



FULL COUNCIL

Members of Full Council are invited to attend this meeting at South Walks House, South Walks, Dorchester, Dorset, DT1 1UZ to consider the items listed on the following page.

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

Matt Prosser
Chief Executive

Date: Thursday, 3 November 2016
Time: 2.15 pm
Venue: South Walks House

Members of Committee:

P Shorland (Chairman), J Dunseith (Vice-Chairman), A Alford (Leader), P Barrowcliff, T Bartlett, S Brown MBE, N Bundy, A Canning, S Christopher, R Coatsworth, P Cooke, K Day, G Duke, D Elliott, T Farmer, R Freeman, I Gardner, R Gould, M Hall, T Harries, J Haynes, P Hiscock, F Horsington, S Hosford, S Jones MBE, T Jones OBE, R Kayes, M Lawrence, R Legg, F McKenzie, M Penfold MBE, R Potter, M Rennie, D Rickard, M Roberts, J Russell, J Sewell, G Symonds, D Taylor, A Thacker, D Turner and T Yarker

USEFUL INFORMATION

For more information about this agenda please telephone Services Kate Critchel, Democratic Services Officer email kcritchel@dorset.gov.uk

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

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



Disabled access is available for all of the council's committee rooms. Hearing loop facilities are available. Please speak to a Democratic Services Officer for assistance in using this facility.

Recording, photographing and using social media at meetings

The council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can film, audio-record, take photographs, and use social media such as tweeting and blogging to report the meeting when it is open to the public, so long as they conform to the Council's protocol, a copy of which can be obtained from the Democratic Services Team.

A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 CODE OF CONDUCT

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

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

Check that the interest has been notified to the Monitoring Officer (in writing) and entered in the Register (if not this must be done within 28 days)

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

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

3 MINUTES

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

4 COMMUNICATIONS

To receive such communications as the Chairman or the Chief Executive may desire to place before the Council.

5 PUBLIC QUESTION TIME

Members of the public who have given appropriate notice may ask questions in accordance with procedure rules 21 and 22 respectively. This session is restricted to a maximum of 30 minutes.

6 PETITIONS 5 - 10

Members of the public who have given appropriate notice may present a petition to the Council in accordance with the council's petition protocol.

7 LEADER'S UPDATE

To receive a verbal update from the Leader or Portfolio Holder on district council matters and to respond to any questions from members of the Council relating to those items.

8 PORTFOLIO HOLDERS REPORT 11 - 18

This report is intended to give a summary of the work of each portfolio for West Dorset District Council. The minutes of all of the meetings setting out the detail of decisions made and information received will have been previously circulated to all members.

To receive verbal updates from Portfolio Holders.

9 UPDATES TO THE CONSTITUTION 19 - 58

To consider a report of the Corporate Manager (Legal Services). Any changes to the recommendation from the Executive Committee on 1 November will be tabled.

10 QUESTIONS

In pursuance of Council Procedure Rules to receive questions (if any) from any member.

11 URGENT BUSINESS

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

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Full Council 3 November 2016 Petition relating to Dorchester's Tourist Information Centre

For Decision

Portfolio Holder(s)

Cllr M Penfold – Enabling

Senior Leadership Team Contact:

M Hamilton, Strategic Director

Report Author: K Critchel, Democratic Services Officer & N Thornley, Head of Economy, Leisure and Tourism

Statutory Authority

Purpose of Report

- 1 To consider a petition regarding the Tourist Information Centre at Antelope Walk, Dorchester.
- 2 The wording of the petition states “Save the Tourist Information Centre in Antelope Walk or replace it in a near location and of the same standard which is excellent and provide the much needed tourist visit and local destination for our county town.”

Officer Recommendations

- 2 Members are asked to listen to the principal petitioner's statement, debate the petition and decide on one of the following courses of action in response to the petition:
 - (a) To take the action requested;
 - (b) Not to take the action requested for reasons put forward in the debate;
 - (c) To refer the matter to the Executive Committee or Overview and Scrutiny Committee

Reason for Decision

- 3 To comply with the council's petition protocol.

Background and Reason Decision Needed

- 4 The council's petition protocol is set out in the West Dorset District Council Constitution. Petitions submitted by people living, working or studying within West Dorset can inform debate that takes place at council or committee meetings, bring an issue to the attention of the council or demonstrate strong public approval or disapproval for something that the council is doing.
- 5 A petition should include a brief title and statement covering the subject matter of the petition and must relate to some matter to which the district council has powers or duties and should clearly state what action the petitioner is asking the district council to take.
- 6 This reports set out the procedure for considering a petition at a full council meeting. At the appropriate point on the council agenda, the Chairman of Council will invite the principle petitioner, Councillor N Bundy, to present the petition. The speech may take no longer than three minutes and only relate to the subject matter of the petition.
- 7 As the petition contains more than 1,000 signatures, once the principal petitioner has presented the petition, all members of Council can debate the petition in accordance with normal rules of procedure, at the conclusion of which councillors can then decide on how best to respond to the petition.
- 8 The Council may decide to take one of the following courses of action:
 - (a) To take the action requested;
 - (b) Not to take the action requested for reasons put forward in the debate;
 - (c) To refer the matter to the Executive Committee or Overview and Scrutiny Committee

The principal petitioner will be notified in writing of any action taken in respect of the petition. If considered by a committee, the principal petitioner will be welcome to attend the committee meeting and may speak at the discretion of the Chairman.

- 9 A briefing note from the Head of Economy, Leisure and Tourism is attached as an appendix to this report, which sets out the background issues to the review of the Dorchester Tourist Information Centre.

Implications

Corporate Plan

The Corporate plan has an objective to "Actively promote the area as a tourism and visitor destination"

Financial

There are no financial implications directly from this report. The service review of tourist information centres, including Dorchester, is part of the process to deliver significant budget reductions in order to achieve a balanced budget.

Equalities

An equalities impact assessment will be prepared to accompany any report and recommendations to Executive Committee on the future of Dorchester TIC.

Economic Development

The operation of the West Dorset TICs generates an economic benefit by influencing visitor spend.

Risk Management (including Health & Safety)

There are no risks associated with this report. A risk assessment will be prepared to accompany any report and recommendations to Executive Committee on the future of Dorchester TIC.

Human Resources

There are no human resource implications associated with this report. Relevant human resource implications will be assessed and included in any report and recommendations to Executive Committee on the future of Dorchester TIC.

Consultation and Engagement

Public consultation on the future of Dorchester TIC (relocation to the Library, or an unmanned Tourist Information Point) has recently closed. The outcome of the consultation will be presented to the member working group, Overview and Scrutiny Committee and Executive committee

Appendices

Briefing note from Head of Economy, Leisure and Tourism

Background Papers

Executive Committee Report 9th August 2016

Footnote

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

Report Author: K Critchel, Democratic Services Officer & N Thornley, Head of Economy, Leisure and Tourism

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Briefing Note to Full Council

Petition to Full Council regarding the future of Dorchester Tourist Information Centre

For Information

1. Purpose of Briefing Note

- 1.1 The council has received a petition with over 1,000 signatures regarding the future of Dorchester Tourist Information Centre. The wording of the petition is *“Save the Tourist Information Centre in Antelope Walk or replace it in a near location and of the same standard which is excellent and provide the much needed tourist visit and local destination for our county town”*.

2. Briefing Note

- 2.1 West Dorset District Council operates four Tourist Information Centres (TICs) in Bridport, Dorchester, Lyme Regis and Sherborne at a total annual operating cost of approximately £340K, excluding central recharges of £215K.
- 2.2 The Council started a review of the Tourist Information Service in 2014/15 with the aim of achieving £300K savings from the operating costs of £340K which are managed by the Economy, Leisure & Tourism division. The review was led by a working group of councillors from the Overview and Scrutiny Committee.
- 2.3 Since 1995 Dorchester TIC has operated from commercial premises in the town centre and currently records approximately 170,000 admissions into the centre and deals with over 7000 telephone enquiries per annum, at a total cost to the council of £130K, excluding internal recharges of almost £70K.
- 2.4 As part of the Service Review programme, extensive stakeholder engagement was undertaken in June 2015, in the form of a widely available and extensively promoted survey and drop-in sessions for the public, with the results informing options for future service delivery. The stakeholder engagement gave opportunity for others to come forward to support or host the future TIC operation.
- 2.5 A variety of options for Dorchester TIC have been considered by the member working group to meet the savings required by the service review process, including relocating or integrating the service into the new Shire Hall attraction, relocating to South Walks House (SWH) reception or the Dorchester Library & Learning Centre and taking a more commercial approach within the existing premises. Discussions were also held with an operator of a private tourist attraction, the County Museum and Dorchester Town Council. More recently and following the launch of the public consultation on the options being presented a local retail operator, a

leisure operator and a further discussion with the County museum has taken place. Information has been provided to these operators.

- 2.6 The service review identified two potentially viable options; relocation to Dorchester Library and Learning Centre or replacement of the service with an unstaffed Tourist Information Point.
- 2.7 Relocation to Dorchester Library & Learning Centre is considered potentially the most viable option and would meet the main elements identified as the most important in the stakeholder engagement survey. It would continue to offer a staffed TIC service, year round in a town centre location at a reduced cost to the council. The alternative would be closure of the existing service, with tourist information being offered through an unstaffed Information Point, though this is not the preferred option of officers or the scrutiny working group.
- 2.8 The decision of the Executive Committee (9th August) was to undertake public consultation on these two options. The consultation was open for 8 weeks and closed on the 11th October.

3. Next Steps

- 3.1 The outcomes of the consultation will be considered by the member working group on 7th November, with a recommendation to the Overview and Scrutiny Committee on 21st November.
- 3.2 A final recommendation will be made to Executive Committee on 15th December.

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WEST DORSET DISTRICT COUNCIL

COUNCIL MEETING – 3 NOVEMBER 2016

PORTFOLIO HOLDER REPORT FOR THE PERIOD UP TO AND INCLUDING OCTOBER 2016

Corporate – Councillor P Barrowcliff Portfolio Holder's Report

Land Charges

Land charges remain a key focus of attention as measures continue to be implemented to drive through a significant change programme in order to seek to deliver major service improvement. Audit and Governance have been receiving updates on progress most recently at the 29th September meeting. Additionally, a number of members have visited the land charges unit both to give them a better understanding of the challenges and also an opportunity to offer ideas as part of helping to identify shared solutions to the issues faced.

It is clear that these challenges have been developing over a number of years and fixing them all will take time. However, resources are being made available and there is a strong commitment both at officer and member level to secure an effective resolution.

Democratic Services – Introduction of ModGov

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

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

Changes in Governance

A member Event was held on 7th October to discuss the results of the Governance Survey. A cross party task and finish working group is being established to develop the new constitution for the Council.

Executive Committee Decisions within this Portfolio

On 9 August 2016 the Business Review Quarter 1 2016/17 was received and noted. At its meeting on 13 September 2016 the committee considered a report on the Budget Update for 2017/18. The treasury outturn report 2015-16 was received and noted.

Executive Committee also considered a report updating the constitution. The committee also adopted the Joint Anti-fraud and Corruption Strategy. The Whistle Blowing Policy was approved.

Environmental Protection & Assets – Councillor J Russell Portfolio Holder's Report

On 3rd of November the committee will consider a report on the further development of the Asset Management plan which was initially approved on the 16th of August 2016. The report considers that the authority develops a target to deliver 35-50 new homes and further a target of 5-10% increase in property income over the period.

The committee will also consider a report on the appointment of PSP (Public Service Partnership) to deal with the pressure of duties connected with the development of the authorities Asset Management plan.

Executive Committee Decisions within this Portfolio

On 9 August 2016, the Executive Committee considered a report on the review of car parking charges regarding maintenance, repairs and upgrades that were essential to be carried out within the car parks. The committee also agreed that the proposals for car parking charges should be subject to a consultation exercise with the town councils and chambers of commerce.

The property asset management plan was approved as being a framework document for the management of the Councils assets. It was also agreed that the Chantry, Bridport be sold by private treaty.

At its meeting on 16 September the committee considered a report on the development of Dorchester Centre and commissioned additional work as set out in the report.

Planning – Councillor I Gardner Portfolio Holder’s Report

5 Year Land Supply

Members may recall a recent very detailed E Mail from Hilary Jordan which reported that it had been necessary for our housing land supply position, as at 1 April 2016, to be published. Unfortunately, the new calculation indicated that our two Councils (WDDC & W&BPC) did not have the required five-year land supply. Town and parish councils have been advised accordingly.

Admittedly the shortfall at 4.9 years is very marginal but nonetheless it would still be held we are failing to satisfy the housing land supply requirement as per paragraph 47 of the National Planning Policy Framework.

Our 2016 Local Plan (LP), of course, identifies sites that could provide homes well in excess of this five year land requirement BUT we are required to demonstrate that, in the light of advice from developers etc, there are sufficient sites allocated (many with Planning Permission) to ensure the 5 year target is met. The 5 year target being an assessment of the number of homes that are realistically likely to be built over the period. The issue is a matter of timing - not the overall number of sites we have allocated in the Local Plan.

Reasons for shortfall include:

- completions below our Local Plan annual target (775 per annum) each year from 2011 to 2016, resulting in increasing shortfall needing to be added to the five-year requirement number;
- Slower delivery on sites allocated in Local Plan etc, due e.g. to market confidence, infrastructure issues, planning permission finalisation.
- The impact of some recent and pending planning decisions.

It may be that factors such as building industry capacity, demand, developer’s intentions contribute to our failure to demonstrate a five year land supply.

The 4.9 year result could have implications for our planning decisions, since less weight may have to be given to LP etc policies and greater weight to national policy and its ‘presumption in favour of sustainable development’.

On the other hand the LP Inspector in his report, in the light of the 5 Year Land Supply numbers at that time, recommended we needed to consider sustainable sites e.g. beyond DBs so, in practice, the situation may not have changed that significantly.

However, we are proactively working with developers to try to resolve problems with particular sites so as to improve the position in future and sites outside of DBs approved since 2015 on the grounds they were sustainable and not in conflict with other LP policies may help us regain the five year land supply target, A sound 5 Year

land supply helps our position against more undesirable developments. In the longer term, progressing the local plan review will give us the opportunity to allocate more land in order to improve supply.

Local Plan Review

Officers are making progress with the local plan review. It is intended to hold a first stage of 'issues and options' consultation in the new year, and reports will be brought to the Overview & Scrutiny Committee, Executive Committee and full Council in November, December and January, with an informal member briefing before the first committee meeting.

Members working groups have met (twice) to consider the LP Inspectors specific comments relating to the need to provide more sites for both Dorchester and Sherborne.

Development Services Review

The new structure for the Development Management service was put in place on 1 September. There are four teams within the Planning (Development Management and Building Control) service unit: Development Management; Major Projects; Specialist Services and Building Control; and a copy of the structure has been sent to all members.

The CIL charging schedule for West Dorset was implemented on the 18th July 2016. Since implementation, Officers have begun issuing liability notices on CIL eligible development proposals. No money has been collected at this stage as the trigger for payment is commencement. Officers have drafted amendments to the council's regulation 123 list to clarify the relationship between CIL and S106 agreements going forward. They have also drafted a schedule showing how CIL money will be apportioned to the CIL infrastructure categories in the regulation 123 list. These items are being considered by Executive Committee on the 1st November 2016.

As CIL money builds over the course of the next 12 months, Officers plan to engage with Members to agree governance arrangements to identify the process for spending CIL money held by WDDC. The arrangements will be set out in a report and put before Executive committee for its future consideration.

Executive Committee Decisions within this Portfolio

At its meeting on 9 August 2016 the committee endorsed the process for the allocation of developer contributions in Dorchester. The committee also approved the response to the consultation on options for the Purbeck Local Plan Partial Review.

Executive Committee on 16 September 2016 agreed that the Chickerell Neighbourhood Plan be designated.

Housing – Councillor T Yarker Portfolio Holder’s Report

Affordable housing

During the first two quarters of the year 49 affordable houses have been completed in West Dorset. The decision on the details of Starter Homes by the Government is anticipated in the near future. Magna Housing have announced that they have reconsidered their decision not to develop for the foreseeable future, and are in the process of recruiting a team to enable them to identify and take forwards development opportunities, some of which will be in West Dorset, which is one of their key growth areas.

Restructure of the Housing Options service

The new Housing Options structure was implemented on 1 September 2016, and stemmed from a fundamental service review, joint scrutiny and member decisions.

Syrian Resettlement Project

Dorset County Council (DCC) has agreed to take between 6 and 8 refugee families from Syria under the government’s Syrian Resettlement Programme. The first two families will be arriving later this year. Because it currently has spare school places and some availability of private rented sector housing, the first families will be placed in the Weymouth and Portland area. Families arriving later might be placed in other areas depending on the availability of school places and accommodation.

Our role at Dorset Councils Partnership is to find suitable accommodation within the private rented sector, using our excellent relationships with private landlords. No social housing is being used to meet our obligations under this scheme. Government funding is being provided via DCC, who are the lead agency. DCC will be providing support for these families and coordinating a wide range of help and assistance to help families settle into their new lives.

Welfare reform

The government’s Welfare Reforms continue to be rolled out. In April 2017, changes will be implemented which will have an impact on how councils pay for bed and breakfast and other types of temporary accommodation through the Housing Benefit/Local Housing Allowance system. It is not clear yet precisely what these changes will mean for WDDC, nor whether they will lead to any additional costs falling to the council, but it is hoped that this will become clearer by early 2017. Members will be kept abreast of the impact of these changes.

Executive Committee Decisions within this Portfolio

Executive Committee on 9 August 2016 endorsed the approach set out in the report in relation to the changes to national policy on affordable housing. The Private Sector Housing Assistance Policy was adopted.

Enabling – Councillor M Penfold Portfolio Holder’s Report

Tourist Information Centres;

Consultation has taken place on 2 options for Dorchester; Move to the library or to an unmanned Information Point. Discussions are taking place with Dorset County Council on the library option.

Liaison is taking place with the Sherborne Community Arts Centre Trust about a new gallery in Sherborne that could provide a new home for the TIC The Bridport TIC is being transferred to Bridport Town Council at the end of the year.

Economic Growth;

A new strategy for economic growth in Western Dorset is being considered and supported by the Growth Board – the 4 councils working together (DCC. NDDC.WDDC.WPBC) with the Dorset LEP will go on to be considered formally by the 4 councils before Christmas. This is the first time that the councils have worked together in this way.

Research studies carried out on the skills, tourism, and heritage have been finalised, and a further study on transport will be finalised in the new year . These were funded by the L E P.

General;

The two West Dorset Harbours gave enjoyed a busy season as the weather has been goodmost tourist attractions and holiday accommodations are reporting a good summer. Officers have supported the filming of Broadchurch with the 3rd series to be screened next year .Beach safety at West Bay and Burton Bradstock has been a concern and new signing has been erected to warn people about the dangers of rock falls.

I attended the Federation of Small Business Awards lunch in the New Forest in September. Unfortunately none of the West Dorset Entries were successful.

Dorchester and Sherborne CAB;

The CAB recruited their first apprentice in IT support in November 2015 with joint funding support from WDDC and Dorchester Town Council. The CAB expressed their thanks for making this possible at their recent AGM.

Dorchester Market and Bridport Car Boot Funds; Celebration events have been held recently to award community groups who were successful in gaining funding from two community benefit car boot sales in West Dorset. The Bridport West Bay Grant Fund was allocated to 29 organisations with a grant total of £10.088.36 and the Dorchester Market Grant Fund was allocated to 42 organisations with grant total of £27.049

Member Development; The member development programme for all three councils is progressing well. Between May and October of this year around 60 member development sessions / briefings and personal development opportunities were held across the three councils. Many of these have been joint sessions for all three councils .This month we are specifically looking at opportunities for members to shadow officers so they can experience service delivery first hand, Skills sessions on media training and scrutiny will also be held before Christmas.

Our next focus will be training for members on how to use the council's new committee app and planning for next years development programme. As part of this process, members will shortly receive a personal development survey which helps to formulate the programme and cover the needs and requests of members.

Other items of interest;

The District Council continues to have a strong working relationship with the NFU and its County Advisor. At a recent countryside day near Blandford we were given much information on Britain's farming. i.e. food production and its contribution to the Local Economy.

SCOPAC ...The Standing Conference on Problems Associated with the Coastline is important to us as a local authority with a large stretch of coastline. It meets regularly in Portsmouth and provides a forum for coastal local authorities and other organisations with an interest in coastal risk management along the south coast of England. I am hoping that one of our officers will give a presentation at the next meeting.

Executive Committee Decisions within this Portfolio

At its meeting on 9 August 2016 the Executive Committee considered a report on the West Dorset District Council's Tourist Information Centres service review. A project update was received on the Shire Hall Dorchester and the committee endorsed the process for the allocation of developer contributions in Dorchester.

The Executive Committee awarded the tender for the capital works to the Shire Hall to Greendale Construction at its meeting on 16 September 2016.

Community Safety & Access – Councillor A Thacker Portfolio Holder's Report

No written report submitted.

Executive Committee Decisions within this Portfolio

At its meeting on 16 September 2016, Executive Committee agreed to delegate authority to the head of Community Protection to authorise officers to enforce the Mircrochipping of Dogs (England) Regulations 2015.

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Full Council 3 November 2016 Update to Constitution

For Decision

Portfolio Holder(s)

Cllr Peter Barrowcliff

Senior Leadership Team Contact:S Caundle, Assistant Chief Executive

Report Author: Corporate Manager – Legal; Monitoring Officer

Statutory Authority

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

Purpose of Report

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

Officer Recommendations

- 2 In so far as Members have power so to do:
 - (a) agree but otherwise support the updates to the Constitution as set out in Appendices 1 to 4 attached to this report;
 - (i) agree but otherwise support updating the Constitution to incorporate a uniform delegation relating to planning applications as set out in Appendix 5, Part 1 of this report; but if that cannot be agreed / supported,
 - (b) delegate to the Monitoring Officer power to make such further consequential changes to the Constitution as are necessary to reflect the changes set out in the appendices

Reason for Decision

- 3 To introduce changes to the Constitutions to reflect variations to legislative requirements, seek to secure the better alignment of various existing policies and powers within the different Constitutions, develop a clearer interaction between existing provisions within the Constitution and give further clarity to officer powers and responsibilities.

Background and Reason Decision Needed

4. Between April and June 2016 Members considered and approved various changes to the Constitutions of the Councils to seek to deliver an improved convergence of democratic issues across the partnership. At that time Members were informed that further changes to the Constitution would be necessary to gradually begin to seek to facilitate the better alignment of provisions.
5. This report brings in a number of changes many of which will help to deliver a standardised position across all three partner councils. The changes are set out in detail in Appendices 1 to 5. Reasons for many of the alterations identified are captured below the relevant proposal as set out in the Appendices. Generally, the changes can be summarised as follows:
 - Appendix 1:
 - add provision to WDDC constitution only to reflect legal requirements on having a Deputy Leader;
 - amend various other articles of all the Constitutions to reflect various updates to the Officer Employment Appointment and Dismissal Rules (see Appendix 3) and facilitates/clarifies power of Monitoring Officer to make various changes to the Constitution and to report direct to Full Council on other changes where he considers this appropriate;
 - make various changes to the Officer Scheme of Delegations to clarify certain interactions between different parts of the Constitution, help facilitate other changes captured elsewhere in the Constitution, clarify various financial powers of the section 151 officer and generally to try and better align the exercise of various Officer powers across the DCP;
 - update various existing delegations to seek to better align them with existing/emerging practices;
 - seek to introduce a standard definition of a key decision across the DCP;
 - provide an updated introduction to the Financial Regulations to better clarify their interaction with the Officer Scheme of Delegations;
 - Appendix 2: updates and aligns the existing Code of Conduct for Members and Officers dealing with Planning Matters;
 - Appendix 3: updates and secures across the DCP a standard Employment and Dismissal Procedure Rules; in particular now reflects new legislative requirements relating to disciplinary/dismissal action against statutory chief officers and makes clear a zero tolerance approach to bribery / fraud issues;
 - Appendix 4: updates and aligns across the DCP a standard Code of Conduct for Employees; in particular clarifies position regarding declaring any gifts / hospitality;
 - Appendix 5: proposes a single delegation focusing on planning (and similar) applications across the whole of the partnership.
6. Members should note that some of the changes above e.g. in relation to the Employee Code of Conduct inevitably has an impact on all Officers of the Council including the authors of this report; to that extent therefore all Officers have an interest to a greater or lesser extent in them.

7. The content of Appendix 5 has been separated from the other provisions as it seeks to introduce a single delegation relating to planning (and similar) applications across all three of the councils of the partnership (Part 1 of Appendix 5). However, if this was not acceptable, then changes to the existing delegations are still considered necessary to better reflect current/emerging practices. Consequently, Part 2 of Appendix 5 contains alternative wording of specific relevance to West Dorset which Members are asked to agree if the delegation in Part 1 was considered unacceptable.
8. Whilst it is not necessarily fatal if all 3 Councils do not completely adopt all the changes identified, a number of changes do need to be delivered to secure compliance with various legal requirements. Further, as the officer core that serves the Dorset Councils Partnership becomes increasingly converged, the risk of error or confusion in operating different arrangements across all three Councils will increase. Most of the changes set out in the appendices are reflective in whole or part of arrangements, processes or procedures that have already been in operation across one or more Councils of the Dorset Councils Partnership. Ultimately, if in practice any of the changes give rise to issues which are found to be unacceptable to any of the partner Councils, there is nothing to prevent Members seeking further revisions to address such issues at a later stage.
9. In due course it will be necessary to revise the West Dorset District Council to reflect the recent referendum decision to move from an executive/leader model to a committee model. All of the proposed alignment changes would potentially be beneficial in simplifying this particular exercise.
10. Members should also note that a bit of wording in Appendix 5 regarding scope to appoint nominees has been tidied up from previous iterations to make it quite clear the intentions regarding the scope to appoint alternatives. Members will see that it therefore now reads as follows:

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

Implications

Corporate Plan

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

Financial

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

Equalities

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

Environmental

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

Economic Development

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

Risk Management (including Health & Safety)

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

Human Resources

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

Consultation and Engagement

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

Appendices

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

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

Appendix 3 – Employment and Dismissal Procedure Rules

Appendix 4 – Code of Conduct for Employees

Appendix 5 – proposed revision to planning application delegation

Background Papers

Constitutions of the Dorset Councils Partnership

Footnote

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

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Appendix 1 - WDDC

Proposed Further Revisions to the Constitutions

ARTICLES OF CONSTITUTION

[WDDC only]

1. Incorporate in to Article 7 of the Constitution new paragraphs after 7.04 and renumber remainder of paragraphs accordingly:

7.05 The Council will accord with all relevant statutory requirements relating to the appointment, removal and power of a Deputy Leader.

[REASON: to secure compliance with statutory requirements for the appointment of a Deputy whilst the Council retains a Leader / Executive governance model]

[All Councils]

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

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

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

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

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

- (b) *to take direct reports to Full Council relating to other constitutional changes where s/he considers this appropriate.*

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

OFFICER SCHEME OF DELEGATION

5. Amend the existing *Officer Scheme of Delegations* to provide as follows:

- (a) Update the North Dorset District Council and West Dorset District Council *Officer Scheme of Delegation* so that they replicate the current Weymouth & Portland Borough Council *Officer Scheme of Delegation* which was updated to take account of the creation of the Dorset Council's Partnership;

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

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

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

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

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

12.1 "Town and Country Planning Legislation":

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

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

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

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

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

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

"Any of:

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

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

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

Power to determine whether to grant a dispensation:

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

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

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

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

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

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

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

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

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

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

To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification or variation to agreements, deeds and any other documents entered into wholly or partly pursuant to any Town and Country Planning Legislation

including, without prejudice to the generality of the foregoing:

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

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

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

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

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

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

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

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

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

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

Power to undertake all action relating to making and/or confirming Tree Preservation Orders including (for the avoidance of doubt) power to amend, vary, modify and/or revoke the same subject to the 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).

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

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

1. To undertake all action in connection with any matter arising in relation to the hackney carriage or private hire licenses (which for the avoidance of doubt includes any application for a licence relating to drivers, vehicles, operators and proprietors) provided that:

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

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

PROCEDURAL RULES

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

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

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

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

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

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

FINANCIAL REGULATIONS

8. Insert at front of Financial Regulations:

INTRODUCTION

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

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

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

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

CODES AND PROTOCOLS

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

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

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

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

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

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

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

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

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

Appendix 2

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

Code of Conduct for Members and Officers dealing with Planning Matters

1. Introduction

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

2. Pre-Application and Post-Application Discussions

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

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

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

3. **Lobbying**

3.1 **Of Members**

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

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

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

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

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

3.2 **By Members**

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

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

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

3.3 Political group meetings

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

4. Scheme of Delegation

4.1 Outline of Scheme

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

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

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

4.3 Applications by Members and Officers

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

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

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

6. Committee Site Visits

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

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

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

7. Decision Making

7.1 General Principles

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

7.2 The legal framework

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

7.3 No pre-determination / bias

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

7.4 Determination of applications contrary to Officer's advice

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

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

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

8. **Interests**

8.1 **Fundamental principle**

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

8.2 **Declaration**

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

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

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

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

8.3 Monitoring Officer to advise

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

9. Post determination Reviews

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

10. Member Training

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

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

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

11. Officers

11.1 Generally

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

11.2 Officers' professional obligations

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

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

11.3 **Employees Code of Conduct**

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

Appendix 3

EMPLOYMENT AND DISMISSAL PROCEDURE RULES

Introduction

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

RECRUITMENT

General matters

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

Political Assistants

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

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

10. In relation to all Senior Officer posts of the Council, the Council will:
 - (a) have drawn up a statement specifying:
 - (1) the duties of the officer concerned; and
 - (2) any qualifications or qualities to be sought in the person to be appointed,
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified for it; and
 - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.
11. Where a post has been advertised as provided for in paragraph 10 above the Council will make arrangements to:
 - (a) interview all qualified applicants for the post; or
 - (b) select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied, the Council will make further arrangements for advertisement.
12. Determinations relating to the matters set out in paragraphs 10 and 11 above and any other relevant decisions relating to the terms and conditions of employment of:
 - (a) the Head of Paid Service / Chief Executive; and any other Senior Officer whose job description identifies them as forming part of the Senior Leadership Team of the Dorset Councils Partnership, shall be made by the Shared Services Joint Committee. For the avoidance of doubt, subject to the requirements of these rules, this includes determining the terms and conditions for the making available of any officers employed by the host authority of the Dorset Councils Partnership to other partners of the Dorset Councils Partnership; and
 - (b) all other Senior Officers shall be made by the Head of Paid Service / Chief Executive or such other Senior Leadership Team members as the Head of Paid Service / Chief Executive may nominate unless the determining officer considers alternative arrangements are appropriate.

Appointor process relating to various Officers

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

Appointment of Officers

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

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

DISCIPLINARY AND DISMISSAL

General Matters

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

Head of Paid Service / Monitoring Officer / section 151 Officer

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

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

Dismissal process relating to various officers (including Statutory Posts)

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

Disciplinary and Dismissal of officers

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

Miscellaneous matters relating to disciplinary action or dismissal

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

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

Appendix 4

CODE OF CONDUCT FOR EMPLOYEES

1. **Introduction**
 - 1.1 The public are entitled to expect the highest standards of conduct from all the Councils that make up the Dorset Councils Partnership (hereinafter collectively referred to as "the Councils of the DCP") and their employees. Confidence in the integrity of employees will be threatened by any suspicion, whether well-founded or not, that employees may be influenced, in the performance of duties, by improper motives.
 - 1.2 Whilst this Code is not in itself a disciplinary code, any failure to follow the standards it sets out may, depending upon the circumstances, constitute misconduct which could lead to disciplinary action, including dismissal.
 - 1.3 For the purposes of this Code reference to Service Manager means Heads of Service and/or Corporate Managers.
2. **Who is the Code aimed at?**
 - 2.1 The Code applies to all employees of the Councils of the DCP.
 - 2.2 Inevitably some of the issues it covers will particularly affect senior, managerial and professional employees. However, the Code is intended to cover all employees under a contract of employment with the Councils of the DCP and where activities are carried out by any of their employees who, in that capacity, are acting as members of companies or of voluntary organisations, are also subject to the standards contained in this Code.
3. **General Obligations**
 - 3.1 You should always act with good faith towards the business of the Councils of the DCP and should promote their interests. You should not knowingly do anything which is likely to adversely affect the reputation of the Councils of the DCP. You should also not knowingly place yourself in a position where your personal interests may bring you, or give the appearance of bringing you, into conflict with the interests and responsibilities of the Councils of the DCP.
4. **Standards**
 - 4.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to elected members and to fellow employees with impartiality. Employees will be expected, without fear of recrimination, to bring to the attention of their line manager any deficiency in the provision of service. Employees must report to their line manager any fraud, corruption or other malpractice, any impropriety or any breach of procedure. If you find yourself in difficulty in doing this, you should report this to a member of the Senior Leadership Team or refer to the Council's whistleblowing policy for guidance on appropriate reporting.
5. **Disclosure of Information**
 - 5.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Councils of the DCP will generally wish to also be open about a variety of other types of information.
 - 5.2 However, employees should not unless the information is already in the public domain knowingly disclose personal or financial information about any other person, which they obtain in the course of their duties to the Councils of the DCP, unless when dealing with that disclosure it is in accordance with existing legislation such as Data Protection and Freedom of Information.
 - 5.3 Employees should respect the confidentiality of reports which are marked "Exempt" or "Confidential", and any other information which they receive under an obligation of confidence.

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

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

9. **Private Work**

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

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

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

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

10. **Personal Interests**

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

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

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

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

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

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

11. **Equality Issues**

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

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

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

Appendix 5

Part 1 – proposed standard delegation across the partnership

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

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

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

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

Town and Country Planning Legislation means

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

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

Part 2 – fall back delegation for West Dorset District Council

Power to determine all applications arising pursuant to any of the Planning Legislation except an application:

- (i) where the applicant or agent is a serving councillor of West Dorset;*
- (ii) made by Identified Staff;*
- (iii) where the applicant or agent is West Dorset;*
- (iv) that is a Referred Application; and/or*
- (v) that is a Committee Matter.*

For the purposes of this delegation:

“Advertisement Consent” means an application for any form of consent under the Planning Legislation relating to an advertisement as defined in the Town and Country Planning Act 1990 (as amended)

“Committee Matter” means an application:

- (i) that is contrary to the Development Plan; and/or*
- (ii) where a written objection is received from a Statutory Consultee within the Consultation Period and the recommendation is one for approval; and/or*
- (iii) (a) that is a Major Application; and*
 - (b) in respect of which the Council receives from a third party excluding:*
 - (A) any Statutory Consultee;*
 - (B) any town council; and*
 - (C) any parish council,*

a Written Material Representation within the Consultation Period that includes an objection to the application being recommended for approval; and

- (c) that the Head of Planning (Development Management and Building Control) at his/her absolute discretion) determines to be one that ought to be referred to the Development Control Committee;*

“Contrary to the Development Plan” means an application that in the opinion of the officer dealing with the application 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);

“Householder Development” means an application to alter or enlarge a dwelling house, including works within the boundary/garden of a dwelling house but not an application that is either a Major Application or a Minor Application;

“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 relative of such an employee;

“Listed Building Consent” means an application for consent to do works to a listed building pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

“Major Application” means:

- (i) a Significant Development; and/or*
- (ii) an application for residential development comprising over 10 dwellings;*

“Minor Application” means an application:

- (i) involving the construction of a building, or conversion of an existing building:
 - (a) resulting in at least 1 but less than 10 dwellings; or*
 - (b) on a site area less than 0.5 hectares where the number of dwellings is not specified; or*
 - (c) where the floor space to be created is less than 1,000 square metres or where the site area is less than one hectare; or**
- (ii) for between 1 - 9 traveller pitches;;*

“Other Application” means any application under the Planning Legislation other than a Major Application or a Minor Application that is for:

- (a) a change of use only;*
- (b) a Householder Development;*
- (c) Advertisement Consent; or*
- (d) Listed Building Consent;*

“Planning Legislation” means the Town and Country Planning Act 1990 (as amended); Planning and Compulsory Purchase Act 2004 (as amended), Planning (Listed Building and Conservation Areas) Act 1990 (as amended), Planning (Hazardous Substances) Act 1990 and all subordinate /secondary legislation (including regulations and order) created pursuant to such primary legislation together with any other legislation replacing or re-enacting the same with or without modification;

“Referred Application” means an application:

- (i) which is,
 - (a) (A) a Major Application or a Minor Application; and*
 - (B) in respect of which the Council receives from one or more town or parish councils within the district of West Dorset a Written Material Representation within the Consultation Period that includes an objection to the application being approved; or*
 - (b) an Other Application that is recommended for refusal; or*
 - (c) an Other Application which is recommended for approval and in respect of which the Council receives from:
 - (A) one or more town or parish councils within the district of West Dorset a Written Material Representation within the Consultation Period that includes a recommendation that is contrary to the proposed recommendation of the Officer determining the application;*
 - (B) the Chairman of the Development Control Committee, within 7 calendar days of a notice of the proposed officer recommendation being sent to the Chairman and every ward member within whose ward the application is situated (in whole or part), a request that the application should potentially be referred to a committee; and***
- (ii) that the Head of Planning (Development Management and Building Control) at his/her absolute discretion determines after consultation with the Chairman of the Development Control Committee to be one that ought to be referred to the Development Control Committee for determination;*

“Significant Development” means an application:

- (i) or a site that overall exceeds 0.5 hectares and involves residential development; or*
- (ii) the erection of a building of more than 1,000 square metres; or*
- (iii) a site having an area of one hectare or more; or*
- (iv) 10 or more traveller pitches*

“Statutory Consultee” means those parties with whom West Dorset is statutorily required to consult pursuant to Part 4 of the Town and Country Planning Development Management Procedure) (England) Order 2015/595 (or any order re-enacting or replacing the same with or without modification)

“West Dorset” means West Dorset District Council;

“Written Material Representation” means a representation received by the Council that is in writing and in the opinion of the officer dealing with the application contains one or more planning considerations of material planning relevance to the determination of the application.

[REASON: to seek to improve clarity and increase commonality of terms across West and Weymouth planning application delegations and align delegations with current internal practices];