 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 limited circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of a Portfolio Holder or the Leader, but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member

Publicity and Press Releases

- 10.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors and council tax payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 as amended which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as s/he thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 10.3 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should initially seek advice from the Communications Unit who will refer the matter to the Legal Services Unit, if

necessary/appropriate. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Legal Services Unit and / or the Monitoring Officer as appropriate.

Involvement of Ward Councillors

- 11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should 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 notified at the outset of the exercise. More generally, Officers should consider whether other policies or briefing papers, should be discussed with relevant Ward Members.

Conclusion

- 12.1 Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.
- 12.2 Questions of interpretation of this Protocol will be determined by the Corporate Manager - Legal and Monitoring Officer.

PROTOCOL – MONITORING OFFICER

1. The Monitoring Officer undertakes to discharge his responsibilities outlined in this paper with determination and a manner which will enhance the reputation of the Council. In general terms his ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of the information and access to debate particularly at early stages.
2. The following arrangements and understandings between Monitoring Officers and colleagues and members are designed to help ensure the effective discharge of their functions:
 - (a) If not a member of the Senior Leadership Team, the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak.
 - (b) Advance notice of meetings whether formal or informal between Chief Officers and Committee Chairmen will be given to the Monitoring Officer where any procedural, vices or other Constitutional issues are likely to arise.
 - (c) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vices and Constitutional issues.
 - (d) The Monitoring Officer or his staff will have copies of all the reports to members to the extent that s/he so requires.
 - (e) The Monitoring Officer is expected to develop good liaison and working relations with the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
 - (f) The Monitoring Officer will have a special relationship with the Chairman of the Council, Overview and Scrutiny Committee and will ensure the Head of Paid Service and Section 151 Officer have up-to-date information regarding emerging issues.
 - (g) The Head of Paid Service, Section 151 Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
 - (h) In carrying out any investigation (whether under regulations or otherwise) the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
 - (i) The Monitoring Officer will have control of a budget sufficient to enable him to seek Counsel's opinion on any matter concerning their functions.
 - (j) To the extent that s/he cannot make changes pursuant to his / her delegated powers, the Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes.
 - (k) In consultation with the Chairman of Council the Monitoring Officer may defer the making of a formal report under section 5 LGHA 1989 where another investigative body is involved.

- (n) The Monitoring Officer will if s/he considers it necessary, submit a report to the Council from time to time as necessary on the staff, accommodation and resources s/he requires to discharge his or her functions.
- (o) The Monitoring Officer will appoint one or more deputies and keep him or her briefed on emerging issues.
- (p) The Monitoring Officer will make arrangements to ensure good communication between their office and Clerks to Parish Councils.

CODE OF CONDUCT FOR EMPLOYEES

1. Introduction

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

2. Who is the Code aimed at?

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

3. General Obligations

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

4. Standards

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

5. Disclosure of Information

- 5.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Councils of the DCP will generally wish to also be open about a variety of other types of information.
- 5.2 However, employees should not unless the information is already in the public domain knowingly disclose personal or financial information about any other person, which they obtain in the course of their duties to the Councils of the DCP, unless when dealing with that disclosure it is in accordance with existing legislation such as Data Protection and Freedom of Information.
- 5.3 Employees should respect the confidentiality of reports which are marked “Exempt” or “Confidential”, and any other information which they receive under an obligation of confidence.
- 5.4 Employees should not use any information obtained in the course of their employment for personal gain or benefit. Nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from an elected Member which is personal to that Member and does not belong to the authority for which that Member is an elected representative should not be divulged by the employee to external parties without the prior approval of that elected Member, except where such disclosure is required or sanctioned by the law.

6. **Political Neutrality**

- 6.1 Employees should seek to serve the Councils of the DCP as a whole. It follows that they must serve all elected Members and not just those of any controlling group.
- 6.2 Employees should not, in the course of their employment, attend meetings of political groups, unless their attendance has been specifically authorised by the Chief Executive or any other member of the Senior Leadership Team. They should take care not to compromise their political neutrality.
- 6.3 Some employees occupy posts which are “politically restricted”, under the provisions of the Local Government and Housing Act of 1989. This will be stated in their contract of employment. These employees are disqualified from membership of a local authority (other than a parish or community Council), and from being an MP or MEP.
- 6.4 Employees, whether or not politically restricted, must not allow their own personal or political opinions to interfere with their work.

7. **Relationships**

7.1 Elected Members

Employees are responsible to the Councils of the DCP through its senior managers. For some, their role is to give advice to elected Members and senior managers and all are there to carry out the work of the Councils of the DCP. Mutual respect between employees and elected Members is essential to good local government.

7.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and should seek to provide courteous, efficient and impartial service delivery to all groups and individuals within that community.

7.3 Contractors

- 7.3.1 Any members of staff who are in a position to influence the award of a contract or a potential contract must make clear whether there is a relationship or potential relationship with the business or contractors who might receive the potential contract. Orders and contracts must be awarded on merit and in accordance with the relevant Contract Procedure Rules which set out arrangements to seek to secure fair competition against other tenderers in appropriate circumstances. No special favour in the tendering process should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
- 7.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor, should declare that relationship in writing to the Monitoring Officer, with a copy to their Service Manager or Strategic Director.

7. **Appointment and other Employment Matters**

- 8.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, or with whom they have a close personal relationship outside work.

9. **Private Work**

- 9.1 Full time employees may not, without the prior approval (such approval not to be unreasonably withheld) in writing of their Service Manager or a member of the Senior Leadership Team, hold any other paid appointment or conduct any paid business. Such approval will be considered upon the individual facts of each case and will be withheld if such work would conflict with or have a detrimental effect on the business of the Dorset Councils Partnership. In the event that the decision by the Service Manager or member of the Senior Leadership Team is to withhold the requested approval then the reasons for that decision will be put in writing to the employee.
- 9.2 Part-time employees must declare to their Service Manager or Director details of any other paid employment or business. Such employment, must not conflict with or have a detrimental effect upon the business of the Councils of the DCP.
- 9.3 No private work may be undertaken in the time of the Councils of the DCP, or on the premises or the Councils of the DCP, or on equipment of the Councils of the DCP, without the prior written approval of the appropriate Service Manager or member of the Senior Leadership Team.
- 9.4 In the course of their work with the Councils of the DCP if an employee creates a copyright work, that work becomes the property collectively of the Councils of the DCP. Similarly, if in the course of an employees work if that employee creates a patentable invention, or creates a design capable of registration, then this will also become the collective property of the Councils of the

DCP, and the employee will be required to co-operate in all relevant registration formalities to secure these provisions.

10. **Personal Interests**

- 10.1 Employees at senior level (Team Leader /4th Tier and above) must declare in writing to the Monitoring Officer, with a copy to their Service Manager, any non-financial interests when they become aware of circumstances that are arising or are about to arise that they know or consider could bring about conflict with the interests of any of the Councils of the DCP
- 10.2 Employees must declare in writing to the Monitoring Officer, with a copy to their Service Manager or line manager, any financial interest when they become aware of circumstances that are arising or are about to arise that they know or consider could conflict with the authorities interests provided they should always be entitled to seek advice if they wish in relation to that declaration.
- 10.3 Under Section 117 of the Local Government Act of 1972, an employee must declare any financial interest which the employee or his/her spouse may have in any existing or proposed contract with any of the Councils of the DCP. Failure to do so is a criminal offence.
- 10.4 Similarly, all employees should also declare any relationships when they become aware of circumstances which are arising or are about to arise which could cause potential conflict e.g. acting as a school governor, or involvement with an organisation or pressure group which may oppose policies of any of the Councils of the DCP.
- 10.5 Employees should consider whether to declare to the Monitoring Officer or their Service Manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. For example, employees should declare in writing to their Service Manager or Director membership of freemasonry.
- 10.6 The Monitoring Officer or such other Officer(s) as may be appointed by him for such purposes may from time to time maintain a Register of Outside Interests and Relationships for recording notifications provided by Officers.

11. **Equality Issues**

- 11.1 All local government employees should seek to ensure that policies relating to equality issues as agreed by the Councils of the DCP are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

12 **Separation of Roles During Tendering**

- 12.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Councils of the DCP. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 12.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the Head of Paid Service of the Councils of the DCP in writing and withdraw from the contract awarding processes.
- 12.5 Employees should ensure that no special favour is shown to current, to former employees or their spouses, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13. **Criminal Proceedings, Cautions and Convictions**

- 13.1 Employees must recognise that by being involved in criminal processes that ultimately lead to arrest, the issue of bail conditions caution or conviction can have a direct bearing upon the reputation of the Councils of the DCP or a direct bearing upon the employees/offenders continued ability and suitability for the employment.
- 13.2 In the event that any employee is arrested or cautioned and charged by the Police for any offence with bail conditions the employee must inform their Line Manager immediately in confidence and also be prepared to then attend an interview with a member of the Senior Leadership Team and a member of Human Resources if required to investigate exactly what has occurred and to require the details of the matters involving the Police. A meeting or interview will be held in confidence.
- 13.3 During and/or after a criminal process concerning an employee which relates to a warning, the issue of bail conditions a caution or a conviction, the relevant Service Manager or member of the Senior Leadership Team may consider what further action (if any) needs to be taken and once that decision has been made the employee will be informed and granted the right of audience with a nominated representative.
- 13.4 A primary objective of the first interview and any subsequent interview is to obtain, in confidence, the appropriate facts and information and to enable a record to be made and kept on the employee's official personnel file.
- 13.5 As employers, Councils are naturally extremely concerned not only with the effect of the criminal processes on the Council's reputation if the information goes into the public domain but the employee's duty to continue with the position of employment and in particular the question of fitness for the job.
- 13.6 There can always be in such cases (but particularly, for example, when an employee is given a suspended or custodial sentence), the ability for the employing Council to dispose of the case as it sees fit by following any relevant part of the disciplinary procedure and then seeking to dismiss or suspend, remove to other work or downgrade if no other suitable post is available, (and in the less serious cases issuing for example a verbal or written warning over future conduct).
- 13.7 It is to be emphasised that prior to any formal disciplinary action being concluded or action taken against the employee, the employee will be given opportunity to make representations and have the assistance of a union representative or fellow worker before any final decision is made in accordance with the employing Council's relevant disciplinary procedures.

13.8 These arrangements apply to all criminal processes or proceedings; however, they should not conflict with any other arrangements being undertaken of a disciplinary nature involving the same employee.

13.9 In specific relation to cautions rather than convictions issued by the Police, where they are clearly relevant to the position of employment, the caution could still be strong evidence on which to take disciplinary action provided the process complies with the procedures referred to above and the Police have/ will be asked to supply a copy of the caution and any statement made in relation thereto.

14. **Corruption / Bribery / Fraud**

14.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or be given any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

14.2 The Chief Executive, Senior Leadership Team and Corporate Management Team have a zero-tolerance commitment to issues of bribery and corruption.

14.3 Employees should report to their Service Manager or any member of the Senior Leadership Team any corrupt offer that is made to them. Employees are also encouraged to report to their Service Managers any situation that they identify which they consider could create the potential of the Council being vulnerable to such matters.

15. **Use of Financial Resources**

15.1 Employees must ensure that they always use and endeavour to use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid whenever possible legal challenge to the authority.

16. **Hospitality & Gifts**

16.1 Subject as provided for below, employees should only accept offers of hospitality if there is a genuine need to impart information or represent any of the Councils of the DCP in the community. Invitations to attend purely social or sporting functions should be accepted only when these are part of the life of the community, where any of the Councils of the DCP should be seen to be represented or where the express written agreement of a member of the Senior Leadership Team (or Chief Executive in the case of it being a member of the Senior Leadership Team) has been secured.

16.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Councils of the DCP.

16.3 Having regard to the Council's commitment to a zero tolerance approach to fraud and corruption, employees should not accept any material personal gifts from contractors or outside suppliers. However it is recognised that occasionally employees may be given or receive insignificant items of token value such as pens, calendars, and diaries. Such an item may be accepted provided it does not exceed a value estimated to exceed £15.00.

- 16.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Councils of the DCP may be taking affecting those providing the hospitality.
- 16.5 Acceptance by employees of hospitality through attendance at relevant conferences, courses or meetings is acceptable where it is clear that the hospitality is corporate rather than personal or where a Service Manager or above gives consent in advance, provided that in either case no purchasing decisions are compromised. Where visits to inspect equipment, or other merchandise are required, employees should seek to arrange for the appropriate Councils of the DCP meet the cost of such visits so as to avoid jeopardising the integrity of subsequent purchasing decisions.
- 16.6 If an employee does accept a gift or hospitality in excess of £15.00, details should be recorded in a register maintained by the Corporate Manager – Democratic and Electoral Services or such other person(s) as s/he may nominate for such purposes.
17. **Sponsorship – Giving and Receiving**
- 17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, particular care must be taken when dealing with contractors or potential contractors.
- 17.2 Where any of the Councils of the DCP wish to sponsor an event or service, neither an employee or any spouse, relative or close associate must benefit from such sponsorship in a direct way without there being full written disclosure to the appropriate Service Manager or a member of the Senior Leadership Team of any such interest. Similarly, where any of the Councils of the DCP through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.
18. **Other Documents**
- 18.1 Employees should seek to make themselves aware of the Contract Procedure Rules, any procedure manuals of his/her service or directorate and any policies and procedures relevant to his/her employment and should seek to be in compliance with them. The employee's Service Manager or a member of the Senior Leadership Team should be able to tell the employee about these. If in doubt, the employee should ask.
19. **Generally**
- 19.1 This Code cannot cover every eventuality. Its purpose is to show the standards expected of employees. It does not replace the general requirements of the law.
- 19.2 It is not enough to avoid actual impropriety. An employee should at all times seek to avoid any occasion for suspicion and any appearance of improper conduct.
- 19.3 If an employee is uncertain as to the conduct expected of him/her in a particular situation, s/he should consult his/her line manager. If this is impractical, the employee should consult their Service Manager or the Monitoring Officer.

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

1. **Introduction**

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

2. **Pre-Application and Post-Application Discussions**

- 2.1 Pre and post-application discussion can be of significant benefit to both the potential applicant and the Council. However, it is easy for such discussions to become, or seen to become part of the lobbying process on the part of the applicant.
- 2.2 The Localism Act 2011 has sought to recognize that Members can have a role to play in certain pre- application discussions, particularly having regard to their likely greater knowledge of local community interests. This guidance does not therefore seek to prevent any Member involvement prior to a determination of a planning application taking place. However, it does seek to reduce the likelihood of allegations of pre-determination and generally encourages a "no-shocks" approach; this form of approach is supported by the Planning Advisory Service. For Members of a committee that determines a planning application, it is recognised that it can be difficult to try and strike the right balance between being an active local representative and fulfilling the duty to approach all arguments in an open-minded way. This guidance seeks to gives assistance in this respect, but striking this balance is ultimately the responsibility of each Member.
- 2.3 In order to avoid any perceptions of pre-determination, it should be made clear at the outset of any pre-application discussions (or indeed any discussions about a planning application), that nothing said will bind the Council to make a particular decision, and

that any views expressed are purely personal and provisional. By their very nature such discussions will take place in the absence of all the relevant information.

- 2.4 So far as reasonably practicable, as a general rule of good practice, a written note should be made of all potentially contentious meetings and other discussions including telephone discussions, and should be followed up by a letter if there is any likelihood of substantive disagreement over the issue in the future. The object of such records is to ensure that someone not involved with the application will understand what the decision was and how it was reached.
- 2.5 If any Member or Officer is approached to provide advice, in most instances the best course of action will be to refer the person seeking such advice to a relevant planning Officer. Members of a committee that determine planning applications should be particularly careful when engaging in conversations of this nature as it could easily be misinterpreted as suggesting a pre-determined opinion and Members will not have all relevant information available to them at the time of such discussions. Such Members should therefore usually aim to confine any discussions to giving procedural advice only. Where Officers seek to provide planning advice, it should be made clear that such advice is informal and not binding on the Council, it should be consistent and should be based upon the development plan and material considerations.

3. **Lobbying**

3.1 **Of Members**

- (a) Lobbying, whether by applicants or objectors, is accepted as being a normal and proper part of the political processes. Lobbying can take the form of meetings, both private and public, formal presentations or correspondence. However, clearly it is important that it does not take effect to such an extent that it calls into question the impartiality and integrity of the planning process.
- (b) Members of a committee that determine planning applications should remain impartial if they intend to participate in a decision involving that application. Members can of course test the validity of any concerns in reaching their own conclusion about the merits of the application when all the information is before them at the committee meeting.
- (c) Invitations aimed solely at Members appointed to a committee responsible for determining planning applications to attend a presentation or meeting give rise to a particular concern since, if accepted, they may encourage allegations that a Member is no longer impartial and appears to favour a particular person. Where appropriate official Site Visits will be arranged by Officers.

- (d) Public consultations, however, may be held in relation to an actual or proposed application to gauge public opinion, support etc and it is understandable Members of committees that determine applications would wish to attend and observe. Members are likely to be approached by applicants and objectors and they will wish to avoid expressing their views.
- (e) As a general principle, where a Member of a committee that determine planning applications is approached in person by an applicant or by a third party (including other Members), they should always have in mind the principles relating to Pre-Application and Post-Application Discussions and Lobbying set out above. If such a Member thinks that their involvement in a pre-application discussion would be beneficial to the planning application process, then the most appropriate course of action would be to seek to discuss with a relevant planning Officer the possibility of whether a meeting which includes that Officer might be arranged. To ensure a consistent approach, Members should not seek to get involved in negotiations relating to a planning application. Officers should ensure a note is taken of any such discussion and placed on the public file.
- (f) If under whatever circumstance a person does try to orally lobby a Member with responsibility for determining a planning application, then the most appropriate course of action to avoid allegations of bias or a breach of natural justice will usually be to suggest that person write to the relevant planning officer to express their views and politely decline to engage in any discussion on the merits of the matter.
- (g) Members may often receive correspondence or other documentation from an applicant to a planning application or a third party. If the Member is the primary named recipient of such communications it will normally be desirable for that Member to seek to make arrangements to notify receipt to the Head of Service for Planning or such other Officer as s/he may nominate from time to time. Inevitably there will be many circumstances when a Member is not the primary recipient. There is no absolute rule to cover every eventuality that might arise in relation to correspondence of this nature and in many cases it may well be reasonable to assume that the communication has been received by the relevant planning Officer (indeed the Officer may have been copied in on the correspondence as well). However, the general overarching principle is to seek to ensure that all relevant representations are considered as part of an application and that is something Members ought to have mind when considering how to approach such communications.

3.2 **By Members**

- (a) Members, particularly Ward Members, may often be approached to secure their support for a particular planning decision outcome.
- (b) Ward Members have an important role to play as representatives of their communities and to bring local information to the decision making process. Ward members may

therefore become involved in discussions with Officers about individual applications. However, they should remember that it is very easy to create the impression that they are using their position to influence the progress of the application. Any discussions with Officers should be seen to be open and above board. So far as reasonably practicable, Officers should seek to make a written note on the file of any such discussion.

- (c) Members of the Council should not seek to approach Members of a committee that determines a planning application with a view to orally lobbying them towards a particular favoured outcome.
- (d) If any Member, whether or not a Member of committee that determines an application speaks on behalf of a lobby group at the decision-making committee, they should have regard to the Member Code of Conduct.

3.3 Political group meetings

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

4. Scheme of Delegation

4.1 Outline of Scheme

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

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

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

4.3 Applications by Members and Officers

- (a) Whilst it is perfectly legitimate for any Member or Officer to submit a planning application, it can easily give rise to suspicions of impropriety unless handled properly.

Accordingly, all such applications will be reported to and determined by a committee with responsibility for determining planning applications.

- (b) Any application from a Member or Officer should usually be identified as part of the registration process. However, Members and Officers are encouraged to draw the fact that such an application has been submitted to the attention of the Head of Service of Planning or any other Officers nominated by him/her for such a purpose in case it is not identified.
- (c) No Member or Officer who submits a planning application should participate in the decision making process relating to that application.
- (d) No Member or Officer who acts as an agent for people pursuing a planning matter with the Council should take part in the decision making process for that proposal, nor seek in any way to influence it.

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

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

6. Committee Site Visits

- 6.1 It is the responsibility of each Member to familiarize himself/herself with the location of any proposed development. This might well include seeking to view the site from areas that are accessible to the public. In no circumstance should a Member enter onto private land without the permission of the owner and occupier. If the owner or occupier is present the Member should bear in mind the advice in paragraphs 2 and paragraph 3 above.

- 6.2 Due to the delay caused to the determination of planning applications, site visits by a whole committee responsible for determining planning applications should only be considered where there is a clear and substantial benefit to the decision making process. This will usually arise only where the impact of the proposed development is difficult to visualize from both the submitted plans and other supporting material including photographs taken by Officers or an Officer's presentation. With this in mind, committee site visits should only therefore generally occur as an exception rather than a rule and a Member proposing a site visit at committee should be able to identify at committee the reason(s) why s/he considers a site visit is necessary when called upon to do so.
- 6.3 To avoid being unduly intrusive and an inefficient use of the committee's time Officers will ensure that formal site visits are carefully organised with a clear purpose and format understood by all those who are present. Procedure notes to deal with such visits may be produced from time to time. Any extant procedure note produced for such purposes should normally be followed unless the Chairman or person presiding at the meeting determines otherwise.
- 6.4 The purpose of the committee site visit is for the Officers to point out relevant features of the site or adjoining sites, or other physical aspects relevant to the consideration of the application. No attending party if invited to attend should address Members other than to address factual matters at the request of the Chair or Officers. Members should channel any questions they have through the Member presiding at the formal site visit or in accordance with such other arrangements that may otherwise have been agreed by the person presiding with the most senior Officer present.
- 6.5 A record will be kept of the reasons for the committee site visit and of what happened during that site visit. This will normally be by a Democratic Services Officer (if present).
- 6.6 No discussion about the merits of the application will take place before, during or after the committee site visit until the committee has formally reconvened for the specific purpose of determining the application.

7. Decision Making

7.1 General Principles

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

7.2 The legal framework

- (a) Legislation requires the Council to have regard to the provisions of the development plan, so far as material to the application and to any other material consideration.

Furthermore, the application is to be determined in accordance with the provisions of the development plan unless material considerations suggest otherwise.

- (b) The courts are the final arbiters of what is a material consideration, but any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration is material in any given case will depend upon the circumstances of the particular application.

7.3 No pre-determination / bias

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

7.3 Determination of applications contrary to Officer's advice

- (a) Decisions should be based on any written report prepared by Officers. Members are not obliged however to accept and follow the professional advice given by Officers. Nevertheless, when members are minded to determine an application contrary to the officer recommendation they should ensure that they have sound planning-based reasons for doing so and clearly set them out in advance of voting. Such reasons must be capable of being justified objectively, including where relevant by reference to Development Plan policy. Where the reasons (i.e. the reason for departing from the Officer recommendation), being advanced are complex or need to be the subject of careful drafting/minuting, then consideration may be deferred to a later meeting. For the avoidance of doubt, this applies both to those applications recommended for approval and subsequently refused; and to those recommended for refusal and subsequently approved.
- (b) Before a vote is taken, the person presiding at the meeting of the committee determining the planning application should ensure that the Officer is given the opportunity to explain the likely implications of any subsequent decision.

- (c) When members decide to determine an application contrary to the officer's recommendation a detailed minute will be taken, stating the reasons and if those reasons are based on development plan policies, identifying the relevant policies and stating in what way the application supports or infringes those policies.

8. **Interests**

8.1 **Fundamental principle**

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

8.2 **Declaration**

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

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

- (c) Officers who discover that they have an interest in a planning matter should cease to act and report the interest to their immediate manager who will reallocate the matter to an officer without an interest in it. The Officer having an interest will not take part in any part of the decision making process in respect of that matter.

8.3 **Monitoring Officer to advise**

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

9. **Post determination Reviews**

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

10. **Member Training**

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

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

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

11. **Officers**

11.1 **Generally**

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

11.2 **Officers' professional obligations**

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

professional obligations including conflicts of interest and continuing training. Breaches of that code may be subject to disciplinary action by the RTPi.

11.3 **Employees Code of Conduct**

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

PART F

MEMBER SCHEME

OF

ALLOWANCES

Updated version to be inserted once available

SCHEME OF MEMBERS' ALLOWANCES 2016/2017

1. INTRODUCTION

- 1.1 This scheme was prepared in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and comes into effect from 1st April 2016.
- 1.2 In this scheme "councillor" means an elected member of the West Dorset District Council.
- 1.3 "Year" means the 12 months ending 31st March.
- 1.4 The regulations cover the following allowances:
- (a) Basic allowance to be paid to all members;
 - (b) Special responsibility allowance to be paid to the holders of certain offices;
 - (c) Travel and subsistence allowances;
 - (d) Care of dependants allowance.
- 1.5 The scheme lays down the amounts to which members are entitled in respect of all allowances, the frequency of payment of the basic and special responsibility allowances and the offices for which a special responsibility allowance is payable. It also specifies the rules of operation of the scheme and other relevant information.

2. BASIC ALLOWANCE

- 2.1 The council shall pay to each councillor the basic allowance calculated on an annual basis in line with the same percentage as is awarded to officers through the nationally negotiated settlement.
- 2.2 The basic allowance for the year 2016/17 will be £xx.
- 2.3 Where the term of office of a councillor is less than the whole year, the entitlement of the payment is proportional to the number of days served in that year.

3. SPECIAL RESPONSIBILITY ALLOWANCES

- 3.1 The council shall pay an additional allowance to the holders of the following offices to reflect their additional duties and responsibilities. The allowances will be calculated on an annual basis and adjusted in line with the rate of basic allowance. The current annual amounts are as follows:
- (a) Chairman of Council - £xx per annum
 - (b) Vice-chairman of Council - £xx per annum
 - (c) Chairman Of Scrutiny Committee (Leader) - £xx per annum
 - (d) Vice-chairman of the Scrutiny Committee (deputy Leader) - £xx per annum

- (e) Members of the Strategy Committee ? / Portfolio Holders?
- £xx per annum (each)
- (f) Chairmen of Overview and Scrutiny Committee; Audit & Governance Committee, Planning Committee and Licensing Committee - £xx per annum (each)
- (g) Vice-chairmen of Overview and Scrutiny Committee, Audit & Governance Committee and Licensing Committee - £xx per annum (each)
- (h) Vice-chairman of Planning Committee - £xx per annum
- (i) Non Strategy Committee Member – Champion for Domestic Violence Issue - £xx per annum
- (j) Leader of the Liberal Democrat Group - £xx per annum
- (k) Leader of the West Dorset Group - £xx per annum

Chairman of Shared Services JC; O&S Advisory JC; Advisory Account & Audit; Joint Staff Appeals Committee

3.2 Wherever the period of entitlement to a special responsibility allowance is less than the whole year, the entitlement of the payment is proportional to the number of days served in the relevant office.

3.3 Councillors may only claim one special responsibility allowance.

4. ELECTION TO FOREGO

4.1 A member may, on written notice to the Chief Executive, elect to forego any part of his/her entitlement to an allowance under this scheme.

5. CLAIMS

5.1 Members may make a claim for travel and subsistence expenses incurred during the previous month by completing the travel and subsistence claim form. Claims may only be submitted for duties carried out within 6 months of the date of the duty, i.e. there is a minimum requirement to submit two claims per year, the second must be received by the Democratic Services Team before 31st March each year.

6. PAYMENTS

6.1 Payments should be made (a) in respect of the basic and special responsibility allowances in instalments of 1/12th of the amount specified in the scheme; (b) in respect of travel, subsistence and care of dependants allowances, monthly for those claims received by the 3rd day of that

particular month.

7. PARISH AND TOWN COUNCILS

- 7.1 Travel allowance will be paid in respect of attendance by district ward members at meetings of parish or town councils within their particular district ward, provided that the member is not an elected member of the parish/town council.

8. TRAVEL AND SUBSISTENCE

8.1 The council shall pay travel and subsistence allowances in accordance with the rates set out below:

(a)	Travel allowance	.45p per mile
(b)	Breakfast allowance	£5.00 – leaving home before 7 am
(c)	Lunch allowance	£10.00
(d)	Evening meal allowance	£15.00 – arriving home after 8 pm
(e)	Evening meal allowance (London)	£15.00

8.2 The council will annually adjust the level of travel allowance in line with the HMRC rate and will adjust subsistence rates in line with staff rates (currently also using HMRC rates).

8.3 Members may claim travel and subsistence allowances in respect of the following duties:

- Attendance at Council and as a named member at committees, sub-committees and other district council constituted bodies;
- Attendance as non-members of a committee or sub-committee at the invitation of the chairman of the committee or sub-committee in accordance with Council Procedure Rule 27 (Attendance of members at committees);
- Attendance in accordance with Council Procedure Rule 24 (Constitution of committees and sub-committees);
- Attendance as the mover of a motion referred to the committee or sub-committee in accordance with Council Procedure Rule 28 (Mover of motion may attend committee);
- Attendance at a committee or sub-committee by a member of the Executive Committee;
- Attendance at briefings or at meetings convened by the Chief Executive; the directors or by service heads and at meetings convened to discuss particular or local issues;
- Attendance at district council seminars, briefings, training sessions, tours, site visits to which members have been invited;
- Attendance as a district council representative on a “one-off” basis at a conference, seminar, training day, forum, awareness day, public meeting or other event or series of connected events, regional interest body or group;
- Duties required by Standing Orders or Statute;
- Attendance as a district council representative at any meeting of an association which the district council has corporate membership;
- Attendance at meetings of organisations where the member has been appointed by the Local Government Association;

- Attendance as an appointed district council representative at meetings of category A outside bodies (listed in the appendix to this scheme) provided members cannot claim from that body;
 - Attendance at meetings of Dorset County Council and its committees under the Open Door protocol;
 - Attendance as an appointed district council representative on a Dorset County Council Advisory Committee;
- 8.4 In respect of duties listed in 8.3, for journeys outside of the county where it is possible to travel by rail, and it is cheaper to do so, members may only claim the cost of the standard rail fare.

9. DUAL-MANDATE COUNCILLORS

- 9.1 The following guidelines are adopted for dual-mandate councillors attending meetings of each council on the same day:

in respect of travel allowance, the outward journey will be claimed from the authority whose meeting took place during the morning and the return journey will be claimed from the authority whose meeting took place in the afternoon.

in respect of subsistence, the allowance will be claimed from the authority whose meeting took place first in the day.

10. CARE OF DEPENDANTS ALLOWANCE

- 10.1 The council shall pay an allowance for the care of dependants (children, elderly or disabled) at a rate of £xx per hour per dependant, while the member is on council business.
- 10.2 The allowance is not payable to a member of the claimant's own household
- 10.3 The council shall pay reasonable expenses incurred by the carer, with the submission of a receipt.
- 10.4 Entitlement to be based upon completion of a declaration signed by the councillor claiming the allowance submitted with the corresponding claim for travel and subsistence allowances.
- 10.5 The care allowance will be updated on an annual basis in line with the national minimum wage.

11. SUSPENSION FROM DUTIES

- 11.1 Where a councillor is fully or partially suspended from their duties their basic allowance and any special responsibility allowance may be fully or partly withheld.
- 11.2 Travel and subsistence allowances may be withheld where a councillor has been suspended from duties or responsibilities that attracted those allowances.
- 11.3 Dependants' carers' allowances may not be withheld from councillors.

**WEST DORSET DISTRICT COUNCIL
OUTSIDE BODIES**

Categories for Member Allowances

Category 'A': Members entitled to claim Travel Allowance and where applicable, Subsistence Allowance, provided Members cannot claim from that body.

Category 'B': Members entitled to claim Allowances direct from the Outside Body only.

Category 'C': Members not entitled to claim any form of Allowance.

OUTSIDE BODY	CATEGORY
Arts Link Sherborne	'A'
Beaminster Museum Trustees	'A'
Beaminster Community Sports Group	'A'
Beaminster and Village Local Area Partnership	'A'
Beaminster Youth Centre Management Committee	'C'
Bridport and West Bay Coastal Community Team	'A'
Bridport Arts Centre	'A'
Bridport CAB (Observer)	'A'
Bridport Community Fund Panel	'A'
Bridport Local Area Partnership	'A'
Bridport Youth Centre Management Committee	'C'
Chancery House Day Centre	'C'
Crossways Youth Centre Management Committee	'C'
Dorchester & Sherborne CAB	'A'
Dorchester Area Partnership	'A'
Dorchester Arts Centre	'A'
Dorchester Heritage Committee	'A'
Dorchester Transport and Environment Working Group Committee	'A'
Dorchester Sports Centre – Customer/User Board	'A'
Dorchester Sports Centre – Site Management Board	'A'
Dorchester Youth and Community Centre Advisory Committee	'C'
Dorset AONB Partnership Board	'A'
Dorset Archaeological Committee	'A'
Dorset Coast Forum	'A'
Dorset Community Action (Observer)	'A'
Dorset Health and Well Being Board	'A'
Dorset Health Scrutiny Committee	'A'
Dorset's Police and Crime Panel	'A'
Dorset's Village of the Year Competition	'B'
Dorset Volunteer Centre	'B'
Dorset Waste Partnership Joint Committee	'A'
LEADER Programme – Southern Local Action Group	'A'
LEADER Programme – Northern Local Action Group	'A'
Local Government Association – Coastal Issues Special Interest	'A'

Group	
Lyme Regis Local Area Partnership (Lyme Forward)	'A'
Poundbury Inter-Authority Working Panel	'A'
Revenues and Benefits Board	'A'
Rural Services Network	'A'
Senior Lunch Club	'C'
Sherborne Area Partnership	'A'
Sherborne Museum	'A'
Shire Hall Project Member Task and Finish Group	'A'
South West Audit Partnership Member Board	'A'
South West Councils	'A'
South West Councils – Employers Panel	'A'
St Osmund's Community Sports Centre	'A'
Standing Conference on Problems Associated with the Coastline (SCOPAC)	'A'
Strategic Planning Forum	'A'
Supporting People Programme in Dorset – Commissioning Body	'A'
Wessex Water: Services & Planning Panel & The Customer Strategy Group	'B'
West Dorset Partnership	'A'
West Dorset Western Area Transport Action Group	'A'
West Dorset, Weymouth & Portland Joint Housing Forum	'A'
Weymouth Port Health Authority	'B'
Women's Refuge Welfare Board	'B'
World Heritage Steering Group	'A'

PART G

MANAGEMENT

STRUCTURE

GLOSSARY

GLOSSARY

Definitions

For the purposes of this Constitution the following words and phrases shall unless the context otherwise requires have the meaning given to them below (and for this purpose references shall include both singular and plural) :

Annual Council	the annual meeting of Council as provided for in the Council Procedure Rules – Part B of this Constitution ;
Assistant Chief Executive	The Officer for the time being appointed to this post (if any) ;
Chairman	a Member of Full Council, a Committee, Sub-Committee or Joint Committee (as the case may be) appointed to be the chairman of that body for the time being ;
Chief Executive	The Officer for the time being appointed to this post (if any) ;
Corporate Manager	any Officer for the time being appointed to such a post ;
Council	West Dorset District Council ;
Committee	a committee of the Council appointed by the Council or otherwise created as a committee to which the Council is a party pursuant to any relevant legislation ;
Corporate Plan	A Council plan setting out various key priorities and desired outcomes of the Council ;
Constitution	all the parts of this constitution document including this glossary ;
Corporate Leadership Team	the Officers making up the Senior Leadership Team and the Corporate Management Team ;
Corporate Management Team	all third tier Officers ;
Deputy Leader	the Vice-Chairman for the time being of Strategy Committee as provided for in Article 7 – the Strategy Committee – Part A of this Constitution ;
Development Plan	a document relating to various planning matters as defined in section 38 Planning And Compulsory Purchase Act 2004 ;

Dorset Councils Partnership	a collaboration for the time being between certain councils further details of which can be found in the appendix to Article 11 – Joint Arrangements, Part A of this Constitution ;
Forward Plan	a plan normally produced by the Council as provided for in the Access to Information Rules – Part B of this Constitution ;
Full Council	a formal meeting of the Council for which a summons is sent to every Member ;
Head of Service	any Officer for the time being appointed to such a post ;
Key Decision	a decision of the Council as defined in the Access to Information Procedure Rules – Part B of this Constitution ;
Joint Committee	a Committee appointed by the Council and other relevant bodies for the purposes of discharging functions of the Council ;
Head of Paid Service	the Officer for the time being appointed to the statutory post of that name by the Council ; (note : for provisions relating to power for acting in the absence of the Head of Paid Service see Council Procedure Rules – Part B of this Constitution) ;
Leader	the Chairman for the time being of the Strategy Committee as provided for in Article 7 – The Strategy Committee – Part A of this Constitution ;
Member	a councillor elected to the Council for the time being ;
Monitoring Officer	the Officer for the time being designated by the Council to the statutory post of monitoring officer for the time being for the purposes of section 5 Local Government and Housing Act 1989 ;
Officer	an employee of the Council or such other person undertaking work on behalf of the Council through relevant joint arrangements entered into by Council for such purposes ;
Portfolio Holder	a Member who is appointed to the Strategy Committee and identified by the Strategy Committee as holding a specific portfolio of responsibilities ;
Proper Officer	as the case requires, the Officer identified in the Officer Scheme of Delegations – Part C of this Constitution or specifically in the Constitution as the Officer fulfilling such a role or if none, the Head of Paid Service ;

Section 151 Officer	the Officer for the time being having responsibility for the purposes of section 151 Local Government Act 1972 and all other relevant legislation for the administration of the Council's financial affairs ;
Strategic Director	any Officer for the time being appointed to such a post ;
Senior Leadership Team	the Chief Executive, all the Strategic Directors and the Assistant Chief Executive ;
Sub-Committee	a sub-committee of a Committee ; and
Vice-Chairman	a Member of Full Council, a Committee, Sub-Committee or Joint Committee (as the case may be) appointed to be the vice-chairman of that body for the time being.

Interpretation

1. Save to the extent that there is any express provision to the contrary or the Monitoring Officer considers that an appropriate interpretation requires otherwise, reference to any primary or secondary legislation, directions or orders within the Constitution shall be deemed to include reference to any amendment to such document(s) and any replacement or reenactment thereof (with or without modification)
2. Unless the context otherwise requires, reference to the singular shall include the plural and vice versa.