

# MANAGEMENT COMMITTEE

Members of Management Committee are invited to attend this meeting at Commercial Road, Weymouth, Dorset in the to consider the items listed on the following page.



Matt Prosser  
Chief Executive

**Date:** Tuesday, 20 September 2016  
**Time:** 9.30 am  
**Venue:** Council Chamber

**Members of Committee:**

J Cant (Chair), K Brookes (Vice-Chair), A Blackwood, F Drake, J Farquharson, C Huckle, C James, R Nowak, J Osborne and G Taylor

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## USEFUL INFORMATION

For more information about this agenda please telephone email [kcritchel@dorset.gov.uk](mailto:kcritchel@dorset.gov.uk)

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



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# **A G E N D A**

**Page No.**

## **1 APOLOGIES**

To receive apologies for absence.

## **2 MINUTES**

To confirm the minutes of the last meeting previously circulated.

## **3 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 the 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.

## **4 PUBLIC PARTICIPATION**

30 minutes will be set aside to allow members of the public to ask questions relating to the work of the Council. 3 minutes will be allowed per speaker. The order of speakers is at the discretion of the Chair and is normally taken in the order of agenda items, questions must relate to a report which is on the agenda for consideration. Notice is not required if you wish to speak at the meeting but if you require an answer to a question it is advisable to submit this in advance by contacting a member of the Democratic Services team or alternatively, by emailing [kcritchell@dorset.gov.uk](mailto:kcritchell@dorset.gov.uk).

## **5 QUESTIONS BY COUNCILLORS**

To receive questions from councillors in accordance with Procedure Rule 12, Paragraph 48. A councillor may address any committee on any matter within the remit of the council or which affect Weymouth & Portland. The Councillor shall be entitled to a total of five minutes to make his/her address regardless of the number of matters raised.

## **6 MANAGEMENT COMMITTEE ACTION PLAN**

To consider the Management Committee Action Plan

## **7 BUDGET & FINANCIAL STRATEGY 2017-18 7 - 18**

To consider a report of the Strategic Director.

## **8 TREASURY MANAGEMENT ANNUAL REPORT 19 - 32**

To consider the Treasury Management Annual report.

## **9 JOINT ANTI FRAUD AND CORRUPTION STRATEGY 33 - 48**

To approve the Joint Anti Fraud and Corruption Strategy.

## **10 WHISTLE BLOWING POLICY 49 - 60**

To approve the Whistle Blowing Policy.

## **11 COMMUNITY INFRASTRUCTURE LEVY - EXCEPTIONAL CIRCUMSTANCES RELIEF 61 - 66**

To consider a report on the reasons for offering Exceptional Circumstances Relief.

## **12 PROCEDURE FOR APPROVING NEIGHBOURHOOD FORUMS INCLUDING AGREEMENT OF SUTTON POYNTZ NEIGHBOURHOOD FORUM AND AREA DESIGNATION 67 - 108**

To consider a report of the Senior Planning Officer.

## **13 DELEGATING AUTHORITY TO ENFORCE THE PROVISIONS OF THE MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2012 109 - 112**

To consider a report of the Head of Community Protection.

<b>14</b>	<b>MINUTES OF DORSET WASTE PARTNERSHIP JOINT COMMITTEE</b>	<b>113 - 120</b>
	To receive the minutes of the meeting held on 13 June 2016.	
<b>15</b>	<b>UPDATE TO THE CONSTITUTION</b>	<b>121 - 158</b>
	To consider a report of the Corporate Manager, Legal Services.	
<b>16</b>	<b>CREATION OF A TOWN COUNCIL</b>	<b>159 - 162</b>
	To receive an information report on the creation of a Town Council for Weymouth.	
<b>17</b>	<b>MANAGEMENT OF THE VERNE COMMON NATURE RESERVE AND HIGH ANGLE BATTERY, PORTLAND</b>	<b>163 - 170</b>
	To consider a report of the Estates Manager.	
<b>18</b>	<b>47 THE ESPLANADE, WEYMOUTH</b>	<b>171 - 174</b>
	To consider a report of the Head of Assets and Infrastructure.	
<b>19</b>	<b>WEYMOUTH TOWN CENTRE MASTER PLAN SITES UPDATE - PENNINSULA</b>	<b>175 - 182</b>
	To consider a report of the Head of Assets and Infrastructure.	
<b>20</b>	<b>4 MONTH FORWARD PLAN</b>	<b>183 - 190</b>
	To receive the 4 monthly Forward Plan.	
<b>21</b>	<b>EXEMPT BUSINESS</b>	
	To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of part 1 schedule 12A to the Local Government Act 1972 (as amended)	
<b>22</b>	<b>WEYMOUTH TOWN CENTRE MASTER PLAN SITES UPDATE REPORT</b>	
	Exempt appendices to the report circulated to committee members only	

## **23 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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## **Management Committee 20 September 2016 Budget Update**

### **For Decision**

#### **Brief Holder**

Cllr Jeff Cant – Finance & Assets

#### **Senior Leadership Team Contact:**

J Vaughan, Strategic Director

**Report Author: J Vaughan, Strategic Director**

#### **Statutory Authority**

Local Government Acts 1972, 1988, 1992 and 2003

#### **Purpose of Report**

- 1 To provide an update on balancing the 2017/18 Budget.

#### **Officer Recommendations**

- 2 That the budget options requiring member approval set out in Appendix 1 are included within the 2017/18 budget proposals.
- 3 That the updated position on Reserves as set out in appendix 4 is approved.
- 4 That the Council accepts the governments offer of a '4 year' financial settlement and that the Section 151 officer submits the required efficiency plan.

#### **Reason for Decision**

- 3 To enable the Council to balance the 2017/18 budget.

#### **Background and Reason Decision Needed**

- 4 The Budget report in February set out the financial forecast for the next 3 financial years with estimated budget gaps of £1.808m in 2017/18, £1.218m in 2018/19 and £1.105m in 2019/20. The forecast will continue to be refined and updated as further information becomes available. For example the results of the governments consultation on changes to the New Homes Bonus scheme, the savings from Dorset Waste Partnership and inflation forecasts. A key element of the budget has always been the funding received from the Government through the Revenue Support Grant. As part of the 2016 Finance Settlement the government has

provided details of funding up to 2019/20. The figures for each year are set out in the table below and there is an offer to local government to provide certainty by accepting this 4 year settlement. If the Council does not opt to accept the 4 year settlement then the funding is likely to reduce further.

	Amount for the year	Reduction from previous year
2016/17	£990,600	£985,900
2017/18	£742,382	£248,218
2018/19	£0	£742,382
2019/20	(£486,487)	£486,487

5 The financial strategy has been to focus upon the medium term rather than looking at one financial year in isolation. The current work on potential changes to local government in Dorset would take effect from 2019 and would mean that the Council would no longer exist after this date. Given this uncertainty about the future of the Council, the focus has therefore been on balancing the 2017/18 budget.

6 Officers have been working on budget options that will increase income and reduce expenditure in order to balance the budget. Appendix 1 sets out budget options that require member decisions and it is recommended that these are included within the budget proposals at this stage. There are also a number of budget options that do not impact upon service delivery and these are set out in Appendix 2. Appendix 3 provides details of options that have previously been approved and can now be included within the 2017/18 budget proposals. The 2017/18 budget proposals will now be subject to the required consultation and scrutiny with the feedback from this and the updated financial forecast being reported in December prior to the final budget being agreed in February 2017.

7 Taking into account the above the current position is as follows:-

Budget Gap	£1,808,000
Options to be approved by members	(£366,000)
Management options	(£682,000)
Already approved	(£569,000)
Remaining Gap	<u>£191,000</u>

8 As part of the budget setting process, the potential equalities implications of each budget option are being considered. Where appropriate, this will include consulting with key stakeholders and others to determine any potential equalities impacts and how these may be mitigated. Where there are any potential implications for staff, these will be considered through the application of the Partnership's Change Management Policy and Procedure. The Initial EIA shows that there are no potential equalities implications arising from the budget options contained within this report. However, throughout the budget setting process, this will be monitored and an updated EIA will be presented to Committee in December.



- 9 Further work on refining and updating the estimates is being undertaken and the updated position will be reported to the Committee in December. We are waiting for the outcome of the government's consultation on changes to the New Homes Bonus scheme which will impact upon the figures.
- 10 As part of budget process the number and levels of Reserves has been reviewed with Appendix 4 setting out the updated position.

## **Implications**

### **Corporate Plan**

The budget allocates the financial resources of the councils and therefore directly impacts upon the delivery of the corporate plan.

### **Financial**

As set out in the report.

### **Equalities**

As set out in the report.

### **Environmental**

None directly from this report.

### **Economic Development**

None directly from this report.

### **Risk Management (including Health & Safety)**

The budget process should ensure that the 2017/18 budget estimates are robust. The council has general reserves to cover any unforeseen circumstances and the level of the reserves is assessed using a risk based methodology.

### **Human Resources**

None directly from this report.

## **Consultation and Engagement**

There have been member and staff briefings on the budget and further ones have been set up. The budget proposals will be subject to review by Scrutiny. Some budget options have / will require consultation.

## **Appendices**

Appendix 1 – Budget options requiring member approval

Appendix 2 – Budget options requiring management approval

Appendix 3 – Budget options already approved

Appendix 4 – Reserves

## **Background Papers**

Budget Report February 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.

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### Budget Options for Member Approval

These options relate to decisions which require Member approval

<b>Option</b>	<b>£'000s</b>
Increase council tax by 1.99%, as included within the Government Finance Settlement	118
Addition income from Treasury Management Investments	50
Use CIL admin charges to fund staff costs operating CIL	31
Use of funds from the Temporary Accommodation scheme used to fund staffing costs of scheme	28
Savings from Dorset Waste Partnership – WPBC share of over £1m savings	70
Additional price increases from Bereavement Services	30
Staffing redesign and the creation of Dorset Coastal Partnership	35
Charge Weymouth BID for Levy Collection	4
<b>Total Budget Options for Members Approval</b>	<b>366</b>

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### Budget Options for Management Approval

Budget options which do not affect service delivery or service levels therefore are decisions for Management.

Option	£'000s
IT Convergence and Rationalisation – continued work on the harmonisation of IT systems and equipment following the creation of Dorset Councils Partnership	61
Electoral Services Structural Change – review of vacant post	7
Process review of Revenues and Benefits service to achieve efficiencies	42
Legal Law Library – Review and reduce the size of the library held onsite	4
Implementation of Intelligent Scanning of suppliers invoices to speed up payments and streamline the approval process	7
Redesign of Financial Services, incorporating process review, efficiencies and restructure	42
Revised agreement for Weymouth Swimming Pool	347
Introduction of an in-house bailiff service for Revenues and Benefits	30
Improved income collection process for Penalty Charge Notices	12
Additional income to be collected following the Development Services Process Review	10
Reduction in Member Training budget as a result of holding more joint events	4
Redesign of HR and Organisation Development Service	10
Management Review of Environmental Health within Community Protection Service following the convergence of the service	28
Savings following flexible retirement within the Housing Service	11
Removal of a vacant post from Housing Enabling Service	4
Base budget review of Housing Benefit Overpayments to align with actual income	63
<b>Total Budget Options for Management Approval</b>	<b>682</b>

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### Budget Options Already Approved

Following the setting of the 2016/17 budget, the Council has continued with its service review programme and the identification of efficiency savings. This has resulted in a number of savings being achieved and able to be built into the 2017/18 budget. These are listed below.

<b>Option</b>	<b>£'000s</b>
Housing Service Review	43
Economic Regeneration Service Review	13
Produce Committee Papers electronically	9
Align the Finance System across the Partnership	6
Communications Service Review	40
Vacation of North Quay	150
Introduction of the Civil Penalties Regime	39
Development Management Service Review	16
Vacation of Portland Town Council Offices	25
Member meetings held in New Council Offices	3
Change in calculation of Minimum Revenue Provision	197
Removal of the Mayoral Car	28
<b>Total Budget Options Already Approved</b>	<b>569</b>

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## Summary of Reserves

Reserve	Balance	Commitments	Uncommitted Balance
	£'000	£'000	£'000
General Fund	3,697	(1,438)	2,259
Borough Development Reserve	1,158	(250)	908
Superfast Broadband	62	(62)	0
Housing	307	(307)	0
Direct Leasing	159	(159)	0
Harbour Reserve	999	(999)	0
Harbour Walls Reserve	535	(535)	0
Repairs & Maintenance	246	(46)	200
Cemetery Reserve	0	0	0
CCTV Reserve	108	0	108
Legal Expenses	158	(33)	125
Treasury Management Reserve	463	(152)	311
Partnership Reserve	413	(413)	0
Invest to Save	725	(8)	717
Restructuring Reserve	350	0	350
IT Systems & Equipment Reserve	526	(293)	233
Vehicle Replacement Reserve	153	0	153
Development Services Improvement Reserve	43	(43)	0
Local Plan Reserve	175	(175)	0
<b>Accounting Reserves</b>			
Grants	467	(467)	0
Business Rate Accounting	472	(472)	0
<b>Total Reserves</b>	<b>11,216</b>	<b>(5,852)</b>	<b>5,364</b>

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## **Management Committee 20 September 2016 Treasury Outturn Report 2015/16**

### **For Decision**

#### **Briefholder**

J Cant – Finance and Assets

#### **Senior Leadership Team Contact:**

J Vaughan, Strategic Director

#### **Report Author:**

John Symes – Financial Resources Manager

#### **Statutory Authority**

s.151 of the Local Government Act 1972

### **Purpose of Report**

- 1.1 To present an update on treasury management activity and performance for the 2015/16 financial year in accordance with the Council's treasury strategy.

### **Officer Recommendations**

- 2.1 That Members note changes to the treasury portfolio.

### **Reason for Decision**

- 3.1 To ensure that Members are aware of developments within their remit.

### **Background Information**

- 4.1 The Treasury Management Strategy has been underpinned by the adoption of the CIPFA Code of Practice on Treasury Management in Public Services. The Council is supported in this area by Arlingclose, its Treasury Management advisors, who provide expertise which the Council would not be able to resource itself.
- 4.2 The Code also recommends that members are informed of treasury management activities at least twice a year. This report therefore ensures this authority is embracing Best Practice in accordance with CIPFA's recommendations.
- 4.3 The Treasury Management Strategy Statement for the year commencing 1<sup>st</sup> April 2015 was adopted by Council on 25<sup>th</sup> February 2015.

## Report

### 5.1 Governance Structure

5.2 The annual Treasury Management Strategy Statement (TMSS) and annual report are considered and approved by Members. Other treasury management reporting includes a quarterly update as part of the Council's Business Review report to Management Committee and also through the treasury management briefings which are open to all members.

5.3 Treasury management responsibility is delegated to Jason Vaughan, Strategic Director, in his capacity as s.151 officer in order to be able to make reasoned and timely decisions with the objective of minimising risk to Council assets and to ensure compliance with statutory requirements.

5.4 The latest treasury management briefings took place in July 2015, January 2016 and most recently in August 2016 to update Members on treasury management activity and will continue to meet on a regular basis. The next treasury management briefing is due to meet in January 2017 which is open to all members.

### 5.5 Debt Management

	Balance on 01/04/2015 £000s	Debt Repaid £000s	New Borrowing £000s	Balance on 31/03/2016 £000s	Incr/(Decr) in Borrowing £000s
Short Term Borrowing	0	0	0	0	0
Long Term Borrowing	27,000	0	0	27,000	0
<b>TOTAL BORROWING</b>	27,000	0	0	27,000	0
Average Rate %	4.58%			4.58%	

5.6 The Council's debt position has not altered throughout the financial year 2015/16 and to the year to date, remaining at £27,000,000 at an average rate of 4.58%.

5.7 Interest paid in the last financial year totalled £1,237,462 against a budget of £1,315,574. Since the 1<sup>st</sup> April interest payments of £616,855 have been made.

### 5.8 Investment Activity

5.9 Both the CIPFA and DCLGs investment guidance requires the Authority to invest prudently and have regard to the security and liquidity of investments before seeking the optimum yield.

5.10 The Council's strategy for investments was based upon minimising risk and safeguarding capital. This was maintained by following the Authority's counterparty policy as set out in its Treasury Management Strategy Statement 2015/16 which defined "high credit quality" organisations as those having a long-term credit rating of A- or higher that are domiciled in the UK or a foreign country with a sovereign rating of AA+ or higher.

- 5.11 The Authority has adopted a voluntary measure in its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio, which is supplied by our advisors. This is calculated by applying a score to each investment (AAA = 1, AA+ = 2, etc) and taking an arithmetic average, weighted by the size of each investment.

	Target	Actual
Portfolio average credit rating	A-	AA

- 5.12 The Council held net investments of £5,021,510 as at 01/04/15 with holdings of £5,442,510 by the year end. Current investments total £40,676,664 (net £13,676,664)) as at 31<sup>st</sup> July 2016.
- 5.13 Investment activity for the year included the following transactions having received external assessment and advice from the Authority's Treasury Management adviser, Arlingclose:
- Investing £2,500,000 in the M&G Global Dividend Fund. The fund invests globally in the shares of companies with the potential to grow their dividends over the long term. The fund manager aims to create a diversified portfolio with exposure to a broad range of countries and sectors.
  - The opening and investment of £1,500,000 in Handelsbanken Liquidity Account. This provides the Authority with an additional counterparty whilst providing overnight liquidity of funds.
  - In March the Council's holding in the City Financial Defensive Global Bond Fund (1,312,680 shares at £989,719) was transferred to the City Financial Diversified Fixed Interest Fund having followed advice from Arlingclose. The indicative income distribution for the fund is around 3%.
  - The use of Barclay Bank, Bank of Scotland and Nationwide Building Society for term deposits throughout the year.
  - The continued use of several Money Market Funds (MMFs) in order to provide diversification of exposure and also high liquidity which helps maintain our foremost priority of capital security.
  - As an indication of the level of activity investment purchases in the year totalled £83,052,000 with corresponding receipts of £82,539,000.
- 5.14 For the financial year ending 31<sup>st</sup> March 2016 the Council received £847,653 (31<sup>st</sup> March 2015 £608,783) interest at an average income return of 2.38% (see appendix 1). Income over budget from Treasury Management activities totalling £280,918 was transferred to earmarked reserves.
- 5.15 Further detail of the comparative treasury position as at 31<sup>st</sup> March 2016 is available at appendix 2.
- 5.16 Counterparty credit quality was assessed and monitored with reference to credit ratings (the Council's minimum long-term counterparty rating of A- across rating agencies Fitch, S&P and Moody's); credit default swap prices; financial statements; information on potential government support and reports in the quality financial press.

5.17 Maturities for new unsecured investments with UK financial institutions on the Council's list are currently as follows:

**UK Institutions**

- Bank of Scotland, HSBC Bank and Lloyds Bank for a maximum period of **13 months**;
- Close Brothers Limited, Santander UK PLC and Abbey National Treasury Services PLC for a maximum period of **6 months**;
- Barclays Bank and Goldman Sachs International Bank for a maximum period of **100 days**;
- National Westminster Bank and Royal bank of Scotland for a maximum period of **35 days**;
- Coventry Building Society (BS) and Nationwide BS for a maximum period of **6 months**;
- Darlington BS, Furness BS, Hinckley & Rugby BS, Leek United BS, Loughborough BS, Mansfield BS, Market Harborough BS, Marsden BS, Melton Mowbray BS, National Counties BS, Newbury BS, Scottish BS, Stafford Railway BS, Tipton & Coseley BS and Leeds BS for a maximum period of **100 days**
- Standard Chartered Bank - **suspended**

5.18 Further economic background, as provided by our treasury advisor, is available at appendix 3.

**5.19 Compliance with Prudential Indicators**

5.20 The Council can confirm that it has complied with its Prudential Indicators for 2015/16, which were set in February 2015 as part of the Council's Treasury Management Strategy Statement.

5.21 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during 2015/16. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

## **Corporate Plan**

6.1 Performance aim

## **Risk Management (including Health & Safety)**

7.1 Risk that ineffective governance arrangements will expose the council to significant financial or reputational risk and to the risk of non-compliance with statutory requirements.

## **Appendices**

8.1 Appendix 1 – Income Return on Total Investments 2015/16

8.2 Appendix 2 – Treasury Investments: portfolio as at 31<sup>st</sup> March 2016

8.3 Appendix 3 – Arlingclose Economic Commentary

## **Background Papers**

9.1 Treasury Management Strategy Statement and Investment Strategy  
2015/16 - Full Council Agenda 25<sup>th</sup> February 2015.

<https://www.dorsetforyou.gov.uk/article/421585/Full-Council-Agenda---25-February-2016---Weymouth--Portland-Borough-Council>

## **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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# Income Return on Total Investments

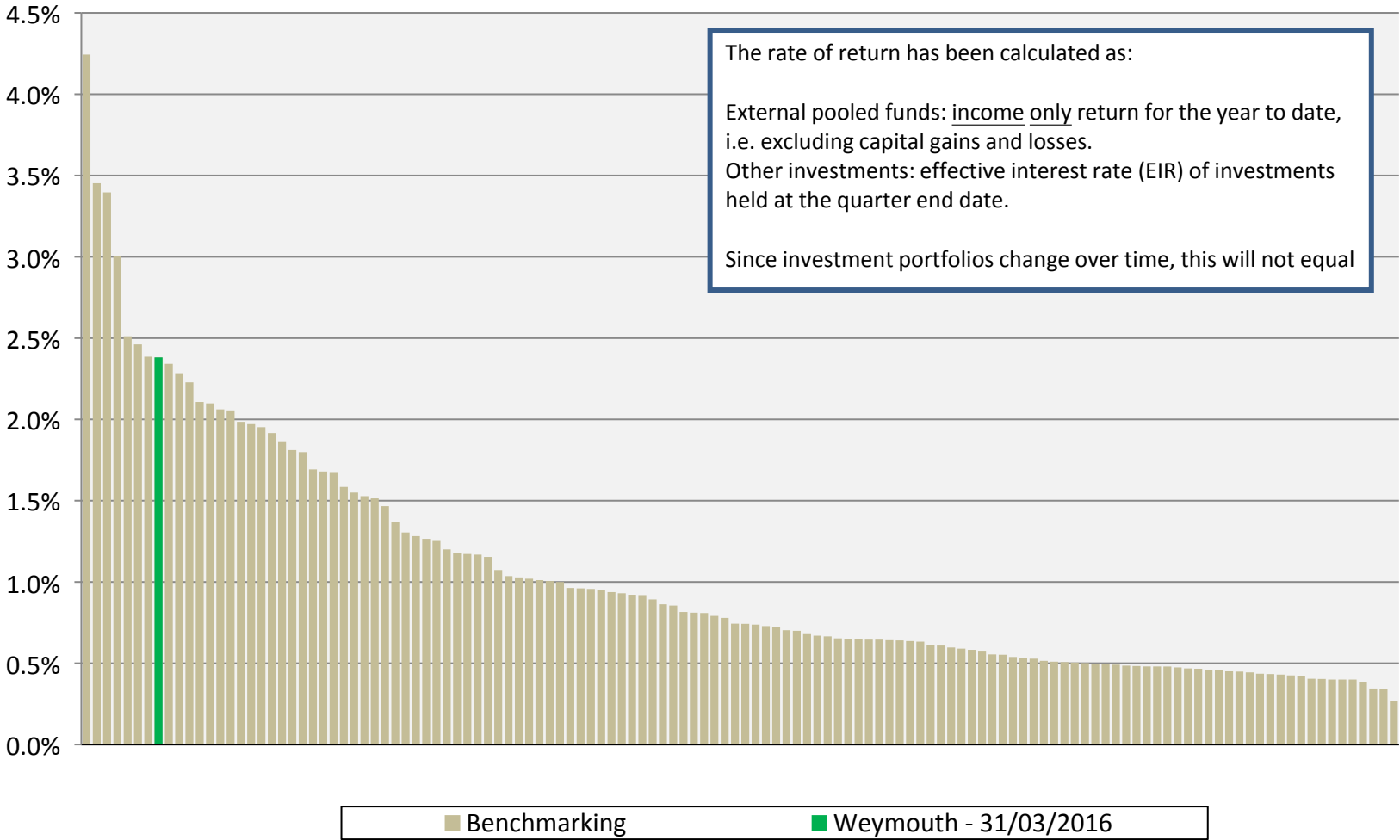
The rate of return has been calculated as:

External pooled funds: income only return for the year to date, i.e. excluding capital gains and losses.

Other investments: effective interest rate (EIR) of investments held at the quarter end date.

Since investment portfolios change over time, this will not equal

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31 <sup>st</sup> Mar 2015	Average Rate (%)	Current Portfolio	31 <sup>st</sup> Mar 2016	Average Rate (%)
£ 27,000,000	4.58	<b>Debt</b> LOBO's (Lenders Option Borrowers Option)	£ 27,000,000	4.58
27,000,000	4.58	<b>Total Debt</b>	27,000,000	4.58
		<b><u>Current Investments</u></b>		
		<b>Property Funds</b>		
5,000,000	5.92	CCLA LAMIT Property Fund	5,000,000	5.88
		<b>Unit Funds</b>		
1,000,000	4.03	Elite Charteris Premium Income Fund	1,000,000	3.39
1,500,000	0.94	Payden Sterling Reserve Fund	3,000,000	0.77
2,500,000	4.75	UBS Multi Asset Income Fund	2,500,000	3.77
1,000,000	1.25	City Financial Diversified Fixed Interest Fd*	1,000,000	1.25
2,000,000	2.73	Schroders Unit Trust Ltd	2,000,000	7.51
-	-	M&G Global Dividend Fund	2,500,000	3.04
		<b>Corporate Bonds</b>		
1,000,000	1.09	GE Capital UK Funding FRN (9/5/16)	1,000,000	1.12
		<b>Covered Bonds</b>		
2,226,844	2.12	Leeds Build. Society 4.25% (17/12/18)	2,226,844	2.12
2,211,666	2.13	Yorkshire BS 4.75% (12/04/18)	2,211,666	2.13
2,003,000	0.94	Leeds Build. Society FRN (01/10/19)	2,003,000	0.98
		<b>Deposits</b>		
2,092,000	0.35	HSBC instant access account	1,000,000	0.35
-	-	Svenska Handelsbanken liquidity account	1,500,000	0.43
		<b>Money Market Funds</b>		
1,960,000	0.42	Standard Life MMF (formerly Ignis)	1,222,000	0.46
1,889,000	0.37	Deutsche Bank MMF	1,032,000	0.43
1,838,000	0.35	Blackrock MMF	1,031,000	0.41
1,838,000	0.35	Aberdeen MMF (formerly Scottish Widows)	1,031,000	0.43
1,963,000	0.46	Federated Investors MMF	1,185,000	0.52
32,021,510		<b>Total Investments</b>	32,442,510	
5,021,510		<b>Net (Debt)/Investments</b>	5,442,510	

\*Transferred from City Financial Defensive Global Bond Fund

2015/16 Investment Income Returns (source: Arlingclose benchmarking)

WPBC Total Investments Average Income Return = 2.38%

46 English Non-Met Districts Average = 1.29%

128 Local Authorities Average = 1.04%

There has been no movement in the Council's debt position this year. Investments have been made in accordance with the Treasury Strategy Statement.

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Arlingclose Treasury AdvisorsEconomic Commentary

**Growth, Inflation, Employment:** The UK economy slowed in 2015 with GDP growth falling to 2.3% from a robust 3.0% the year before. CPI inflation hovered around 0.0% through 2015 with deflationary spells in April, September and October. The prolonged spell of low inflation was attributed to the continued collapse in the price of oil from \$67 a barrel in May 2015 to just under \$28 a barrel in January 2016, the appreciation of sterling since 2013 pushing down import prices and weaker than anticipated wage growth resulting in subdued unit labour costs. CPI picked up to 0.3% year/year in February, but this was still well below the Bank of England's 2% inflation target. The labour market continued to improve through 2015 and in Q1 2016, the latest figures (Jan 2016) showing the employment rate at 74.1% (the highest rate since comparable records began in 1971) and the unemployment rate at a 12 year low of 5.1%. Wage growth has however remained modest at around 2.2% excluding bonuses, but after a long period of negative real wage growth (i.e. after inflation) real earnings were positive and growing at their fastest rate in eight years, boosting consumers' spending power.

**Global influences:** The slowdown in the Chinese economy became the largest threat to the South East Asian region, particularly on economies with a large trade dependency on China and also to prospects for global growth as a whole. The effect of the Chinese authorities' intervention in their currency and equity markets was temporary and led to high market volatility as a consequence. There were falls in prices of equities and risky assets and a widening in corporate credit spreads. As the global economy entered 2016 there was high uncertainty about growth, the outcome of the US presidential election and the consequences of June's referendum on whether the UK is to remain in the EU. Between February and March 2016 sterling had depreciated by around 3%, a significant proportion of the decline reflecting the uncertainty surrounding the referendum result.

**UK Monetary Policy:** The Bank of England's MPC (Monetary Policy Committee) made no change to policy, maintaining the Bank Rate at 0.5% (in March it entered its eighth year at 0.5%) and asset purchases (Quantitative Easing) at £375bn. In its *Inflation Reports* and monthly monetary policy meeting minutes, the Bank was at pains to stress and reiterate that when interest rates do begin to rise they were expected to do so more gradually and to a lower level than in recent cycles.

Improvement in household spending, business fixed investment, a strong housing sector and solid employment gains in the US allowed the Federal Reserve to raise rates in December 2015 for the first time in nine years to take the new Federal funds range to 0.25%-0.50%. Despite signalling four further rate hikes in 2016, the Fed chose not to increase rates further in Q1 and markets pared back expectations to no more than two further hikes this year.

However central bankers in the Eurozone, Switzerland, Sweden and Japan were forced to take policy rates into negative territory. The European Central Bank also announced a range of measures to inject sustained economic recovery and boost domestic inflation which included an increase in asset purchases (Quantitative Easing).

**Market reaction:** From June 2015 gilt yields were driven lower by the a weakening in Chinese growth, the knock-on effects of the fall in its stock market, the continuing fall in the price of oil and commodities and acceptance of diminishing effectiveness of central

bankers' unconventional policy actions. Added to this was the heightened uncertainty surrounding the outcome of the UK referendum on its continued membership of the EU as well as the US presidential elections which culminated in a significant volatility and in equities and corporate bond yields.

10-year gilt yields moved from 1.58% on 31/03/2015 to a high of 2.19% in June before falling back and ending the financial year at 1.42%. The pattern for 20-year gilts was similar, the yield rose from 2.15% in March 2015 to a high of 2.71% in June before falling back to 2.14% in March 2016. The FTSE All Share Index fell 7.3% from 3664 to 3395 and the MSCI World Index fell 5.3% from 1741 to 1648 over the 12 months to 31 March 2016.

### **Counterparty Update**

The transposition of two European Union directives into UK legislation placed the burden of rescuing failing EU banks disproportionately onto unsecured institutional investors which include local authorities and pension funds. During the year, all three credit ratings agencies reviewed their ratings to reflect the loss of government support for most financial institutions and the potential for loss given default as a result of new bail-in regimes in many countries. Despite reductions in government support many institutions saw upgrades due to an improvement in their underlying strength and an assessment that the level of loss given default is low.

Fitch reviewed the credit ratings of multiple institutions in May. Most UK banks had their support rating revised from 1 (denoting an extremely high probability of support) to 5 (denoting external support cannot be relied upon). This resulted in the downgrade of the long-term ratings of Royal Bank of Scotland (RBS), Deutsche Bank, Bank Nederlandse Gemeenten and ING. JP Morgan Chase and the Lloyds Banking Group however both received one notch upgrades.

Moody's concluded its review in June and upgraded the long-term ratings of Close Brothers, Standard Chartered Bank, ING Bank, Goldman Sachs International, HSBC, RBS, Coventry Building Society, Leeds Building Society, Nationwide Building Society, Svenska Handelsbanken and Landesbank Hessen-Thuringen.

S&P reviewed UK and German banks in June, downgrading the long-term ratings of Barclays, RBS and Deutsche Bank. As a result of this the Authority made the decision to suspend Deutsche Bank as a counterparty for new unsecured investments. S&P also revised the outlook of the UK as a whole to negative from stable, citing concerns around the referendum on EU membership and its effect on the economy.

At the end of July 2015, Arlingclose advised an extension of recommended durations for unsecured investments in certain UK and European institutions following improvements in the global economic situation and the receding threat of another Eurozone crisis. A similar extension was advised for some non-European banks in September, with the Danish Danske Bank being added as a new recommended counterparty and certain non-rated UK building societies also being extended.

In December the Bank of England released the results of its latest stress tests on the seven largest UK banks and building societies which showed that the Royal Bank of Scotland and Standard Chartered Bank were the weakest performers. However, the regulator did not require either bank to submit revised capital plans, since both firms had already improved their ratios over the year.

In January 2016, Arlingclose supplemented its existing investment advice with a counterparty list of high quality bond issuers, including recommended cash and duration limits. As part of this, Bank Nederlandse Gemeeten was moved to the list of bond issuers from the unsecured bank lending list and assigned an increased recommended duration limit of 5 years. Interest rates are likely to stay low for longer, making long-term bonds an increasingly attractive option. The Council did not make use of these long-term investment options during 2015/16 having already invested in long term bonds in the previous financial year.

The first quarter of 2016 was characterised by financial market volatility and a weakening outlook for global economic growth. In March 2016, following the publication of many banks' 2015 full-year results, Arlingclose advised the suspension of Deutsche Bank and Standard Chartered Bank from the counterparty list for unsecured investments. Both banks recorded large losses and despite improving capital adequacy this will call 2016 performance into question, especially if market volatility continues. Standard Chartered had seen various rating actions taken against it by the rating agencies and a rising CDS level throughout the year. Arlingclose will continue to monitor both banks.

The end of bank bail-outs, the introduction of bail-ins, and the preference being given to large numbers of depositors other than local authorities means that the risks of making unsecured deposits continues to be elevated relative to other investment options. The Authority therefore increasingly favoured secured investment options or diversified alternatives such as covered bonds, non-bank investments and pooled funds over unsecured bank and building society deposits.

#### **Credit Score Analysis 2015/16**

Date	Value Weighted Average Credit Risk Score	Value Weighted Average Credit Rating	Time Weighted Average Credit Risk Score	Time Weighted Average Credit Rating	Average Life (days)
31/03/2015	3.78	AA-	3.44	AA	487
30/06/2015	4.60	A+	5.04	A+	363
30/09/2015	3.64	AA-	1.38	AAA	353
31/12/2015	3.65	AA-	1.21	AAA	292
31/03/2016	2.89	AA	1.03	AAA	414

#### **Liquidity Management**

In keeping with the CLG's Guidance on Investments, the Authority maintained a sufficient level of liquidity through the use of Money Market Funds and instant access accounts.

#### **Yield**

The UK Bank Rate was maintained at 0.5% through the year. Short term money market rates also remained at very low levels which continued to have a significant impact on investment income. The average 3-month LIBID rate during 2014/15 was 0.54%, the 6-month LIBID rate averaged 0.76% and the 1-year LIBID rate averaged 0.99%. The low rates of return on the Authority's short-dated money market investments reflect prevailing market conditions and the Authority's objective of optimising returns commensurate with the principles of security and liquidity.

Table 1: Credit Score Analysis

Scoring:

Long-Term Credit Rating	Score
AAA	1
AA+	2
AA	3
AA-	4
A+	5
A	6
A-	7
BBB+	8
BBB	9
BBB-	10
Not rated	11
BB	12
CCC	13
C	14
D	15

The value weighted average reflects the credit quality of investments according to the size of the deposit. The time weighted average reflects the credit quality of investments according to the maturity of the deposit.

The Council aimed to achieve a score of 7 or lower, to reflect the Council's overriding priority of security of monies invested and the minimum credit rating of threshold of A- for investment counterparties.



## **Management Committee 20 September 2016 Joint Anti Fraud and Corruption Strategy**

### **For Decision**

#### **Briefholder**

Councillor J Cant, Finance and Assets

#### **Senior Leadership Team Contact:**

J Vaughan, Strategic Director

#### **Report Author: J Strange, Head of Financial Services**

#### **Statutory Authority**

Both the Local Government and Housing Act 1989 and Section 151 of the Local Government Act 1972 give statutory responsibilities to the Monitoring Officer and Chief Finance Officer.

#### **Purpose of Report**

- 1 To set out the updated Anti Fraud and Corruption Strategy for the Partnership

#### **Officer Recommendations**

- 2 That Members adopt the Joint Anti Fraud and Corruption Strategy

#### **Reason for Recommendation**

- 3 To ensure the Dorset Councils Partnership has an up to date strategy which reflects best practice.

#### **Background and Reason Decision Needed**

- 4 Each council within the Dorset Councils Partnership has always set itself high standards for both Members and Officers in the operation and administration of the Council's affairs and has always dealt promptly with any allegations or suspicions of fraud and corruption. It has in place policies and procedures to prevent fraud and corruption, including a well promoted Whistleblowing Policy which is issued to staff on an annual basis.
- 5 The Strategy clearly identifies each Council's commitment to an effective Anti Fraud and Corruption Strategy as part of its overall Corporate Governance arrangements. This Strategy is designed to:
  - Encourage prevention
  - Promote detection and
  - Identify a clear path for investigations.

- 6 Each Council also expects that individuals, partners and organisations (e.g. suppliers / contractors) that it comes into contact with, will act towards the Council with integrity and without thought or actions involving fraud or corruption.
- 7 The previous Partnership Strategy and the North Dorset District Council Strategy have been reviewed and were very similar in content. The proposed Strategy for the Dorset Councils Partnership has been updated to reflect current job titles and the latest Corporate Plans. References to the Audit Commission have also been removed as the organisation no longer exists. Instead the definitions for Fraud have been included from the Fraud Act 2006. No other changes were required as the Strategy still reflects best practice.
- 8 The Strategy was considered by the Joint Advisory Accounts and Audit Committee on 4 July 2016 and recommended it for approval. The Strategy will next be due for review in June 2018.

## **Implications**

### **Financial**

- 9 The Strategy sets out the approach to recovery of losses from fraud. A number of contingency days are included within the Internal Audit Plan to undertake special investigations as required by the Strategy.

### **Risk Management (including Health & Safety)**

- 10 A strong and robust approach to fraud and corruption will encourage detection and set out the sanctions that would apply if caught, which should in turn reduce the risk of fraud occurring.

### **Human Resources**

- 11 Both the Code of Conduct for Employees and the Disciplinary Policy may be applied to investigations

## **Consultation and Engagement**

- 12 The Strategy sets out how the Council will deal with allegations of fraud, corruption or other irregularities, with both internal and external reports.

## **Appendices**

- 13 Appendix 1 – Joint Anti Fraud and Corruption Strategy, including the Fraud Response Plan at Annex A

### **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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## **Fraud Response Plan**

### **Introduction**

1. This Fraud Response Plan forms part of the Council's overall Strategy against Fraud and Corruption and covers the Council's response to suspected or apparent irregularities affecting resources belonging to or administered by the Council, or fraud perpetrated by contractors and suppliers against the Council.
2. It is important that Managers know what to do in the event of fraud, so that they can act without delay. The Fraud Response Plan provides such guidance to ensure effective and timely action is taken. Other documents that should be referred to when reading the Plan include:

Anti-Fraud and Corruption Strategy  
 Whistleblowing Policy  
 Code of Conduct for staff  
 Disciplinary Policy and procedures  
 Financial Regulations

### **Objective of the Fraud Response Plan**

3. To ensure that prompt and effective action can be taken to:
  - Prevent losses of funds or other assets where fraud has occurred and to maximise recovery of losses;
  - Identify the perpetrator and maximise the success of any disciplinary or legal action taken;
  - Reduce adverse impacts on the business of the Council;
  - Minimise the occurrence of fraud by taking prompt action at the first sign of a problem;
  - Minimise any adverse publicity for the organisation suffered as a result of fraud; and
  - Identify any lessons which can be acted upon in managing fraud in the future.

### **How to respond to an allegation of theft, fraud or corruption**

#### **Initial Response**

4. Listen to the concerns of staff and treat every report seriously and sensitively.
5. Obtain as much information as possible from the member of staff, including any notes or evidence to support the allegation. Do not interfere with this evidence and ensure it is kept secure.
6. Contact the Assistant Director (SWAP) to discuss the allegation. An evaluation of the case should include the following details:

Outline of allegations;  
 Officers involved, including job role and line manager;  
 Amount involved / materiality / impact;  
 Involvement of any other parties;  
 Timescales – one off or ongoing; and

Evidence – where held and access.

7. In accordance with the Anti-fraud & Corruption strategy, the Chief Finance Officer will make a decision on the action to take, including any preliminary audit investigation or referral to the Police.
8. Where it is appropriate to do so (i.e. without alerting the alleged perpetrator), initial enquiries may be made by Internal Audit, to determine if there actually does appear to be an issue of fraud or other irregularity.
9. During the initial enquiries, Internal Audit should:
 

Determine the factors that gave rise to the suspicion;  
 Examine the factors to determine whether a genuine mistake had been made or whether a fraud or irregularity has occurred;  
 Where necessary, carry out discreet enquiries with staff and / or review documents.
10. Audit staff have the power to access documents, and obtain information and explanations from any officer for the purpose of audit.
11. If it is found that an allegation has been made frivolously, in bad faith, maliciously, or for personal gain, then disciplinary action may be taken against the person making the allegation.

### **Internal Audit Investigation**

12. The Investigating Officer will
  - Deal promptly with the matter;
  - Record all evidence that has been received;
  - Ensure that evidence is sound and adequately supported;
  - Secure all of the evidence that has been collected;
  - Should covert surveillance be considered necessary, then the Regulation of Investigatory Powers Act 2000 (RIPA) must be observed and discussed with the Legal Services in the first instance;
  - Where appropriate, contact other agencies;
  - Report findings to the Chief Finance Officer, and where appropriate, recommend the action to be taken by management in accordance with the Anti-Fraud and Corruption Strategy and the Council's Disciplinary Procedures.
13. Internal Audit will review the outcome of the investigation to ensure that appropriate action is taken to help disclose similar frauds and make recommendations to strengthen control systems.
14. Where an irregularity results in a loss exceeding £10,000 a declaration has to be made to the External Auditor. This will be done by the Assistant Director (SWAP).

### **Sanctions and Recovery of Losses**

*Disciplinary Action*

15. The manager is responsible for taking the appropriate disciplinary action as set out in the Council's Disciplinary policy.
16. If a criminal offence is discovered, it may be appropriate to pursue a criminal prosecution, as decided by the Chief Finance Officer in accordance with the Anti Fraud and Corruption Policy.

*Police*

17. If the Chief Finance Officer determines that the Police need to be involved, either from the start or at a later stage in the investigation, Internal Audit will support the police investigation as necessary.

*Recovery of Losses*

18. Where the Council has suffered a financial loss, it will seek to recover the loss from individual(s) or organisations responsible.
19. The Council may also take civil action (as appropriate) to recover the loss.

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**NORTH DORSET DISTRICT COUNCIL**  
**WEST DORSET DISTRICT COUNCIL**  
**WEYMOUTH & PORTLAND BOROUGH**  
**COUNCIL**

**ANTI-FRAUD AND**  
**CORRUPTION**  
**STRATEGY**

**Issue date: June 2016**

**Next review date: June 2018**

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## **1. INTRODUCTION**

- 1.1 North Dorset District Council, West Dorset District Council and Weymouth & Portland Borough Council take's seriously its duty to ensure proper stewardship of public money.
- 1.2 This document, together with the Whistle-blowing Policy sets out the Council's policy and commitment to the prevention and detection of fraud and corruption. In carrying out its functions and responsibilities, the authorities have always adopted a culture of openness and fairness and have expected that elected members and employees at all levels will adopt the highest standards of propriety and accountability. The responsibilities of members and employees are set out, together with the procedures to be followed where suspicion of financial irregularities has been raised. These standards are also expected from organisations that have dealings with any of the authorities (e.g. suppliers/contractors)
- 1.3 The councils are committed to dealing with fraud and corruption and will deal equally with perpetrators from both inside (members and employees) and outside the authority. Separate policies apply for Housing Benefit and Council Tax Support Fraud.
- 1.4 There are a number of controls in place, such as financial regulations, members' code of conduct and procedural rules which puts both councils in a strong position.
- 1.5 Fraud is defined in the Fraud Act 2006 which came into effect from 15 January 2007. There are three basic types of fraud:
  - False representation  
Where a person makes a representation that is intentionally and dishonestly made, knowing that it is, or might be, untrue or misleading with intent to make a gain for him/herself or another, to cause loss to another or to expose another to risk of loss
  - Failing to disclose information  
Where a person fails to disclose information to another person when he/she is under a legal duty to disclose that information honestly, intending by that failure to make a gain or cause a loss.
  - Abuse of position  
Where a person occupies a position in which he/she is expected to safeguard, or not to act against, the financial interests of another person and abuses that position dishonestly intending by that abuse to make a gain/cause a loss (the abuse may consist of an omission rather than an act).
- 1.6 A person can be found guilty even if there is no victim of the crime; all that needs to be proven is the intent to make a gain or cause a loss by the accused

- 1.7 Corruption covers the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person.

## **2. OBJECTIVES**

- 2.1 The council recognises that it is impossible to prevent all theft, fraud and corruption. The Council's objective is to operate in ways which make it difficult to commit, likely to be detected and then certain to be punished.
- 2.2 The objectives of the Anti-Fraud and Corruption Strategy are to:
- Provide a clear statement of the Council's position on fraud and corruption
  - Minimise the risk to the Council's assets and good name
  - Promote a culture of integrity and accountability in members, employees and all those that the Council does business with
  - Enhance existing procedures aimed at preventing, discouraging and detecting fraud and corruption and raise awareness of the risk of fraud and corruption being perpetrated against the Council.
- 2.3 The Anti Fraud and Corruption Strategy also supports the Corporate Priorities of the Councils as set out in the Corporate Plan. In general it supports each priority by enabling council tax to be spent on services rather than being misappropriated. In particular, the strategy supports the Priority of Developing Successful Partnerships, of creating a leaner and more focused organisation to protect the delivery of local services. It also supports one of the core values; Professional – ethical with standards of conduct and always providing sound advice.

## **3. PREVENTION**

- 3.1 The Council operates within a framework of regulations, codes of conduct, systems and procedures which are designed to prevent fraud and corruption. The Council's systems of prevention includes the following strategy and policy documents:-
- A Members Code of Conduct
  - Financial Regulations and Procedures
  - Contract and Procurement Procedures
  - An Employee Code of Conduct
  - Internal & External Audit protocol
  - Whistle-blowing Policy

These are designed to prevent fraud and corruption and to enhance accountability to the public.

**Conflict of interest**

- 3.2 Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

**Monitoring Officer**

- 3.3 The Council's Monitoring Officer is responsible under Section 5 of the Local Government and Housing Act of 1989, to guard against illegality, impropriety and maladministration in the Council's affairs.

**Chief Finance Officer and Section 151 Officer**

- 3.4 The Council's Chief Finance Officer (Strategic Director) has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper administration of the Council's financial affairs.

**Members**

- 3.5 As elected representatives, all members of the Council have a duty to citizens to protect the Council from all forms of abuse.

Members are expected to comply with the code of conduct, the Council's financial regulations, the anti-fraud and corruption strategy and other relevant legislation.

These matters are brought to the attention of members as part of their introduction to the Council. It is essential that all Members declare to the Monitoring Officer

- Any areas of conflict between their Council duties and any other areas of their personal or professional lives which the Monitoring Officer will record in a register of members' interests and
- Details of any hospitality or gifts received in connection with their public office, or from those with which the council deals, will be recorded by the Monitoring Officer.

**Managers**

- 3.6 Managers at all levels are responsible for the communication and implementation of this strategy in their area of work. They are responsible for ensuring that their employees are aware of the Council's financial regulations and procedural rules. The requirement of employees and the role of employees in the

prevention and detection of fraud and corruption is addressed as part of the induction process.

Special arrangements will apply to employees who are responsible for cash handling or systems generating payments. Managers must ensure that relevant training is provided, and checks must be carried out to ensure that procedures are being followed, at least annually.

The Councils recognise that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the integrity of potential employees, whether permanent, temporary or casual posts. The Council's equal opportunities policy will be adhered to during this process.

### **Employees**

- 3.7 The Councils have a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications held. As with other public bodies, police checks are undertaken on employees working with children or vulnerable adults. Further checks will be introduced in areas where an increased risk of potential fraud and corruption has been identified.

Each employee is governed by the Council's procedural rules and financial regulations and other codes of conduct and policies (Health & Safety, IT Strategy and security). Included in these are guidelines regarding gifts and hospitality and codes of conduct associated with professional and personal conduct and conflicts of interest.

Details of the Code of Conduct are set out in the staff handbook which is available on the intranet.

In accordance with Section 117 of the Local Government Act, employees must disclose any personal interest in contracts that have been, or are proposed to be, entered into by the Council. This legislation prohibits the acceptance of fees, gifts or rewards other than by means of proper remuneration.

Employees are responsible for the safe keeping of council assets.

Employees should always be aware of the possibility that fraud, corruption or theft exists and be able to share concerns with management.

### **Internal Audit**

- 3.8 The Audit service plays a vital role in ensuring that systems and procedures are in place to prevent and detect fraud and corruption. They investigate all cases of suspected irregularity, except benefit fraud investigations, in accordance with the requirements of the

Human Rights Act 1998 and other legislation. They will liaise with management to recommend changes in procedures to prevent losses to the Council.

**External Audit**

- 3.9 Independent external audit is an essential safeguard in the stewardship of public money. The role is delivered through the carrying out of specific reviews that are designed to test (amongst other things) the adequacy of the authority's financial systems, and arrangements for preventing and detecting fraud and corruption. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if they have grounds for suspicion. All external auditors are required, under the Local Government Finance Act 1982, to carry out their audits in accordance with the code of Audit Practice.

**4 REPORTING ARRANGEMENTS AND INVESTIGATION**

- 4.1 The Council expects all elected members and employees of the Council to report any concerns that they may have in respect of fraud and corruption. Members of the public are also encouraged to report concerns.
- 4.2 As set out in the Whistle-blowing Policy, employees are encouraged and expected to raise concerns they may have without fear of recrimination. These concerns will be treated in the strictest confidence and will be properly investigated.
- 4.3 In the first instance an employee should approach their line manager. If they are unable to do this, they can approach the:-
- Assistant Director (SWAP, Internal Audit)
  - The Monitoring Officer
  - The Chief Executive
  - Chief Finance Officer (Section 151 Officer)
- Matters concerning Members should be reported to the Chief Executive.
- 4.4 Any senior manager who has received information about any suspected fraud should report it immediately to the Assistant Director (SWAP) who will inform the Chief Finance Officer (Section 151 Officer) and, where appropriate, the Monitoring Officer.
- 4.5 Concerns must be raised when members or employees reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:-
- A criminal offence
  - A failure to comply with statutory or legal obligations
  - Improper unauthorised use of public or other funds

- A miscarriage of justice
  - Maladministration, misconduct or malpractice
  - Endangering of an individual's health and safety
  - Damage to the environment
  - Deliberate concealment of any of the above
- 4.6 The Council will ensure that any allegations received in any way, including by anonymous letters or telephone calls will be taken seriously and investigated in an appropriate manner.
- 4.7 The Internal Audit investigating officers must:-
- Deal promptly with the matter
  - Record all evidence received
  - Ensure that the evidence is sound and adequately supported
  - Report audit findings to the Chief Finance Officer (Section 151 Officer)
  - Liaise with the Dorset Police, as appropriate, and with the agreement of the Chief Finance Officer
  - Assist in any disciplinary proceedings
- 4.8 Senior Managers must
- Co-operate fully with the internal auditors and the Police during the investigation
  - Implement the disciplinary procedures where appropriate
  - Speedily correct any weaknesses discovered in internal control
  - Deal swiftly, fairly and firmly with those who offend against the Council
- 4.9 The reporting and investigation process must not be misused. Any abuse, such as raising malicious allegations, will be dealt with through the Council's disciplinary procedure. The Council's disciplinary procedure will be followed in cases where the outcome of an investigation indicates improper behaviour.
- 4.10 When fraud or corruption have occurred because of a breakdown in the Council's systems or procedures, the Head of Service / Corporate Manager will ensure that appropriate improvements in systems and control are implemented to prevent a recurrence.
- 4.11 Theft, fraud and corruption are serious offences against the authority and employees will face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action will be taken in addition to criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner, after consultation with the Chief Finance Officer and the Monitoring Officer.

- 4.12 Members will face appropriate action if they are found to have been involved in theft, fraud or corruption against the authority. Action will be taken in addition to criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner.
- 4.13 The Council's Communications Team will optimise the publicity opportunities associated with anti-fraud and corruption activity. They will also try to ensure that the results of any action taken, including prosecutions, are reported in the media.
- 4.14 Guidance on how to deal with allegations of fraud or corruption are set out in the Fraud Response Plan, contained as Annex 1 of this strategy.

**Sanctions Policy**

- 4.15 Each case will be considered on its own merits, having regard to all the facts, before an appropriate sanction is decided. Where an offence has been committed, the Council will consider disciplinary action or instituting criminal proceedings. In cases where financial loss has occurred, the authority will seek to recover the loss and advertise the fact, where appropriate.

**5. FINANCIAL REGULATIONS AND PROCEDURES**

- 5.1 Financial Regulations provide the framework for managing the Council's affairs. They apply to every member and officer of the Council and anyone acting on its behalf.
- 5.2 The Regulations incorporate efficient and effective internal controls including the adequate separation of duties. Managers are responsible for ensuring that reasonable measures are in place to prevent fraud and corruption, and that such controls are properly maintained so that in the event of breach, any irregularity would be picked up promptly, so minimising the loss to the Council.
- 5.3 The council will continue to develop and enhance its existing systems and procedures. The existence and effectiveness of these systems and controls is independently monitored by internal audit and the Council's external auditors as well as being reviewed annually by management, with weaknesses and planned actions being identified in the Council's Annual Governance Statement.
- 5.4 In order to monitor fraud and corruption issues, the Head of Financial Services, Assistant Director (SWAP), Legal Service Manager and HR and OD Manager will meet regularly to share all investigations into suspected fraud or corruption. This will enable a summary to be reported to Senior Leadership Team on any lessons learned, emerging trends and any controls which should be introduced.

## **6. AWARENESS AND TRAINING**

- 6.1 The Councils recognise that the continuing success of their Anti-Fraud and Corruption Strategy and its general credibility will depend largely on the effectiveness of staff throughout the Council.
- 6.2 To facilitate awareness, the Councils support the concept of full induction, training and follow-up training. This applies particularly to officers involved in internal control systems and financial related systems, to ensure that their responsibilities and duties are regularly highlighted and reinforced. It is also important that adequate training is provided to casual, temporary and agency staff, who may not be aware of the high standards of probity that are required of those who work in the public sector.
- 6.3 A leaflet on the Whistle-blowing Policy is distributed to employees and members on a yearly basis. Full copies of this Strategy and the Whistle-blowing Policy are available on the intranet.

## **7. CONCLUSION**

- 7.1 The Councils have in place a robust network of systems and procedures to assist in the fight against fraud and corruption. The strategy fully supports the authority's desire to maintain honest authorities, free from fraud and corruption.
- 7.2 It is determined that these arrangements will keep pace with any future developments in techniques to both prevent and detect fraudulent or corrupt activity that may affect its operation.
- 7.3 The authorities will maintain a continuous review of all their systems and procedures through the audit process.
- 7.4 This strategy statement will be subject to regular review and will be made available to all staff through the intranet and to the wider public via the Council's website.



## **Management Committee 20 September 2016 Whistleblowing Policy**

### **For Recommendation**

#### **Portfolio Holders:**

Cllr K Brookes, Corporate Affairs and Continuous Improvement

**Director:** J Vaughan, Strategic Director

#### **Purpose of Report**

1. The purpose of this report is for Audit Committee to review and approve the revised Whistleblowing Policy.

#### **Officer Recommendations**

- 2 That the Audit Committee notes the updated policy and procedure for confidential reporting of concerns (“Whistleblowing”) and recommend to Management Committee/Executive Committee and Cabinet for approval.

#### **Reasons for Recommendation**

- 3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others that we deal with, who have concerns about any aspect of the Council’s work to come forward and voice those concerns. This is commonly referred to as “Whistleblowing”.
- 4 “Whistleblowing” is the act of reporting or exposing wrongdoing, either within an organisation, or externally. The law on “Whistleblowing” is contained in the Employment Rights Act 1996 (ERA), as amended by the Public Interest Disclosure Act 1998 (PIDA).
- 5 The Government, in the Enterprise and Regulatory Reform Act 2013 (‘the Act’) made a number of changes to the “Whistleblowing” legislation. These changes took effect from 25 June 2013. From then on, workers must reasonably believe that their disclosures are made in the public interest before any protection from dismissal or detriment is obtained
- 6 As the Internal Audit function is provided by the South West Audit Partnership (SWAP), the policy has been prepared for adoption by all partnering Authorities. This will allow a distinct independent contact point for employees and others to raise any concerns

## **Key Changes**

- 7 Details of the changes which have been made to “Whistleblowing” law are as follows:  
“Whistleblowing” protects any disclosure made “in the public interest”. Workers must reasonably believe that their disclosures are made in the public interest before any protection from dismissal or detriment is obtained. The previous definition of a worker making a disclosure “in good faith” has been removed.
- 8 Complaints about breaches of employees’ own contracts of employment should be raised as a grievance and not through the “Whistleblowing” Policy. This is a consequence of the “public interest” requirement. Grievance procedures are intended to deal with a situation affecting the complainant personally rather than wrongdoing of a more general nature.
- 9 Employees who make protected disclosures are now also protected from suffering a detriment (i.e. less favourable treatment), bullying or harassment from another employee. Previously employees who made protected disclosures were protected from adverse treatment only in relation to their employer’s activity
- 10 The Council is committed to maintaining an open culture with high standards of honesty, accountability and probity. The Council takes malpractice and misconduct at work seriously and employees are encouraged to raise concerns internally so that they can be investigated. The Council protects and supports whistleblowers by implementing this Policy, which provides information on how to raise concerns and what steps will be taken to protect whistleblowers.

## **Financial Implications**

- 11 There are no direct costs associated with this report

## **Other Considerations:**

## **Legal/Statutory Power**

- 12 Under the Accounts and Audit (England) Regulations 2011, the relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control.

## **Human Resources (including Health & Safety)**

- 13 None directly from this report.

## **Risk Management**

- 14 The maintenance of an adequate and effective Internal Audit service is a Statutory requirement. Without an adequate and effective internal audit service, there would be a lack of independence on the risk, control and governance framework.  
This policy will mitigate the risk of Fraud and Corruption for the Council.  
The maintenance of an adequate and effective Internal Audit service is a statutory requirement. Without an adequate and effective internal audit service, there would be a lack of independence on the risk, control and governance framework.

## **Consultation**

- 15 None directly from this report.

## **Equalities**

- 16 None directly from this report.

## **Crime and Disorder**

- 17 None directly from this report.

## **Environmental Considerations**

- 18 None directly from this report

## **Appendices**

- 19 Appendix 1: WDDC, WPBC and NDDC Whistleblowing Policy – June 2016

## **Background Documents**

- 20 Code of Practice for Internal Audit in Local Government 2006  
Institute of Internal Auditors Standards  
CIPFA Public Sector Internal Audit Standards

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# **Policy and Procedure for confidential reporting of concerns (“Whistleblowing”)**

**Working in Partnership with**



**Update: June 2016**

**Review Date: June 2018**

## **1. INTRODUCTION**

West Dorset District Council, Weymouth & Portland Borough Council and North Dorset District Council are committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This process is commonly referred to as "Whistleblowing".

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

This policy is intended to encourage and enable employees and members of the public to raise concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Council is committed to listening to concerns, taking them seriously and ensuring that they are dealt with promptly and fairly. There is also statutory protection from any disclosures made by staff. We would rather the matter be raised when it is just a concern, the message we wish to get across is "if in doubt, raise it".

This policy applies to all employees (including those contractors working for the Council on Council premises, for example agency staff etc) and also covers suppliers and those providing services under a contract with the Council in their own premises. The Council will seek to ensure that as part of its procurement processes this policy is brought to the attention of such external contractors, suppliers and service providers.

This policy has been discussed with the relevant Trade Unions and complies with the Public Interest Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013.

## **2. AIMS AND SCOPE OF THIS POLICY**

### **2.1 This policy aims to:**

- Provide avenues for employees to raise concerns and receive feedback on any action taken
- Allow employees to take the matter further if they are dissatisfied with the Council's response to the concerns expressed
- Reassure employees that they will be protected from possible reprisals or victimisation

### **2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This policy is intended to cover concerns that fall outside the scope of the grievance procedure. Thus any serious concern that a member of staff has about any aspect of service provision or the conduct of officers or**

members of the Council or others acting on behalf of the Council can and should be reported under this policy.

This concern may be about something that is:

- unlawful
- against the Council's Standing Orders, Financial Procedure Rules and policies
- against established standards of practice
- improper conduct
- amounts to malpractice
- posing a danger to the health and safety of individuals
- likely to cause damage to the environment
- other conduct that gives you cause for concern

Please note that this is not a comprehensive list but is intended to illustrate the range of issues which might be raised under this Code.

### **3. SAFEGUARDS**

#### **3.1 Harassment or Victimisation**

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisals from those who may be guilty of malpractice or from the Council as a whole. The Council will not tolerate any harassment or victimisation (including informal pressures). The Council will not tolerate any attempt on the part of any employee, Councillor, Council contractor or supplier to apply any sanction or detriment to any person who has reported to the Council any serious and genuine concern that they may have of any apparent malpractice. Anyone who victimises a "Whistleblowing" colleague will personally be liable as the affected "Whistleblower" can directly bring a claim against the culprit.

There is no longer a requirement for a disclosure to be made "in good faith" for claimants bringing a "Whistleblowing" claim against the Council as updated in the Enterprise and Regulatory Reform Act 2013.

In order for protection against recriminations, victimisation or harassment to apply, the person making the disclosure should have a reasonable belief that the disclosure they are making is in the "public interest". Their belief need not be correct for protection to apply.

In addition employees have statutory protection against reprisals under the Public Interest Disclosure Act 1998 and can refer their case to an Industrial Tribunal.

#### **3.2 Confidentiality**

As far as possible, the Council will protect the identity of any employee who raises a concern and does not want his/her name to be disclosed but this confidentiality cannot be guaranteed. It must be appreciated that any investigation process may reveal the source of the information and a statement by the person reporting the concern may be required as part of the evidence. Where an employee has requested that their identity not be revealed, the Council will discuss the matter

with them before embarking on any course of action whereby their identity will need to be disclosed.

### 3.3 Anonymity

Concerns expressed anonymously will be considered at the discretion of the Council although it must be appreciated that it is inherently difficult to investigate concerns expressed this way. It is hoped that the guarantees contained in this policy will provide sufficient reassurance to staff to enable them to raise concerns in person. However in exercising the discretion, the factors to be taken into account would include:

- The likelihood of obtaining the necessary information;
- The seriousness of the issues raised;
- The specific nature of the complaint;
- The duty to the public.

### 3.4 False and Malicious Allegations

The Council will protect itself and its employees from false and malicious expressions of concern by taking disciplinary action where appropriate. In addition, a concern, which, is genuinely believed may prove to be unfounded on investigation. The Council will try to ensure that the negative impact of either a malicious or unfounded allegation about any person is minimised.

## 4. HOW TO RAISE A CONCERN

- 4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you prefer (for whatever reason) or if you believe that management is involved, you could approach one of the individuals in section 4.4.
- 4.2 Concerns may be raised orally or in writing. Normally it is preferable to put your concern in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. To assist in the notification process the Council has set up an arrangement for a confidential answer phone service with the South West Audit Partnership (01935 462381) or alternatively there is a confidential email address ([confidential@southwestaudit.co.uk](mailto:confidential@southwestaudit.co.uk)).
- 4.3 The earlier you express the concern, the easier it is to take action. You should not wait until you have proof. Although you are not expected to prove the truth of the allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

**N.B. If an employee has any personal interest in the matter this should be disclosed at the outset.**



4.4 If you do have a concern, however small and you don't feel comfortable discussing such a sensitive issue with a close colleague, the following officers can provide advice and guidance:

- Assistant Director (SWAP) – Joanne George ([jo.george@southwestaudit.co.uk](mailto:jo.george@southwestaudit.co.uk))
- Section 151 Officer – Jason Vaughan ([jvaughan@dorset.gov.uk](mailto:jvaughan@dorset.gov.uk))
- Assistant Chief Executive & Monitoring Officer – Stuart Caundle ([SCaundle@dorset.gov.uk](mailto:SCaundle@dorset.gov.uk))

4.5 Alternatively employees may wish to get confidential advice from their trade union or professional association. They can also contact the independent charity Public Concern at Work (020 7404 6609) [www.pcaw.co.uk](http://www.pcaw.co.uk) or email [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk) who have lawyers who can give independent advice at any stage about how to raise a concern about serious malpractice at work.

4.6 Employees may invite their trade union or professional association to raise a matter on their behalf.

## **5. HOW THE COUNCIL WILL RESPOND**

5.1 The action taken by the Council will depend on the nature of the concern. Where appropriate, the matters raised may:

- Be investigated by senior management, internal audit (SWAP) or through the disciplinary process;
- Be referred to the police;
- Form the subject of an independent inquiry.

5.2 In order to protect the individual and the Council, an initial investigation will be carried out to decide whether a full investigation is appropriate and, if so, what form it should take (see Appendix 1). Concerns or allegations, which, fall within the scope of specific procedures (for example fraud, theft and corruption) will normally be referred for consideration under those procedures.

5.3 It should be noted that some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this would be taken before any investigation is completed.

5.4 Within ten working days of a concern being raised, the Assistant Director (SWAP) will write to the person raising the concern;

- acknowledging that the concern; has been received,
- indicating how he/she proposes to deal with the matter; and
- giving an estimate of how long it will take to provide a final response.

If it is impossible for initial inquiries to be completed within ten working days, the situation will be explained in the letter of acknowledgement. Where a decision is made that no investigation will take place, the reasons for this will be provided.

- 5.5 The amount of contact between the officers considering the issues and the employee raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information may be sought from the person raising the concern.
- 5.6 Where any meeting is arranged, employees have the right, if they so wish, to be accompanied by a union or professional association representative or a friend who is not involved in the area of work to which the concern relates.
- 5.7 The Council will take appropriate steps to minimise any difficulties, which an employee may experience as a result of raising a concern. For example, if employees are required to give evidence in criminal or disciplinary proceedings, the Council will need to inform them and consider what steps are required to provide support.
- 5.8 The Council accepts that employees raising a concern need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the person raising the concern will receive as much information as possible about the outcomes of any investigation.

## **6. HOW THE MATTER CAN BE TAKEN FURTHER**

- 6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied with any action taken. If you are not satisfied with the outcome of your confidential allegation you can write to the Chief Executive and ask for the investigation and outcome to be reviewed. If you remain dissatisfied and you feel it is right to take the matter outside the Council, you may wish to take advice from your trade union, your local Citizens Advice Bureau, any of the external agencies listed in section 6.4 below, or your legal advisor on the options that are available to you.
- 6.2 Another option is that you may wish to rely on your rights under the Public Interest Disclosure Act 1998. This Act gives you protection from victimisation if you make certain disclosures of information in the public interest. The provisions are quite complex and include a list of prescribed persons outside of the Council who can be contacted in certain circumstances. You should seek advice on the effect of the Act from the Deputy Chief Executive (Monitoring Officer).
- 6.3 If you do take the matter outside the Council, you need to ensure that you do not disclose information where you owe a duty of confidentiality to persons other than the Council (e.g. service users) or where you would commit an offence by making such disclosures. This is something that you would need to check with one of the officers mentioned in Section 4.4.

### **6.4 External Contacts**

If for any reason you do not wish to use the internal arrangements set out above, or require additional support and advice, a list of some of the prescribed people and bodies to whom you can make a disclosure and whose functions have particular relevance to the council's work:

- The Certification Officer ([www.certoffice.org](http://www.certoffice.org))

- Her Majesty's Revenue and Customs (HMRC) ([www.hmrc.gov.uk](http://www.hmrc.gov.uk))
- Serious Fraud Office Confidential ([www.sfo.gov.uk](http://www.sfo.gov.uk))
- The Health & Safety Executive ([www.hse.gov.uk](http://www.hse.gov.uk))
- The Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk))
- The Food Standards Agency ([www.food.gov.uk](http://www.food.gov.uk))
- The Homes and Communities Agency (HCA) ([www.homesandcommunities.co.uk](http://www.homesandcommunities.co.uk))
- Relevant professional bodies or regulatory organisations
- A solicitor or legal advisor
- The Police
- The Local Government Ombudsman ([www.lgo.org.uk](http://www.lgo.org.uk))
- The Council's External Auditors (KPMG) (<http://www.kpmg.com/UK>)

## **7. RESPONSIBILITY FOR IMPLEMENTING**

- 7.1 The responsibility for ensuring that the Council adheres to this Policy rests with the Management Team.

## **8. REVIEW**

- 8.1 This Policy will be regularly reviewed in line with future changes and developments and at least every two years.

## **APPENDIX 1**

### **INVESTIGATION ARRANGEMENTS**

All allegations should also be passed to the Section 151 Officer, Deputy Chief Executive (Monitoring Officer), and the Assistant Director (SWAP) irrespective of who was contacted in the first instance.

All allegations will be investigated by the South West Audit Partnership. The Deputy Chief Executive (Monitoring Officer) will advise on the legal implications and will:

- (a) Arrange support and counselling for the employee who reported the concern
- (b) Advise on any necessary disciplinary action.

The investigation carried out by the South West Audit Partnership will adopt the following good practice points: -

- Deal promptly with the allegation or concern;
- Contact the Police and other agencies as appropriate at an early stage and keep them and the employee who reported the concern informed of progress;
- Prepare a background or objectives statement; consider the likely outcome, i.e. prosecution and/or internal disciplinary action;
- Record all evidence received, ensure that it is sound, adequately supported and kept secure;

- Notify the Council's insurers where appropriate;
- Notify and liaise with the Deputy Chief Executive;
- Identify actions required, systems weaknesses and lessons learnt.

**Management Committee**  
**20 September 2016**  
**Community Infrastructure Levy – Exceptional**  
**Circumstances Relief**

**For Decision**

**Briefholder**

Cllr Ray Nowak – Environment and Sustainability

**Senior Leadership Team Contact:**

S Hill, Strategic Director

**Report Author:**

A. Galpin, Implementation Team Leader

**Statutory Authority**

The Community Infrastructure Regulations 2010 (as amended).

**Purpose of Report**

- 1 To explain the reasons for offering Exceptional Circumstances Relief and seek member agreement for officers to implement the relief in accordance with nationally prescribed regulations.

**Officer Recommendations**

- 2(a) That Exceptional Circumstances Relief from the Weymouth & Portland Community Infrastructure Levy is offered.
- 2(b) That the Head of Planning (Development Management and Building Control) and the Corporate Manager - Planning (Community and Policy Development) be delegated authority to decide when to activate and deactivate the offer of relief in consultation with the Briefholder for Environment and Sustainability.
- 2(c) That the Head of Planning (Development Management and Building Control) and the Corporate Manager - Planning (Community and Policy Development) be delegated authority to consider claims for relief and determine whether or not to grant relief from CIL on a case by case basis in consultation with the Briefholder for Environment and Sustainability.

## **Reason for Decision**

- 3 To enable the charging authority (Weymouth & Portland Borough Council) to consider claims for financial relief from the Community Infrastructure Levy.

## **Background and Reason Decision Needed**

- 4 Full Council approved the CIL Charging Schedule on the 15 October 2015 and the Levy came into effect in relation to relevant chargeable development on the 18 July 2016. The charging schedule and associated guidance as implemented does not include a process for offering discretionary financial relief from CIL in exceptional circumstances.
- 5 The CIL charge is non-negotiable so it is important that the council has tools to consider exceptional circumstances particularly where long-standing planning consents with S106 agreements are affected financially by the transition to the CIL regime.
- 6 The CIL regulations state that the council may only grant relief from payment of a developments CIL charge where a planning obligation under S106 of the Town and Country Planning Act 1990 has been entered into and where the development has not commenced. The council must also:
  - a. consider it expedient to do so.
  - b. consider that to require payment of the CIL charge would have an unacceptable impact on the economic viability of the development and;
  - c. be satisfied that to grant relief would not constitute state aid which is required to be notified to and approved by the European Commission.
- 7 The CIL regulations (provisions 55-57) allow charging authorities to offer discretionary relief for exceptional circumstances and sets out the procedure to be followed if they do so. This process is set out below.
  - The charging authority (the council) must issue a statement on its website to say that it is making the relief available and publish the date the charging authority will begin to accept claims. This statement must also be placed on deposit at its main offices.
  - Once the relief is available, the developer/landowner applies for relief and submits viability evidence. The person claiming relief must be an owner of a material interest in the relevant land.
  - The viability evidence is independently checked by a person with appropriate qualifications and experience. The choice of assessor is agreed by the Council.
  - Claim(s) for relief are considered on a case by case basis.

- The charging authority issues a revised liability notice setting out the revised CIL charge (reduced/waived).
  - Regulations allow the charging authority to withdraw the availability of Exceptional Circumstances Relief at any time on giving 14 days notice on its website.
- 8 The payment of CIL is not necessary in order to make a development acceptable in planning terms, unlike a planning obligation. Therefore the decision as to whether a landowner or developer is offered exceptional relief is one purely based upon the financial viability of a development scheme. There are no planning merits as such to consider. Therefore the process of making judgements on applications for exceptional circumstances relief is not a function within the remit of the Planning Committee. It is proposed that these applications for relief be considered and determined on a case by case basis by the Head of Planning (Development Management and Building Control) and the Corporate Manager - Planning (Community and Policy Development) in consultation with the Briefholder for Environment and Sustainability.
- 9 The decision as to whether a landowner or developer is offered exceptional circumstances relief will be based upon the findings of a financial viability assessment which the applicant will have to provide. The viability assessment will be independently checked where necessary, for example by the District Valuer in order to inform the charging authorities decision and the cost of the independent assessment will be charged to the applicant. This process will ensure that the applications are considered in accordance with national legislative requirements.

## **Implications**

### **Corporate Plan**

- 10 Offering exceptional circumstances relief will help secure the delivery of infrastructure needed to support people and employers to work in the borough, it will therefore meet the objective 'Building a Stronger Local Economy'.

### **Financial**

- 11 The Head of Planning (Development Management and Building Control) and the Corporate Manager - Planning (Community and Policy Development) would have delegated authority to make decisions on whether or not grant relief from CIL on a case by case basis, in consultation with the Briefholder for Environment and Sustainability..
- 12 This will only apply in circumstances where the applicant has already entered into a S106 agreement and has produced robust evidence to show that to pay the CIL charge in addition would have an unacceptable impact on the viability of the development.

- 13 The financial impact of granting exceptional relief is to reduce the level of CIL receipts that the council has available to fund future infrastructure projects. This loss will be offset by the delivery of on/off-site infrastructure required by the S106 agreement.

### **Economic Development**

- 14 While the loss of CIL receipts will have negative implications, the relief from CIL will help ensure that development, infrastructure and commitments made through S106 can be secured in those instances where the CIL charge would have an unacceptable impact on the viability of development.

### **Risk Management (including Health & Safety)**

- 15 It is envisaged that the opportunity for financial relief will be opened to provide a sufficient 'window' for long-standing planning consents with S106 agreements to apply for relief. The proposed delegation arrangements would provide flexibility to offer (and then withdraw) the relief for a longer period, if necessary.
- 16 An authority can only grant relief where a S106 agreement has been entered into for the development/application that the relief application relates to. This would limit the number of development proposals that could potentially seek relief.

### **Human Resources**

- 17 The Community Infrastructure Levy is administered by the Community Infrastructure Levy Officer, part of the Implementation Team.
- 18 The Head of Planning (Development Management and Building Control) and the Corporate Manager - Planning (Community and Policy Development) would make decisions on when to activate and deactivate the offer of relief in consultation with the Briefholder for Environment and Sustainability.
- 19 The Head of Planning (Development Management and Building Control) and the Corporate Manager - Planning (Community and Policy Development) would consider and determine claims for relief on a case by case basis in consultation with the Briefholder for Environment and Sustainability.

### **Consultation and Engagement**

- 20 None

### **Appendices**

- 21 None



## Background Papers

- 22 Weymouth & Portland Community Infrastructure Levy Charging schedule  
[https://www.dorsetforyou.gov.uk/media/209465/Adopted-CIL-Charging-Schedule-WPBC/pdf/ACG\\_fn\\_CIL\\_Charging\\_Schedule\\_WPBC\\_151021.pdf](https://www.dorsetforyou.gov.uk/media/209465/Adopted-CIL-Charging-Schedule-WPBC/pdf/ACG_fn_CIL_Charging_Schedule_WPBC_151021.pdf)
- 23 West Dorset, Weymouth & Portland CIL Guidance Note  
[https://www.dorsetforyou.gov.uk/media/212557/CIL---WDWP-CIL-Guidance-Note/pdf/ACG\\_fn\\_CIL\\_Guidance\\_Note\\_FINAL\\_Web\\_160419.pdf](https://www.dorsetforyou.gov.uk/media/212557/CIL---WDWP-CIL-Guidance-Note/pdf/ACG_fn_CIL_Guidance_Note_FINAL_Web_160419.pdf)

## 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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## **Management Committee**

**20 September 2016**

### **Procedure for approving Neighbourhood Forums, including agreement of Sutton Poyntz Neighbourhood Forum and Area designation, and amendments to the consultation period for neighbourhood plan area applications**

#### **For Decision**

##### **Briefholder**

Cllr Ray Nowak - Environment and Sustainability

##### **Senior Leadership Team Contact:**

S Hill, Strategic Director

##### **Report Author:**

N Cardnell, Senior Planning Officer

##### **Statutory Authority**

The procedures for agreeing neighbourhood forums and plan areas are prescribed in the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 as amended, and the Neighbourhood Planning (General) Regulations 2012.

##### **Purpose of Report**

- 1 To agree the procedure for approval of neighbourhood forums, revise the consultation period for neighbourhood area applications and agree the Sutton Poyntz neighbourhood forum and area applications.

##### **Officer Recommendations**

- 2 The following three recommendations are made:
  - a) To alter the minimum consultation period for publicising neighbourhood forum and area applications from the current 8 weeks to the statutory period of 4 weeks where the area follows a parish boundary (ie for Portland) and 6 weeks in all other cases.
  - b) That delegated powers be given to the Corporate Manager Planning (Community and Policy Development), in consultation with the relevant local ward councillors, to approve neighbourhood forums where certain criteria are met. In all other cases the decision on neighbourhood

forum applications will be brought to the next available Management Committee.

- c) That the Sutton Poyntz Neighbourhood Forum and the Sutton Poyntz Neighbourhood Area be agreed and designated.

## **Reason for Decision**

- 3 The previously agreed procedure for designating neighbourhood areas on 5 November 2013 is not aligned with more recent changes to the statutory procedure. This report sets out a revised general procedure for approval of neighbourhood forums and a reduction in the consultation period for neighbourhood area applications, to bring it in line with the statutory changes.
- 4 The report also seeks a decision on the application for the designation of Sutton Poyntz Neighbourhood Area and Forum received from the Sutton Poyntz Society.

## **Background and Reason Decision Needed**

- 5 The Localism Act introduced powers for local communities to produce neighbourhood development plans, which when adopted become part of the statutory development plan for the area. It also provided powers for local communities to produce a neighbourhood development order, effectively giving permitted development rights for certain types of development in a specified area. The Neighbourhood Planning (General) Regulations came into force alongside the Act on 6 April 2012. The regulations set out some of the more detailed procedural requirements for these neighbourhood planning tools.

### ***Consultation arrangements for Neighbourhood Areas and Forums***

- 6 The Neighbourhood Planning (General) (Amendment) Regulations 2015 came into force on the 9 February 2015 and introduced prescribed dates for an area application to be determined. These timescales are:
  - Where the area applied follows parish boundaries the determination period will be eight weeks,
  - For applications that include any of the areas of more than one local planning authority the determination period will be twenty weeks,
  - For all other applications the determination period will be thirteen weeks.
- 7 This means that we need to have effective member and officer decision-making processes in place to deal with applications within these timescales. Delegating straightforward decisions to the Corporate Manager Planning (Community and Policy Development), in consultation with the relevant local ward councillors, will enable this process.
- 8 To facilitate these timescales the government changed the statutory consultation period for neighbourhood area applications from six weeks to

four weeks where the application is a parish council and to six weeks in all other circumstances.

- 9 Management Committee on 5 November 2013 agreed a procedure for approving neighbourhood areas which included a consultation period of 8 weeks.
- 10 A consultation period of this length would make it challenging to achieve the prescribed 13 week determination period for neighbourhood forum applications given the current committee cycle and the time needed to process the application. It is recommended that the consultation periods be amended to that of the 'statutory requirement' of 4 weeks where the application area follows the parish boundary and 6 weeks in all other circumstances.
- 11 For a community to exercise neighbourhood planning powers, a 'qualifying body' needs to be established. The qualifying body would normally be a parish or town council where one exists. In other circumstances, a neighbourhood forum would need to be established.
- 12 A neighbourhood forum has to be designated by the local planning authority in accordance with the procedures set out in the Neighbourhood Planning (General) Regulations 2012 and section 61F(5) of the Town and Country Planning Act 1990.
- 13 To designate an organisation or body as a neighbourhood forum the authority has to be satisfied that:
  - No other competing application has been received,
  - It is set up for the express purposes of promoting or improving the social, economic and environmental well being of the neighbourhood area,
  - Its membership is open and includes a minimum of 21 individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area,
  - Reasonable steps have been taken to secure at least one representative from each of these categories,
  - Its membership is drawn from different places in the neighbourhood area, and represents a good cross section of the community as a whole,
  - It has a written constitution.
- 14 As with neighbourhood area applications, neighbourhood forum applications have a statutory consultation period of 6 weeks. During this period area applications where they have to be publicised on the council's website and in such other manner likely to bring them to the attention of people who live, work or carry on business in that area.
- 15 It would therefore be appropriate to align the publicity for a forum application with that of an area application which will be for the statutory period. Currently forum applications are subject to consultation for a period of 8 weeks.

### ***Granting of Delegated Powers to designate neighbourhood areas and forums.***

- 16 Where the conditions relating to forum applications have been satisfied and there are no significant issues raised as a result of the consultation, there is no practical reason why the forum should not be approved under delegated powers.
- 17 It is recommended therefore that delegated powers be given to the Corporate Manager Planning (Community and Policy Development), in consultation with the relevant local ward councillors to approve neighbourhood forums where:
- no other competing application has been received,
  - it is set up for the express purposes of promoting or improving the social, economic and environmental well being of the neighbourhood area,
  - that the neighbourhood area to which the application relates is agreed by the council and it relates to an area where there is no town or parish council,
  - its membership includes a minimum of 21 individuals each of whom lives, works or is an elected member of the district council, or county council within the neighbourhood area, and has secured membership from at least one representative from each of these categories,
  - its membership is drawn from different places in the neighbourhood area, and represents a good cross section of the community as a whole,
  - it has a written constitution agreed by the Head of Legal Services,
  - There are no significant issues raised as a result of the consultation.
- 18 If any significant issues are raised as part of the consultation or any of the criteria above are not met in full, the decision on neighbourhood forum applications will be brought to the next available Management Committee for member consideration.

### ***Sutton Poyntz Neighbourhood Area and Forum***

- 19 On the 27 May 2016, the Council received an application to become a neighbourhood forum from the Sutton Poyntz Society alongside an application for the designation of a neighbourhood area. There is no parish council in Sutton Poyntz so in order to progress a neighbourhood plan there is a need to establish a neighbourhood forum. Details of the application are contained in appendix A.
- 20 In designating the forum, the council must be satisfied that the application meets the legal requirements. The application must include:
- The name of the proposed neighbourhood forum
  - A copy of its written constitution
  - The name of the neighbourhood area to which application relates and a map which identifies the area.
  - Contact details of at least one member that can be made public

- A statement explaining how the proposed forum meets the following conditions: A neighbourhood forum must comprise at least 21 people, and it must remain open to new members who live or work in the area or are councillors for the area. Its remit (as set out in its written constitution) must be established to promote or improve the social, economic and environmental wellbeing of the neighbourhood area.
- 21 In deciding on a forum designation the council must have regard to the desirability of designating the organisation or body as a forum and that the organisation:
- has taken reasonable steps to secure membership that includes at least one person from each of the three membership groups identified,
  - has membership drawn from different places in the area and different sections of the community in the area, and
  - Whose purpose reflects the character of the area.
- 22 The Council must designate only one organisation or body as a neighbourhood forum for a neighbourhood area, and only if the body has applied to do so, and only where the area does not include part or all of a parish.
- 23 The Neighbourhood Area application includes details of the organisation submitting the application (Sutton Poyntz Society), a map identifying the proposed area and a statement why this is considered an appropriate area. The application also includes a statement setting out why the Sutton Poyntz Society should be designated as the neighbourhood forum and therefore become the qualifying body for the proposed Sutton Poyntz neighbourhood area.
- 24 The neighbourhood area contains the village of Sutton Poyntz, with its surrounding farmland. On the West, North and East, the boundary follows the Weymouth & Portland Borough boundary. On the south, there is no 'official' or historic line separating Sutton Poyntz and Preston; the southern boundary has been aligned roughly with the narrowest point of the River Jordan valley, between Rimbury and Winslow Hills; it has also been drawn to include most but not all of the Important Open Gap land identified in the Local Plan, which helps to separate Sutton Poyntz from Preston, and hence to keep Sutton Poyntz as a village.
- 25 On the northern side, the boundary between Weymouth & Portland and West Dorset divides the village, with 8 houses at the top end of Plaisters Lane being in West Dorset. Those houses cannot be included in the Neighbourhood Area as they are in the parish of Bincombe and hence the whole of the Winterborne Farringdon grouped parish would need to be included within the area and Winterborne Farringdon grouped parish council would then become the qualifying body. The Sutton Poyntz Society has confirmed that they will include the occupants of the Plaisters Lane houses in future consultations, and hope that they can be included in the Referendum.

- 26 Section 61H of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that when designating a neighbourhood area, a local planning authority should consider whether the area concerned should be designated as a business area. A neighbourhood area should only be designated as a business area if it is “wholly or predominantly business in nature”. Sutton Poyntz is a predominantly residential area with few businesses and on that basis it is not considered appropriate to designate the neighbourhood area as a business area.
- 27 The neighbourhood forum application includes details of the name of the area (Sutton Poyntz) and organisation making the application, contact details for the organisation, a statement setting out why the Sutton Poyntz Society should be designated as the neighbourhood forum and contact details for individuals wishing to become involved.
- 28 The Sutton Poyntz Society was founded in 1968 as a village social and conservation society. It has always taken a close interest in planning matters affecting the village. The primary objective of the Society is “promoting the social, economic and environmental well-being” of the village. Membership is open to those living in the area and has a current membership of 295 (2015/16) of which 3 are Borough Councillors, 3 work in the area but live elsewhere, 11 live in 8 Sutton Poyntz Houses in West Dorset and 25 live outside the village. The joint applications were accompanied by the Sutton Poyntz Society constitution and steering group terms of reference (Appendices B & C).
- 29 Consultation took place on the application for an eight week period between 10<sup>th</sup> June – 5<sup>th</sup> August 2016. At the close of the consultation 8 representations were received, five from statutory bodies and three from local residents (Appendix D).
- 30 Two representations from local residents sought to question the democratic accountability of the Sutton Poyntz Society. The Localism Act 2011 supports neighbourhood area and forum applications from organisations that fulfil the prescribed conditions outlined above. Neither objector supplied evidence to demonstrate that the Sutton Poyntz Society did not meet these prescribed conditions.
- 31 One representation questioned the small geographic area of the proposed neighbourhood plan area. There is no guidance that prescribes a minimum area and the area proposed is considered to represent the village of Sutton Poyntz. It was acknowledged within the application that establishing a clear cut off to the south has been difficult due to the lack of clear geographical features.
- 32 A representation noted the lack of local services and development land within the proposed area. Again, neither the level of local services or perceived lacks of development land are valid reasons for refusing the application.
- 33 The representations also expressed concern at the lack of political accountability and the relationship with the Preston Ward. Membership of the Sutton Poyntz Society is open to all local residents within the proposed area. The Sutton Poyntz Society has published terms of reference that



encourage openness and transparency and all members have a vote. The proposed neighbourhood forum will be set up for the express purpose of preparing a neighbourhood plan and would not lessen the powers of the local ward member.

- 34 Therefore it is recommended that members approve the applications for the Sutton Poyntz Neighbourhood Area and Sutton Poyntz Neighbourhood Forum as received from the community in Sutton Poyntz.

## **Implications**

### **Corporate Plan**

#### **35 Environment**

Priority: C1. Creating a planning framework which balances environmental protection with meeting community and economic needs

### **Financial**

- 36 LPAs can claim £5,000 for the first five neighbourhood areas or forums designated. The limit of five areas applies to the total number of areas designated in the LPA (i.e. it includes areas or forums designated in previous years). LPAs can claim £20,000 once they have set a date for a referendum following a successful examination.

### **Equalities**

- 37 The consultation by the Council will be guided by the Council's Statement of Community Involvement. This matter will also be for the qualifying bodies to consider in preparing their plans.

### **Environmental**

- 38 Environmental considerations are taken into account in preparing a neighbourhood plan and SEA screening is required as part of the process.

### **Economic Development**

- 39 A Neighbourhood Forum must be set up for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area.

### **Risk Management (including Health & Safety)**

- 40 No risks identified for this stage. Neighbourhood plans will become part of the development plan and therefore will have a significant influence on future planning decisions.

### **Human Resources**

- 41 On going support for the project provided by the Spatial Policy and Implementation team with additional support from Community Planning, Communications (in terms of media relations, printing and design services), IT (mapping systems) and advice from officers from Development Management, Technical Services (infrastructure), Electoral Services and Economic Regeneration.

## **Consultation and Engagement**

- 42 The statutory requirements for publicising neighbourhood forum and area applications are similar to those for publicising neighbourhood areas and so in advance of agreeing a procedure, to avoid delays both applications under went a period of public consultation for 8 weeks from 10<sup>th</sup> June – 5<sup>th</sup> August 2016.

## **Appendices**

- A. Neighbourhood Area & Forum Application
- B. Steering Group Terms of Reference
- C. Constitution 2016
- D. Sutton Poyntz Area & Forum Designation Consultation responses received 10<sup>th</sup> June – 5<sup>th</sup> August 2016

## **Background Papers**

### **Footnote**

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

**Report Author:** N Cardnell – Senior Planning Officer

**Telephone:** 01305 838263

**Email:** ncardnell@dorset.gov.uk

## Application for designation of Sutton Poyntz Neighbourhood Area & Forum

The following combines an application for the designation of a Sutton Poyntz Neighbourhood Area, and an application for the Sutton Poyntz Society to be designated as Neighbourhood Forum for this Neighbourhood Area.

### **1. Neighbourhood Area application**

#### **1.1. Organisation submitting application**

Sutton Poyntz Society (For contact details, see section 2.2 below)

#### **1.2. Map identifying proposed area**

The map is shown on page 4 below. This map has been generated electronically from a “KML file”, a standard type of file used to store geographic data; the file defines the boundary as a sequence of latitudes and longitudes. This KML file can be downloaded from

[http://suttonpoyntz.org.uk/images/Neighbourhood/neighbourhood\\_area\\_draft\\_b.kml](http://suttonpoyntz.org.uk/images/Neighbourhood/neighbourhood_area_draft_b.kml)

or viewed on the Sutton Poyntz village website at

<http://suttonpoyntz.org.uk/index.php/neighbourhood-area>.

The map displayed at that website address can be panned and zoomed in order to see the precise relationship between individual houses and the boundary.

#### **1.3. Statement of why this is considered an appropriate area**

Rationale for chosen boundary: The area contains the village of Sutton Poyntz, with its surrounding farmland. On the West, North and East, the boundary follows the boundary between Weymouth & Portland Borough and West Dorset District. On the south, there is no ‘official’ or historic line separating Sutton Poyntz and Preston; the southern boundary has been aligned roughly with the narrowest point of the River Jordan valley, between Rimbury and Winslow Hills; it has also been drawn to include most but not all of the Important Open Gap land identified in the Local Plan, which helps to separate Sutton Poyntz from Preston, and hence to keep Sutton Poyntz as a village.

On the northern side, the boundary between Weymouth & Portland and West Dorset divides the village, with 8 houses at the top end of Plaisters Lane being in West Dorset. Those houses cannot be included in the Neighbourhood Area, but we will include their occupants in our consultation, and hope that they can be included in the Referendum.

Consultation on chosen boundary: The first draft of the proposed neighbourhood Area was publicised by means of a Newsletter distributed to all households within this area, as well as to households beyond the southern boundary along Sutton Road and Puddledock Lane, where the village merges into Preston. We received a number of representations from people living at the southern end of Puddledock Lane whose properties are registered with the Land Registry as being part of Sutton Poyntz and which should be included within the Plan Area. As a result of these representations we agreed to move the boundary to include the 16 additional houses fronting onto this part of the Lane and in the three culs-de-sac leading off it (Rimbrow Close, Millers Close and Reynards Way).

We also received two representations from people living close to the end of Sutton Road, whose deeds reference "Preston cum Sutton Poyntz". This is the name of the extensive Ecclesiastical Parish covering all of Preston out to Lodmoor and Littlemoor, and we did not change the boundary here as Land Registry records clearly show that this part of Sutton Road is in Preston. As with the properties at the top end of Plaisters Lane, we nevertheless intend to include this area in future consultations.

Planning Portal criteria: The Planning Portal suggests several criteria that need to be considered in selecting the Neighbourhood Area boundaries. We have assessed these as follows:

- Village or settlement boundaries – The compact core of the village, dating back as far as the 10th century, centres around the stream and Millpond between the historic Northdown and Sutton Farms. The village has grown outwards ever since along main thoroughfares - north up Plaisters Lane, and south towards Preston. Open countryside surrounds the village and penetrates southwards along the Jordan Valley between Puddledock Lane and Sutton Road, giving this part of the Plan area a semi rural character, though urban pressures have drawn development in Preston right up to the southern boundary of the village.
- Catchment area for local services – Sutton Poyntz relies for most of its services (shops, schools, medical) on Preston and the wider Weymouth area. There is a pub and a Village Hall in the village, and an hourly bus service to Weymouth; small businesses providing childcare, yoga tuition, B&B accommodation and car repair services also exist within the village..
- Community-based groups – Sutton Poyntz has a very active village community life, based on the village pub and the village hall (Mission Hall). There are Women's and Men's groups (WI and "SP Action Men"), reading groups, art groups, a biodiversity group, a history group, bridge, whist, dog training. Both the Sutton Poyntz Society and the Mission Hall Trust run well attended social events for village. Every 2 years, the village comes together to run its Victorian Street Fayre, currently raising over £20000 for a variety of charities, and there are a number of other regular village events that raise money for charity.
- Physical appearance/character – (See the Conservation Area Appraisal in the Local Plan for more information). The old village centre close to the stream consists primarily of houses and cottages (many modest in size) in rural style, with rubble walls and thatch or slate roofs. Plaisters Lane has a number of notable pre-war properties built in similar local materials. Much recent development outside the village centre has respected this character though there are some unsympathetic developments from the 1950's and 1960's. Preston is more generally suburban, although the historic centre around the church is of similar character and was added to the Sutton Poyntz Conservation Area. The farmland around the village is now more or less all owned and worked from outside the village; however there is an abrupt boundary between the developed area and the surrounding fields, a high percentage of houses in the village back onto fields, and so the farmland is important to villagers.
- "Coherent estate" for business or residents – There is a very strong sense of community among village residents, and a determination to protect the special

character of the village, and not to allow it to become simply a continuous part of the Weymouth conurbation. There is little industry left within the village though the Waterworks and its museum, the Cartshed repair works and particularly the Springhead PH are viewed as assets by the community.

- Natural boundaries – The village sits in the northern part of the River Jordan valley, in a broad valley almost surrounded by hills (the Ridgeway to the north, the Osmington spur to the east, Chalbury to the west, and Winslow to the south). This is separated from the southern part of the River Jordan (where Preston sits) by a narrowing of the hills at a point between Chalbury, to the west, and Winslow to the east. The eastern end of the valley is in Osmington parish, and is separated from Preston cum Sutton Poyntz parish by a thick ancient hedge. A local government reorganisation in the 1930's divided the ecclesiastical parish of Preston cum Sutton Poyntz in a way that never made much sense, so that the western extremity of the valley now sits in Bincombe civil parish, in West Dorset. This means that the physical and civil boundaries are not now well aligned.
- Natural setting – The whole village lies within the Dorset AONB and the surrounding hills which frame the view from many parts of it are important for their archaeological and ecological significance as well as their natural beauty. Chalbury has an early example of a Hill Fort which is scheduled and is also an SSSI, while White Horse Hill with its figure is also protected as a Monument and a SSSI.
- Size of population – The Neighbourhood Plan area contains about 230- 240 properties and has an estimated population of around 500 persons, though it is intended to refine these figures when Census data and household surveys become available.

#### 1.4. Statement of why Sutton Poyntz Society is a qualifying body

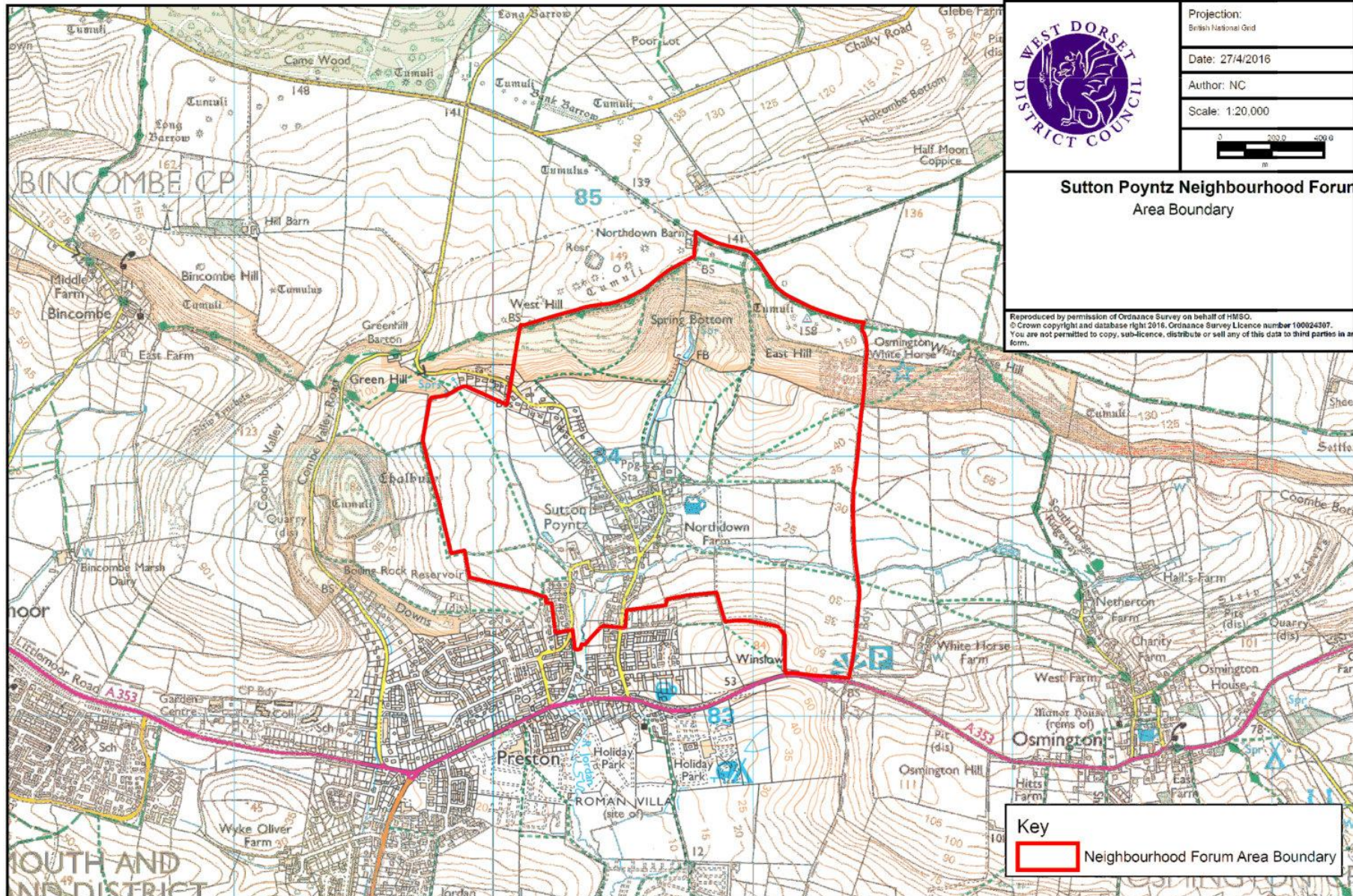
There is no Parish Council for this area; therefore a Neighbourhood Forum needs to be designated. The Localism Act 2012 creates a new Section 61F for the Town & Country Planning Act 1990, which defines the qualification criteria for a Neighbourhood Forum. The Sutton Poyntz Society qualifies under these criteria as follows:

- The body must be established for the express purpose “of promoting or improving the social, economic and environmental well-being” of the Area. In the Constitution of the Sutton Poyntz Society (attached) the top level Object of the Society is “promoting the social, economic and environmental well-being” of the village. The Constitution gives further details of how the Society attempts to achieve this objective;
- The body must have membership open to those living in the Area, those who work there, and those who represent the Area as Councillors. Rule 3 of the Society's Constitution explicitly satisfies all those criteria.
- The body must have actual membership of at least 21 individuals each of whom lives in the Area, works there, or represents the Area. Using the latest data available (subscriptions collected for 2015/16), the Sutton Poyntz Society's current membership is 295 members. Of these, 3 are Borough Councillors for the Preston Ward, 3 work in the Area but live elsewhere (there are others who both live and work in the Area), 11 live in the 8 Sutton Poyntz houses in West Dorset, and 25 live

outside the village and qualify for membership by subscribing generally to the Society's objectives. The other 253 members live in the proposed Neighbourhood Area (comfortably over 50% of the adult population).

- The body must have a written Constitution – a copy of this is attached, along with a copy of the proposed Terms of Reference for the Steering Group that will be set up to write the Neighbourhood Plan.







## **2. Neighbourhood Forum application**

### **2.1. Name of Neighbourhood Area:**

Sutton Poyntz (for map, see section 1.2 above)

### **2.2. Name of organisation making application:**

Sutton Poyntz Society

### **2.3. Contact details for organisation:**

Bill Egerton (Secretary, Sutton Poyntz Society)

Northdown Farmhouse, 106 Sutton Road, Sutton Poyntz, Weymouth DT3 6LW

01305 832872

[society@suttonpoyntz.org.uk](mailto:society@suttonpoyntz.org.uk) or [wmegerton@gmail.com](mailto:wmegerton@gmail.com)

### **2.4. Statement that organisation is a relevant body:**

For a statement of how the Sutton Poyntz Society meets the legal criteria for a Neighbourhood Forum, see section 1.3 above.

The Sutton Poyntz Society was founded in 1968 as a village social and conservation society. It has always taken a close interest in planning matters affecting the village, and has tried to react positively to planning issues. For example, in 1971 when the development of what is now Old Bincombe Lane was proposed, the Society accepted the principle of developing that area but commissioned architect's sketches that led to a much more sympathetic development than had originally been proposed.

The Sutton Poyntz Society assisted in the creation and later extension of the Sutton Poyntz Conservation Area, and has generated a series of village plan documents (a Conservation Policy in 1972, a Village Survey in 1999, a Village Plan in 2007, and a Planning Policy since 2008). The Planning Policy is used to ensure that all planning applications are assessed objectively.

The Society is one of the bodies in the village that run social events in order to foster the village's strong sense of community. The annual round of events include monthly Coffee Mornings in the winter, a Dorset Cream Teas event, a Vegetable Show, and a Scarecrow Competition – some of these raise money for charity. The Mission Hall Trust, the local WI, and the Village's Street Fayre Committee are the main other village organisations running social events.

The Society's original objectives were social and environmental, but we have now added an economic objective to our Constitution, and are investigating how we can help and encourage small local businesses.

The Society's Constitution now offers membership explicitly to village residents, those who work in the village or own businesses in the village, and those who represent us as Councillors, as well as others who subscribe to our objectives of "promoting the social, economic and environmental wellbeing of the village". In practice we have had members in all of those categories for some time – all three Preston Ward Borough



Councillors are members, and for example the proprietors of the Cartshed motorworks have been members for many years, although living at Lulworth.

The village contains 238 houses (including the 8 in West Dorset at the top of Plaisters Lane). A number of these houses are holiday lets or holiday houses. We have a total of 264 members who live in Sutton Poyntz (including 11 in the 8 West Dorset houses). In order to show the broad geographic distribution of our members, the following table splits the village into areas, and lists the approximate percentage of member households, non-member households, and holiday lets, holiday homes etc. We intend that our work should be as inclusive as possible and will make every effort to engage all interests in the Village whether Society Members or not.

<b>Village area</b>	<b>Number of houses</b>	<b>% member households</b>	<b>% non-member households</b>	<b>% holiday lets, second homes etc.</b>
Plaisters Lane (West Dorset)	8	75%	12.5%	12.5%
Plaisters Lane north	35	74.3%	17.1%	8.6%
Sutton Court Lawns & Sutton Close	15	93.3%	6.7%	0
Plaisters Lane south	16	68.8%	25.0%	6.2%
Mission Hall Lane & Fox Lane	16	56.2%	6.2%	37.5%
Silver Street & Sutton Rd west of pond	17	23.5%	58.8%	17.6%
Sutton Road north & White Horse Lane	29	48.3%	37.9%	13.8%
Old Bincombe Lane & Brookmead	22	77.3%	22.7%	0
Sutton Road south	31	71.0%	25.8%	3.2%
Puddledock Lane north & Cornhill Way	17	88.2%	5.9%	5.9%
Puddledock Lane south	32	56.2%	43.8%	0

2.5. Contact details for individuals wishing to become involved:

Mark Cribb (Steering Group Secretary)

The Cottage, Puddledock Lane, Sutton Poyntz, Weymouth DT3 6LZ

01305 834729

[neighbourhood@suttonpoyntz.org.uk](mailto:neighbourhood@suttonpoyntz.org.uk) or [markcribb.thecottage@gmail.com](mailto:markcribb.thecottage@gmail.com)

## **SUTTON POYNTZ NEIGHBOURHOOD PLAN STEERING GROUP TERMS OF REFERENCE**

### **1. Introduction**

The Sutton Poyntz Society took the decision to produce a Neighbourhood Plan at its AGM on 13<sup>th</sup> April 2016. A motion was passed that the Society should become a Neighbourhood Forum.

The Sutton Poyntz Society has commenced initial meetings with Weymouth and Portland Borough Council (the Local Authority) to be as sure as possible that an application for Forum status will be successful, with an agreed Neighbourhood Area. The Society Committee will establish a Steering Group to oversee a process resulting in a Neighbourhood Plan which will be put to Independent Examination and then a Referendum. In doing so it is deemed appropriate that the Steering Group are provided with and accept the following terms of reference.

### **2. Objectives**

The Steering Group will be responsible for the following four outputs:

- An application for the Society to act as a Neighbourhood Forum, along with a Neighbourhood Area application;
- A Project Plan, describing, with proposed timescales and resources, how the Neighbourhood Plan will be produced;
- A draft Neighbourhood Plan ready for Independent Examination, along with a Consultation Report and a Basic Conditions Statement;
- After Examination, a final Neighbourhood Plan ready for the Referendum.

These outputs will be submitted to the Society Committee for approval and for submission (where appropriate) to the Local Authority.

The Neighbourhood Plan will be guided (among other documents) by the Society's Village Survey, Village Plan, Conservation Policy and Planning Policy, as well as the NPPF, the Local Plan (and Local Authority objectives emerging during its Local Plan revision), the Listed Buildings descriptions, and the AONB Management Plan. It will identify all the important aspects of life in the village which have relevance in terms of future planning issues, and will propose a framework for future land usage within the village, identifying development opportunities and assets to be protected.

### **3. Membership of the Steering Group**

The Steering Group will be formed from residents and people working in the village, chosen to be as representative as possible of the village's population and to provide a mix of required skills and knowledge.

The Steering Group shall extend until the final Neighbourhood Plan has been submitted for Referendum.

The Steering Group will consist of a suggested maximum of 12 members and a minimum of 6 members

If a member of the Steering Group fails to attend 3 consecutive Steering Group meetings the member will be deemed to have resigned from the Steering Group unless otherwise agreed by the

Steering Group. This provision does not prevent any member from resigning from the Steering Group by providing the Chairman with written notice of their resignation.

Once the Steering Group is operating, it may coopt additional or replacement members, bearing in mind the need for the Group membership to be representative and the skills and knowledge needed. Any person who wishes to become a member of the Steering Group after the commencement of the Neighbourhood Planning process shall apply to the Steering Group.

The Steering Group may form Subgroups to undertake specific aspects of the work involved in producing the Neighbourhood Plan; the Subgroups may have members who are not members of the Steering Group itself. These Subgroups will be subservient to the Steering Group, acting under its instructions and reporting back to it; these Subgroups shall adhere to the relevant parts of these terms of reference.

The Local Authority is obliged to provide assistance under the statutory provision of the Localism Act 2011. There is extensive guidance available on the Dorset for you website <https://www.dorsetforyou.com/neighbourhoodplanning/west/weymouth>

#### **4. Roles and Responsibilities of the Steering Group**

The Steering Group will:

- Elect a Chairman and a Secretary from their number. If the Chairman is not present at a meeting, members shall elect a Chairman for the meeting from members present at that meeting.
- Agree the neighbourhood plan area and submit the initial application for approval of a neighbourhood area to the Local Authority;
- Gather views in order to generate a vision for the village's future;
- Arrange meetings and appoint Subgroups to gather views and consult on emerging policies which are considered appropriate for incorporation in the draft Plan;
- Assess existing evidence about the needs and aspirations of the village in regards to the planning aspects of the neighbourhood plan;
- Liaise with relevant organisations, consultants and stakeholders to secure their input in the process;
- Analyse the results of questionnaires or other evidence received during the planning process and use them to prepare a robust draft Plan;
- Use a variety of mechanisms for publicity and consultation, to ensure a healthy two-way flow of information between the Steering Group and villagers and other stakeholders;
- Provide regular reports of progress to the Society Committee;
- Keep a careful record of its activities as proof that the statutory conditions applying to Neighbourhood Plan preparation have been satisfied. In particular the majority of records (Agendas, Minutes, Working Papers and most Correspondence) should be made public on the village website, while any records that need to be kept confidential should be archived in the data area on the website server.

The Society Committee will:

- Support the preparation of the Sutton Poyntz Neighbourhood Plan providing sufficient assistance and financial resources to ensure the plan is prepared expeditiously providing that overall expenditure falls within the budget allocated for the purpose;

- Facilitate, if required, contact with the relevant statutory bodies or parties who must be consulted during the plan making process;
- Carry out all statutory duties contained within the Neighbourhood planning (General) regulation 2012 and engage the Local Authority during the referendum process of the plan for which the principle authority is responsible.
- Submit the various outputs of the Steering Group expeditiously to the Local Authority, and liaise with the Local Authority while it is dealing with the outputs;
- Provide access to the village website for publicity and archiving of material.

All Members of the Steering Group and of any Subgroups will:

- Ensure that there is no discrimination in the plan making process and that it is a wholly inclusive, open and transparent process to all groups in the parish and to those wishing to undertake development or be involved in the plan making process; and
- Work together for the benefit of the communities established within the village. Treat other members of the Group with respect and dignity, allowing members to express their views without prejudice and interruption.

## **5. Conduct of Meetings**

The Steering Group will meet as required in order to achieve its tasks (not less frequently than bi-monthly). Notices, Agendas, Minutes and associated papers will be emailed (or otherwise sent) to all Steering Group members. The Steering Group shall keep minutes of all meetings.

The Steering Group shall be quorate when 50% of the Steering Group members are present. Any decisions taken by the Steering Group will be carried if the majority (more than 50%) of members present are in favour at any given meeting. The Chairman shall have the casting vote where the vote is equal.

Conflict of Interest: Steering Group members shall declare any disclosable pecuniary interest (as defined by the Disclosable Pecuniary Interests Regulations 2012) that may be perceived as being relevant to a topic being discussed. That member may speak on the topic, but shall not take part in any vote on the topic. Such an interest is most likely to be in the form of any beneficial interest in land or property being discussed, by either the member or their spouse or partner, but can take other forms. Owning a property or business in the area is not in itself a conflict of interest. In case of doubt, the Local Authority should be able to give advice.

Conflict Resolution: If it proves not possible for the Steering Group to reach agreement during any stage of preparing the Plan, every effort shall be made by the membership of the Steering Group to resolve the difference by negotiation. In the course of developing the Neighbourhood Plan, if serious conflict arises within the Steering Group regarding any issue and is unable to be resolved then the Steering Group will refer the matter to the Society Committee for investigation and decision. Before reaching a decision, the Society Committee may attempt to arbitrate or conciliate, or it may gather further information including from the Local Authority or via a public meeting or a Society General Meeting. To reach a decision, the Society Committee may make a decision in its own right, or may call a public meeting or a Society General Meeting. If the issue seems irreconcilable, the Society Committee may decide to abandon the Neighbourhood Plan, which decision shall be put to a Society General Meeting.

This section of the Terms of Reference also applies to meetings of any Subgroups created by the Steering Group.

## **6. Financial delegation**

Significant grant funding will be available for the Steering Group activities, covering such things as training, expert consultancy, evidence collection, printing and publicity, and facilities for public meetings. In addition, a number of specific technical support packages are available.

The Steering Group shall identify its needs for funding, and shall provide expenditure forecasts to the Society Committee. This will allow the Society Committee to agree a budget with the Steering Group, and to apply for grant funding. The Steering Group shall be responsible for the selection of suppliers (within the agreed budget). All income and expenditure will be managed by the Society Committee, using an auditable mechanism to be agreed with the grant fund providers – no direct financial delegation will be given to the Steering Committee.

## **7. Application of Terms of Reference**

These Terms of Reference shall apply from the date of this document and retrospectively where relevant to the date of the inception of the Steering Group. The Terms of Reference will be reviewed throughout the project by the Steering Group and the Society Chairmen, and will be amended if necessary by the Society Committee.

Dated:



# Sutton Poyntz Society

Website: [suttonpoyntz.org.uk](http://suttonpoyntz.org.uk)  
Email: [society@suttonpoyntz.org.uk](mailto:society@suttonpoyntz.org.uk)

1) **Name:**

The name of the Society shall be the Sutton Poyntz Society

- a) **Definition:** If a Sutton Poyntz Neighbourhood Area is formally approved, then the word village herein will be taken to be synonymous with the Neighbourhood Area

2) **Objects:**

The objects of the Society shall be promoting the social, economic and environmental wellbeing of the village of Sutton Poyntz – in particular:

- a) The protection and conservation of the beauty and environment in and around the village of Sutton Poyntz in Dorset, for the benefit of people living in, working in and visiting the village;
- b) In furtherance of a), to consult with the planning Authorities of Weymouth and Portland Borough Council and Dorset County Council, in so far as such consultation may be practical and agreeable to those authorities;
- c) To make a study of the village for the purpose of deciding which are the most important aspects which it is essential to maintain and which are of lesser importance;
- d) As a result of c) to decide whether improvements are desirable and practicable in any way and to take steps to effect such improvements;
- e) To foster small businesses and industry in the village (compatible with a largely domestic environment), to encourage villagers to use their local businesses, to seek improving relations with farmers and landowners operating around the village, and to seek improved amenities for the village;
- f) To liaise as appropriate with other local organisations (such as the Weymouth Civic Society, the Dorset History Network, and the Weymouth & Portland Chamber of Commerce) in furthering the top-level objectives of the Society;
- g) To be one of the village organisations that create a sense of village community for Sutton Poyntz, producing Newsletters and the village website, running social events for and on behalf of the village, acting as an envelope organisation for village societies created by enthusiasts from time to time, and keeping old customs alive for the benefit of all;
- h) To engage in fund raising activities at such times when the committee in office may decide that these are desirable or necessary;
- i) If legal ownership is required to be effected in pursuance of d), to found a company (limited by guarantee) funded and managed by the Society. This company shall be called Sutton Poyntz Limited and will have the same aims as the Society.

3) **Membership:**

Membership of the Society shall be open to all persons:

- a) Resident in the village, or
- b) Working in the village or owning a business based in the village, or
- c) Representing the village as Local Councillors, or
- d) To other persons who subscribe to the objects of the Society. The number of such other members not resident in the village shall be limited in such a manner that they do not constitute a majority of the total membership.

A list of subscribing members shall be kept by the Committee each year.

4) **Officers:**

The officers of the Society shall be Chairman, Secretary and Treasurer. The officers will also be appointed as the Directors of the Limited Company. Ceasing to be an officer of the Society will also be deemed to be resignation as a Director.

5) **Committee:**

The Committee shall consist of the officers and other members up to a maximum of twelve members (including the Officers) and a minimum of seven members (including the Officers). 50% of the Committee membership shall be necessary to provide a quorum at Committee meetings. In the event of a tied vote, the Chairman shall have a casting vote. All members of the committee shall become members of the Limited Company. The Committee shall be responsible for:

- a) Management of the Society's affairs and maintenance of the Society's accounts. If the Society is legally approved as a Neighbourhood Forum, then the accounts pertaining to the Forum activities shall be maintained so that they can be separately examined if required.
- b) Carrying such duties as may be assigned to them by the membership at the AGM or and Special General Meeting;
- c) Appointing such of their members as they think fit to consult with the Planning Authorities (see Rule 2b);
- d) To seek assistance from the general body of the membership in the formation of Working Parties when the formulation of such Working Parties is desirable in the furtherance of special objects. The Committee may appoint one of their members to be responsible for the organisation of such Working Parties if they consider such an appointment necessary or desirable;
- e) To compile and circulate to all members, Newsletters at such intervals as they deem necessary to keep the members fully informed of their activities;
- f) Organisation generally of events and activities consistent with the objects of the Society;
- g) Management of Sutton Poyntz Limited and any assets held;
- h) Should the Society be designated as a Neighbourhood Forum, to appoint a Working Party, chosen to be as widely representative as possible, to plan and carry out the drafting of a Neighbourhood Plan. This Working Party shall report back regularly to the Committee, and via the Committee to Society General Meetings.

**6) Subscription:**

The subscription to the Society shall be per household / member per annum at such sum as may be decided upon at the Annual General Meeting at which point the annual subscription will be due.

**7) Annual General Meeting:**

- a) The Annual General Meeting (AGM) shall be held in April each year. Three weeks notice of the holding of the AGM must be given to all members of the Society. The following items must be included in the Agenda:
  - i) Committee report
  - ii) Treasurer's report
  - iii) Report of Sutton Poyntz Ltd
  - iv) Election of Officers
  - v) Election of Committee
  - vi) Election of Independent Examiner
- b) An independently examined statement of the accounts of the Society must be available at the AGM.
- c) Nominations for the Officers and Committee Members for the ensuing year may be given to the Secretary in writing at any time before the start of the AGM and must contain the name of the candidate proposed, the proposer, the seconder and agreement of the candidate. In addition, candidates may be proposed at the AGM provided they are in attendance at the meeting. Additional committee members may be co-opted by the elected committee during the year but must be confirmed at the next AGM.
- d) All officers and committee members shall be subject to re-election at each AGM.
- e) The Chairman shall not serve a continuous period in office exceeding three years.

**8) Special General Meeting:**

A Special General Meeting (SGM) shall be called by the Chairman upon receipt, by the Secretary, of a written request signed by not less than ten members. The request must state the business required to be discussed at the SGM and this must be shown with the notice calling the meeting. The notice must be posted on the Society notice board (place where the Society normally displays notices) at least ten days prior to the date of the SGM.

**9) Modification of rules:**

Any proposed alterations or additions to the Rules or Constitution shall be discussed and voted upon only at the AGM or an SGM. Notice of such alterations or additions shall be given in writing to the Secretary not less than two weeks before the date of the meeting. Any such proposed alteration or addition shall be considered approved if carried by two thirds majority of those present and voted.

**10) Declaration of interest:**

It shall be the duty of every member who is in any way directly or indirectly interested financially or professionally in any item discussed at any meeting of the Society (including any meeting of any Committee, Sub-Committee or Working Party) at which he or she may be present to declare such interest and he or she shall not discuss such item or vote thereon (except by Invitation of the Chairman).



11) **Winding up:**

The Society may be dissolved by a two-thirds majority of members voting at an Annual General Meeting or Special General meeting of the Society confirmed by a simple majority of members voting at a further Special General Meeting held not less than 14 days after the previous meeting. If a motion for the dissolution of the Society is to be proposed at an Annual General Meeting or a Special Meeting this motion shall be referred to specifically when notice of the meeting is given. In the event of the dissolution of the Society, the available funds of the Society shall be transferred to such one or more charitable institutions having objects similar or reasonably similar to those herein before declared as shall be chosen by the Executive Committee and approved by the meeting of the Society at which the decision to dissolve the Society is confirmed. On dissolution the records of the Society shall be deposited with the Dorset History Centre.

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**Planning Department**Weymouth & Portland Borough Council  
Council Offices  
North Quay  
Weymouth  
DT4 8TA

Email: C.J.Osborne@dorsetcc.gov.uk

DX: DX 8716 Dorchester

Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 28 June 2016

Ask for: Chris Osborne

My Ref: PPE16-026

Your Ref: N/A

**Dear Planning Team,****Re: DCC/LLFA Consultation – Surface Water Management****Proposal: Sutton Poyntz Neighbourhood Forum & Plan Area Consultation****Location: Sutton Poyntz NP**

Thank you for consulting Dorset County Council's (DCC) Flood Risk Management (FRM) team. As Lead Local Flood Authority (LLFA), we are the relevant RMA (Risk Management Authority) for Ground Water (GW), Surface Water (SW) and fluvial flooding from Ordinary Watercourses (OWC). As such, it is appropriate that we are consulted with regard to Neighbourhood Plans (NP). Major development as defined within Article 2(1) of the Town & Country Planning, Development Management Procedure, England Order 2015, requires that we be consulted as statutory consultee for SW drainage. It is therefore beneficial that we be consulted at this early stage.

The proposal under consideration relates to Sutton Poyntz Neighbourhood Forum & Plan Area Consultation. As relevant RMA for the above sources of flooding, I have reviewed the following documents submitted in support of the NP:

- *Application for designation of Sutton Poyntz Neighbourhood Plan Area & Forum – M. Cribb, Sutton Poyntz Society – Undated.*

We note that, at this stage, the consultation relates to a proposal for a NP only, rather than a NP itself. The supporting document is limited in scope, but does set out a defined area for a future NP submission, as well as providing some contextual information regarding the area. Any future NP will need to consider and comment on local flood risk within the community.

With regards flood risk, I offer the following comment:

- The area proposed has one Main River with three tributaries designated as OWCs.
- Areas of the parish are situated within Flood Zone 3 (high risk, fluvial), as indicated by the EA's indicative flood mapping. The Local Planning Authority (LPA) should therefore also consult with the Environment Agency (EA) with regard any NP submission.
- The area to be designated is not known to experience GW flooding, however, springs feed a number of the watercourses referred to above. As such, any future locations earmarked for development should consider the likelihood of any GW flooding.
- According to British Geological Survey (BGS) mapping, the parish sits predominantly on mudstone, which is impermeable and unlikely to support drainage through infiltration.
- Surface water modelling reveals ponding at various locations within the defined boundary. A future neighbourhood plan should identify these areas and consider their likely impact on any

development. In keeping with National Planning Policy Framework (NPPF) requirements, all major development planning applications must take due consideration of surface water management and should offer a drainage strategy that does not create or exacerbate off site worsening.

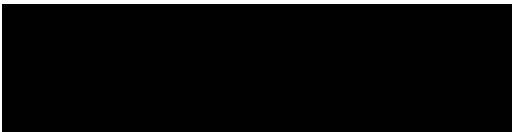
- DCC has historical records of property flooding at various addresses within the Sutton Poyntz NP. We are also aware of some of the contributory factors, which cause flooding within this community. Any future development should be sensitive to these existing risks. Flood risk can occasionally be reduced if development plans are well thought through. However, this often relies on local knowledge regarding areas and properties that are prone to flooding. If neighbourhood plans identify such information, it may prove easier for developers to help reduce these risks through their designs.

The above observations should be considered when seeking to recommend / allocate land for development and when setting policies within any NP. We would expect to see demonstration of this in any subsequent submission.

**We have no objection to the area put forward for a NP. Nor do we have any objection to the proposal document submitted. We note, however, its limited scope and request that we be consulted on any future submissions.**

Thank you for consulting us in this matter. We (FRM) will continue to review NP submissions as previously agreed on a best endeavours basis, but would highlight that we are only a statutory planning consultee with regard to proposals that have major development status (i.e. 10 dwellings and above / 1 hectare plus). Therefore, many of the smaller (non-major) sites that are identified within such plans will not be passed to DCC's FRM team to consider as relevant LLFA and surface water consultee.

**Yours Sincerely,**

A large black rectangular box used to redact the signature of Chris Osborne.

**Chris Osborne,  
Flood Risk Engineer.**

**From:** Richard C Dodson  
**Sent:** 01 July 2016 11:46  
**To:** Nick Cardnell (NDDC); Strategic Policy  
**Cc:** Planning  
**Subject:** Sutton Poyntz NHP Designation

Hi Nick

There is a small area of building stone (1.685ha) located south of East Hill, close to a public footpath.

This safeguarded mineral would need to be taken into account in the preparation of Sutton Poyntz Neighbourhood Plan.

Please find attached a plan of the proposed Sutton Poyntz NP area with the safeguarded mineral shown.


I believe you have had direct comments from Flood Risk Management.

regards

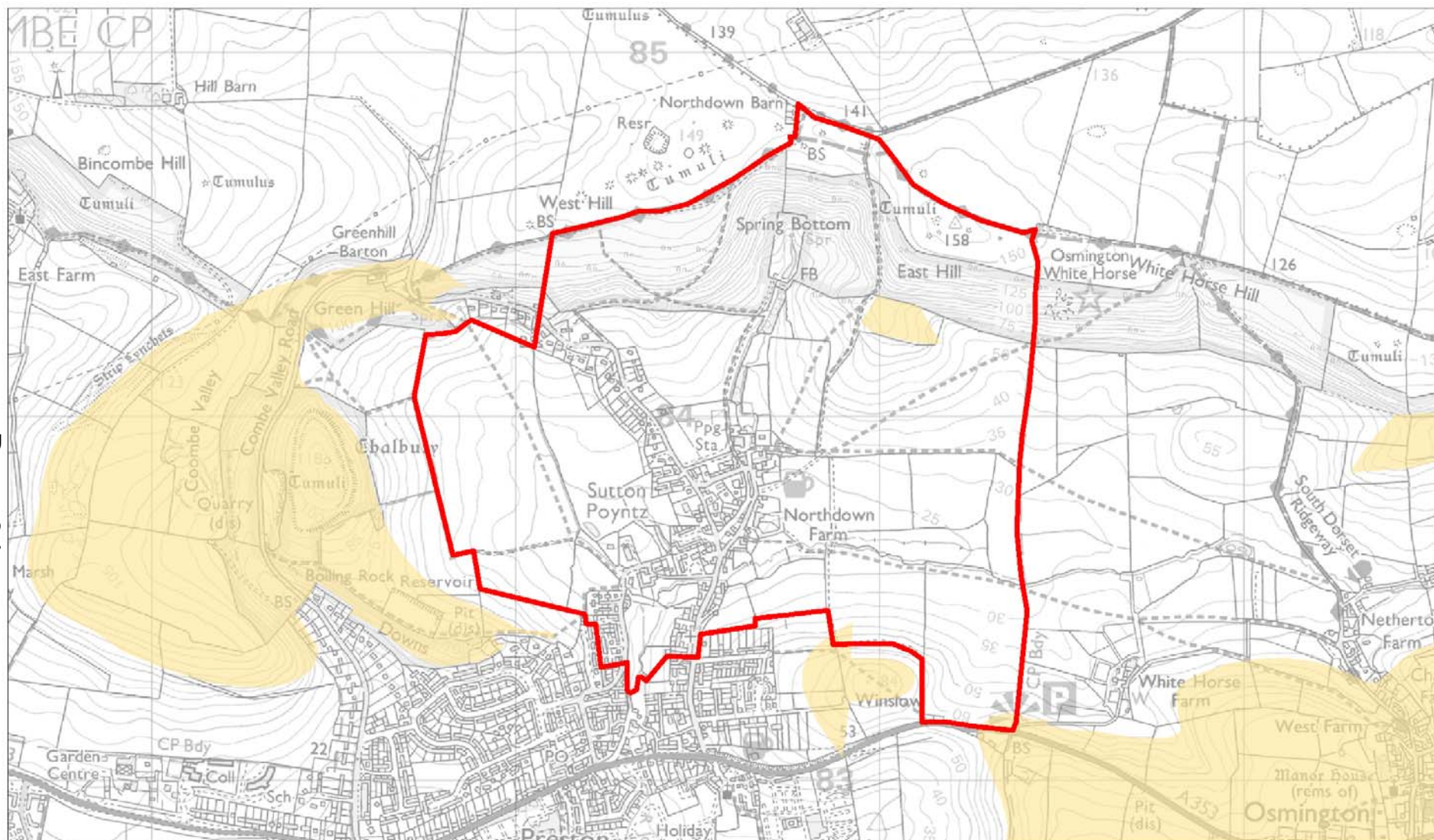
Richard Dodson MA, IEng, FIHE, MRTPI, DipMgt.  
Planning Obligations Manager

**Dorset County Council** 

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## Sutton Poyntz Neighbourhood Plan area



Mineral Safeguarded Area



Sutton Poyntz Neighbourhood Plan area boundary

Ref:

Date: 16/06/2016

Scale 1:14000

Drawn By:

Cent X: 370579

Cent Y: 83973

GEOGRAPHICAL INFORMATION SYSTEMS



**Dorset County Council**

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Historic England

Community and Policy Development  
West Dorset District Council

Our ref: PL00026005

Your ref:

Telephone

Email

5<sup>th</sup> August 2016

Dear Sir/Madam

## NEIGHBOURHOOD AREA CONSULTATION – SUTTON POYNTZ

Thank you for giving notice that the Sutton Poyntz Society has applied to designate Sutton Poyntz as a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012.

Historic England has no objection to this proposal.

We would like to take the opportunity of the consultation to outline the range of support Historic England is able to offer in relation to Neighbourhood Plans. It would be helpful if this response can be copied to the Parish Council for their information.

Research has clearly demonstrated that local people value their heritage and Neighbourhood Plans are a positive way to help communities care for and enjoy the historic environment.

Historic England is expecting that as Neighbourhood Planning Forums come to you to seek advice on preparing Neighbourhood Plans they will value guidance on how best to understand what heritage they have, as well as assistance on preparing appropriate policies to secure the conservation and enhancement of this local heritage resource.

Information held by the Council and used in the preparation of your Core Strategy/Local Plan is often the starting point for Neighbourhood Plans. Other useful information may be available from the Historic Environment Record Centre or local environmental and amenity groups. Our records, for example, show that the area has 12 Grade II Listed Buildings and 12 Scheduled Ancient Monuments. Historic England also publishes a wide range of relevant guidance. Links to these can be found in the appendix to this letter.

Plan preparation also offers the opportunity to harness a community's interest in the historic environment by getting them to help add to the evidence base, perhaps by creating



Historic England, 29 Queen Square, Bristol BS1 4ND

Telephone 0117 975 1308 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking or further deepening historic characterisation studies.

Historic England has a statutory role in the development plan process and there is a duty on either you as the Local Planning Authority or the Neighbourhood Planning Forum to consult Historic England on any Neighbourhood Plan where our interests are considered to be affected as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders.

Historic England will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. Our local offices may also advise communities where they wish to engage directly with us, subject to local priorities and capacity.

Historic England fully recognises that the neighbourhood planning process is a locally-led initiative and communities will shape their own neighbourhood plan as informed by the issues and opportunities they are most concerned about and relevant to the local area. As a national organisation we are able to draw upon our experiences of neighbourhood planning across the country and information on our website might be of initial assistance <http://www.historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning.

Should you wish to discuss any points within this letter, or if there are issues about this Neighbourhood Plan Area where the historic environment is likely to be of particular interest, please do not hesitate to contact me.

Yours faithfully

David Stuart  
Historic Places Adviser

## Appendix



Historic England, 29 Queen Square, Bristol BS1 4ND  
Telephone 0117 975 1308 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.  
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**The National Heritage List for England:** a full list with descriptions of England's listed buildings: <http://www.historicengland.org.uk/advice/hpg/heritage-assets/nhle>

**Heritage Gateway:** includes local records of historic buildings and features  
[www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)

Historic England's Advice by topic: you can search for advice on a range of issues relating to the historic environment in the Advice section of our website

**Heritage Counts:** facts and figures on the historic environment  
<http://hc.historicengland.org.uk>

**HELM** (Historic Environment Local Management) provides accessible information, training and guidance to decision makers whose actions affect the historic environment.  
[www.helm.org.uk](http://www.helm.org.uk) or [www.helm.org.uk/communityplanning](http://www.helm.org.uk/communityplanning)

**Heritage at Risk** programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever.  
<http://www.historicengland.org.uk/caring/heritage-at-risk>

**Placecheck** provides a method of taking the first steps in deciding how to improve an area.  
<http://www.placecheck.info/>

**The Building in Context Toolkit** grew out of the publication 'Building in Context' published by English Heritage and CABE in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

**Knowing Your Place** deals with the incorporation of local heritage within plans that rural communities are producing,  
<https://www.historicengland.org.uk/images-books/publications/known-your-place/>

**Planning for the Environment at the Neighbourhood Level** produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information.  
<http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

**Good Practice Guide for Local Heritage Listing** produced by English Heritage uses good practice to support the creation and management of local heritage lists.  
<https://www.historicengland.org.uk/images-books/publications/good-practice-local-heritage-listing/>

**Understanding Place** series describes current approaches to and applications of historic characterisation in planning together with a series of case studies  
<http://www.helm.org.uk/server/show/nav.19604:>



Historic England, 29 Queen Square, Bristol BS1 4ND  
Telephone 0117 975 1308 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

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Correspondence or information which you send us may therefore become publicly available.



**From:** Gallacher, Gaynor  
**Sent:** 14 June 2016 16:25  
**To:** Strategic Policy  
**Cc:** Hellier, Steve  
**Subject:** Sutton Poyntz Neighbourhood Forum & Plan Area Consultation - Highways England response

Dear Strategic Policy team

Thank you for your email providing Highways England with the opportunity to comment on the application by Sutton Poyntz Society for designation of the village of Sutton Poyntz as a neighbourhood plan area.

Highways England is responsible for operating, maintaining and improving the strategic road network (SRN) which in this instance comprises the A35 which runs some distance to the north of the proposed plan area. We are keen to support the development of neighbourhood plans and the delivery of local growth and we therefore have no objection in principle to the village becoming a plan area. Whilst it is unlikely that future development proposals will have the potential to impact on the SRN we would nonetheless welcome the opportunity to comment further on the plan as it develops to ensure it includes a satisfactory assessment of traffic impacts and mitigation requirements, if appropriate.

Regards  
Gaynor

**Gaynor Gallacher, Business Support, South West Operations Division**  
Highways England | Ash House | Falcon Road, Sowton Ind. Estate | Exeter | EX2 7LB  
Web: <http://www.highways.gov.uk>

Date: 15 June 2016  
Our ref: 188099  
Your ref: Sutton Poyntz Neighbourhood Plan



Strategic Policy (West Dorset)  
South Walks House  
South Walks Road  
Dorchester  
Dorset  
DT1 1UZ  
United Kingdom

Hornbeam House  
Crewe Business Park  
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Crewe  
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CW1 6JC

T 0300 060 3900

**BY EMAIL ONLY**

[s.policy@westdorset-weymouth.gov.uk](mailto:s.policy@westdorset-weymouth.gov.uk)

Dear Sir/Madam,

**Sutton Poyntz Neighbourhood Forum & Plan Area Consultation**

Thank you for notifying Natural England of your Neighbourhood Planning Area in your email dated 10/06/2016.

We would like to take this opportunity to provide you with information sources you may wish to use in developing your plan, and to highlight some of the potential environmental risks and opportunities that neighbourhood plans may present. We have set this out in the annex to this letter.

Natural England's role

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Your local planning authority should be able to advise you when we should be consulted further on your neighbourhood plan.

Planning policy for the natural environment

Neighbourhood plans and orders present significant opportunities, but also potential risks, for the natural environment. Your proposals should be in line with the National Planning Policy Framework. The key principles are set out in paragraph 109:

The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

You should also consider the natural environment policies in your area's Local Plan. Your neighbourhood plan or order should be consistent with these, and you may decide that your plan should provide more detail as to how some of these policies apply or are interpreted locally.

The attached annex sets out sources of environmental information and some natural environment issues you may wish to consider as you develop your neighbourhood plan or order.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully,

Victoria Kirkham  
Consultations Team

# Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

## Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)<sup>1</sup> website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)<sup>2</sup>.

**Priority habitats** are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)<sup>3</sup>. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

**National Character Areas (NCAs)** divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)<sup>4</sup>.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)<sup>5</sup> website and also from the [LandIS website](http://www.landis.org.uk/)<sup>6</sup>, which contains more information about obtaining soil data.

## Natural environment issues to consider

The [National Planning Policy Framework](https://www.gov.uk/government/publications/national-planning-policy-framework--2)<sup>7</sup> sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/)<sup>8</sup> sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

### Landscape

---

<sup>1</sup> <http://magic.defra.gov.uk/>

<sup>2</sup> <http://www.nbn-nfbr.org.uk/nfbr.php>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>4</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

<sup>5</sup> <http://magic.defra.gov.uk/>

<sup>6</sup> <http://www.landis.org.uk/index.cfm>

<sup>7</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>8</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

#### Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)<sup>9</sup>), such as Sites of Special Scientific Interest or [Ancient woodland](#)<sup>10</sup>. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

#### Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)<sup>11</sup>) or protected species. To help you do this, Natural England has produced advice [here](#)<sup>12</sup> to help understand the impact of particular developments on protected species.

#### Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)<sup>13</sup>.

## **Improving your natural environment**

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

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<sup>9</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>10</sup><https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>11</sup><http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

<sup>12</sup><https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>13</sup><http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)<sup>14</sup>).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

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<sup>14</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

-----Original Message-----

From:

Sent:

To: Strategic Policy

Subject: nieghbourhood forum sutton poyntz

As asked I write to comment on this proposal, Firstly regarding the suitability of the Sutton Poyntz society to become a nieghbourhood forum. I would imagine that in reality this would be a giant leap of faith, the organisation referred to, is mainly made up of newcomers to the area, who pay an annual subscription and get a newsletter. The number of people consist of approx 15% of the immediate population (the small area concerned) The majority of the locals just ignore it, The society certainly has no mandate, nor any pedigree which would enable them to be of benefit to the area, In fact the person who is apparently chairman, and the contact number in the publicity has only been here for about 15/16 months, hardly a qualification for being able to run an area. If you are desperate to have this further layer of gobblegook then I would suggest the womens institute, who do have the support of many long standing local people.

As to the feasibility of the scheme, as a tax paying businessman, I am amazed that it has even been discussed. The reality is that Sutton is part of the Preston ward the area to which this scheme would relate would consist of about 175 properties, a high percentage of which are holiday lets, If a precedent were to be set in this application, then you could end up with approximately 291 forums in Weymouth alone, not quite what the government either wants or sets down in their manifesto. The folly of the scheme is compounded also, by the fact that within the area concerned, there is no shop, church school nor is there any place of employment, no land for development (though of course this proposed body would be a purely consultative body) in fact the only things I can see to manage are three lampposts. We do have representation on both the Weymouth and Portland Borough council, and the County Council, which is more than enough, the area has been surviving for millenium mainly on community, so why waste time money and resources in creating division. I know I speak on behalf of many locals, that if you do decide, to implement this hairbrain scheme, then it would just be ignored, The only two people whom may be interested are apparently according to the grapevine a Mr Gilbert and a Mr Sullivan

In conclusion I have already said that we are well represented at present, instead of wasting money on such schemes, maybe you could start looking at the problem in local communities where people are moving in, and because they have no history or local background they bunch up together and form unwanted committees, they seem to be incapable of any individual purpose. It is these people that you should spend money on helping as they are becoming a cancer in every small community across the country. If you want local opinion, then why not select say 12 people a year at random, from each community and liaise with them. After all this is just what the jury system is, and that sits and decides peoples future and indeed their freedom and have greater powers than any consultative body that is there in order to distance people from government

cc           The Daily Mail  
              Mrs T May pm



Online Form Submission	
<b>Form</b>	<a href="#">Neighbourhood Plan Area consultation response form</a> (id: 809092)
<b>Article</b>	<a href="#">Comment on applications received to designate neighbourhood areas</a> (id: 406616)

## Neighbourhood Plan Area consultation response form

West Dorset and Weymouth & Portland	
Neighbourhood plan area you wish to comment on	Sutton Poyntz
Your comments	The plan area is agreed. It has been well considered, adjusted in view of residents comments and fairly represents the Sutton Poyntz catchment area. The Sutton Poyntz Society (SPS) are the ideal cognisant organisation to supervise the Forum. The SPS is a long established body in the village and in my 25 years as a member I have always perceived it to act in accordance with its constitution.

Online Form Submission	
<b>Form</b>	<a href="#">Neighbourhood Plan Area consultation response form</a> (id: 809092)
<b>Article</b>	<a href="#">Comment on applications received to designate neighbourhood areas</a> (id: 406616)

## Neighbourhood Plan Area consultation response form

West Dorset and Weymouth & Portland	
Neighbourhood plan area you wish to comment on	Sutton Poyntz
Your comments	<p>This would essentially be (despite the claims of the applicants) the usurpation of the democratic process by a group of unelected, and therefore unaccountable persons. Presently we have elected councillors who in consultations with council planning officers consider all applications, to whom the Sutton Poyntz Society can and does make representations viz. planning applications. Should the electorate not approve of decisions made then that disapproval can be made known at the ballot box. None of the group submitting the Neighbourhood Plan application are democratically accountable- having appointed themselves. The root cause of this application is a proposed development in the village that met with universal disapproval and was rejected by the Council thus demonstrating there is no need for a Neighbourhood Plan. There has be no consultation within the village as to whether there should be a Neighbourhood Plan- such again was done by democratically unaccountable persons relying upon village residents apathy to achieve their aims. Because of such apathy any proposed local consultation is going to be suspect as to clashes of interest, clarity and undue pressures. All reasons why the present</p>

	<p>process is safer and fairer. There is no indication as to how such a plan is to be formulated i.e. will each household receive a questionnaire as to what development there should be? who will compile the questionnaire? will the questions be loaded to achieve the required aims of the compiler/s? how can residents be sure that the claimed results fully reflect the responses? and are they truthful? The fact that the group is attempting to put together a Neighbourhood Plan suggests they have little or no faith that the present system will deliver what they perceive as the required results ipso facto there would be no need for a Neighbourhood Plan. It therefore follows that they have an agenda and seek an outcome that achieves their aims of how things should be. Thus we have an unelected democratically unaccountable group seeking to take control of a democratic process for their singular ends. I strongly and vehemently object to such and urge most earnestly that this application be rejected.</p>
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## **Management Committee 20 September 2016 Delegating authority to enforce the provisions of the Microchipping of Dogs (England) Regulations 2015**

### **For Decision**

#### **Briefholder:**

Cllr F Drake – Community Safety

#### **Senior Leadership Team Contact:**

S Hill, Strategic Director

#### **Report Author:**

J Williams, Team Leader Public Health

#### **Statutory Authority:**

Animal Welfare Act 2006 and The Microchipping of Dogs (England) Regulations 2015

### **Purpose of Report**

- 1 To inform Members and enable officers to be authorised to enforce the provisions of the Microchipping of Dogs (England) Regulations 2015.

### **Officer Recommendations**

- 2 To delegate authority to the Head of Community Protection to authorise officers to enforce the Microchipping of Dogs (England) Regulations 2015.

### **Reason for Decision**

- 3 In order to enforce the provisions of the Regulations, officers are required to be authorised in writing by the local authority (Regulation 11(2)) and be able to produce the written authorisation (Regulation 12).

### **Background and Reason Decision Needed**

- 4 The Microchipping of Dogs (England) Regulations 2015 imposes a duty (subject to limited exemptions) upon every keeper of a dog for it to be microchipped and for relevant information to be recorded on a national database. Microchipping is available from local veterinary surgeries at a

cost of approximately £35, while some charitable institutions will perform this service at a lower cost, or occasionally free of charge.

5. Exemptions from the requirement to microchip include: 1. Puppies under 8 weeks of age; 2. Working dogs as defined at section 6(3) of the Animal Welfare Act; 3. Dogs which cannot be microchipped owing to illness/welfare issues.
6. The council is the enforcing authority and can by service of a notice require the keeper of unchipped and/or unregistered dogs (which are not exempt) to have a microchip implanted and the details registered on an appropriate database within 21 days.
7. Failure to comply with such a notice is an offence and the keeper may then be liable to prosecution. Alternatively, the authority is empowered to seize the dog and have a microchip implanted at the owner's cost, although it is considered unlikely that this council will pursue this route in practice. Failure to permit the dog to be scanned may constitute an offence of 'Obstruction', for which the penalty on summary conviction in the Magistrates' Court is a 'Level 4' fine of up to £500.

## **Implications**

8. While authorised officers would be empowered to approach dog owners in the street with the intention of scanning their dog(s) to identify an implanted microchip, it is considered such an approach might be perceived as over-zealous and our resources will be more focused to education and awareness of the requirement.
9. Dogs seized as strays are routinely scanned both by the Dog Warden and by the receiving kennels and, where unchipped strays are subsequently claimed, the owner will be offered the opportunity to have a chip implanted by the holding kennels. Should an owner decline to have a chip implanted, the council will then serve a 'Regulation 12(a) Notice' requiring them to do so within 21 days or face prosecution.

## **Corporate Plan**

10. There are no implications arising from this report

## **Financial**

11. There is not expected to be any financial implications arising from the enforcement of the Regulations. Where legal proceedings are commenced, it is anticipated that in the event of a successful outcome in the court, an application will be made to recover legal expenses incurred. Identifying the owners of dogs seized as strays may also reduce the number impounded in kennels, reducing costs to both the authority and to dog owners.

## **Equalities**

12. There is no exception for assistance dogs from being microchipped; however it is recognised that the 'chip may be registered to the charity rather than the 'keeper'.

## **Environmental**

13. Microchipping is primarily aimed at improving animal welfare, but will also help with identifying strays and may also assist in addressing fouling issues.

## **Economic Development**

14. There are no implications

## **Risk Management (including Health & Safety)**

15. The Dog Warden staff are all fully trained in dealing both with aggressive dogs, and in dealing with members of the public in potentially confrontational situations.

## **Human Resources**

16. No additional Human Resources are required.

## **Consultation and Engagement**

17. The Microchipping of Dogs (England) Regulations 2015 have been heavily publicised since the introduction of the Antisocial Behaviour Crime and Policing Act 2014, including extensive media coverage. The authority has agreed that the holding kennels will offer free microchipping to owners of unchipped stray dogs in order to promote compliance with the legislation.

## **Appendices**

None

## **Background Papers**

The Microchipping of Dogs (England) Regulations 2015  
<http://www.legislation.gov.uk/ukdsi/2015/978011125243>

## **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:** Jane Williams

**Telephone:** 01305 252472

**Email:** [jwilliams@dorset.gov.uk](mailto:jwilliams@dorset.gov.uk)

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## Dorset Waste Partnership Joint Committee

Minutes of the meeting held at Christchurch Borough  
Council, Civic Offices, Bridge Street, Christchurch,  
BH23 1AZ on Monday, 13 June 2016.

### Present:

Anthony Alford (West Dorset District Council) (Chairman)

### Members Attending

Margaret Phipps (Christchurch Borough Council), Ray Bryan (East Dorset District Council), Barbara Manuel (East Dorset District Council), David Budd (Purbeck District Council), Peter Webb (Purbeck District Council), Alan Thacker (West Dorset District Council), David Walsh (North Dorset District Council), Kevin Brookes (Weymouth & Portland Borough Council) and Graham Carr-Jones (North Dorset District Council).

### Other Members in attendance

Ian Roebuck, Weymouth & Portland Borough Council (Observer)  
Jeff Cant, Weymouth & Portland Borough Council (Observer)

### Dorset Waste Partnership Officers Attending:

Paul Ackrill (Commercial and Finance Manager), Ian Brewer (Operations and Commercial Services Manager), Gemma Clinton (Interim Head of Service - Strategy), Sian Critchell (Finance Manager), Grace Evans (Clerk), Jason Jones (Group Manager - Commissioning), Michael Moon (Head of Service (Operations)), James Potten (Communications and Marketing Officer), Karyn Punchard (Director), Andy Smith (Treasurer) and Denise Hunt (Senior Democratic Services Officer).

### Other Officers in attendance

Steve Mackenzie (Purbeck District Council), Lindsay Cass (Christchurch and East Dorset Borough Councils), Graham Duggan (Dorset Councils Partnership), Rupert Bamberger (South West Audit Partnership), Rebecca Kirk (Purbeck District Council), Larry Austin and Shelly Standhaft (Bournemouth Borough Council).

- (Notes: (1) Publication In accordance with paragraph 8.4 of Schedule 1 of the Joint Committee's Constitution the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date. Publication Date: **20 June 2016**
- (2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Joint Committee to be held on **Monday, 12 September 2016.**)

### **Election of Chairman**

- 15 **Resolved**  
That Anthony Alford be elected Chairman of the Joint Committee for the year 2016/17.

### **Appointment of Vice-Chairman**

- 16 **Resolved**  
That Michael Roake be appointed Vice-Chairman of the Joint Committee for the year 2016/17.

### **Apologies for Absence**

- 17 Apologies for absence were received from Robert Gould, Ray Nowak and Michael Roake.

### **Code of Conduct**

- 18 There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

### **Terms of Reference**

- 19 The Joint Committee noted its Terms of Reference.

### **Minutes**

- 20 The minutes of the meeting held on 29 February 2016 were confirmed and signed.

### **Exclusion of the Public**

#### **21 Resolved**

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for minute numbers 22 and 23 because it was likely that if members of the public were present, there would be a disclosure to them of exempt information as defined in the paragraph 3 of Part 1 of Schedule 12A and the public interest in withholding the information outweighed the public interest in disclosing that information.

### **Strategic Waste Facility (Paragraph 3)**

- 22 The Joint Committee considered an exempt report concerning the Strategic Waste Facility with Bournemouth Borough Council.

#### **Resolved**

- (i) that the steps set out in the report be approved;
- (ii) that an update report on progress be received at future meetings.

#### **Reason for Decisions**

To allow the DWP to provide cost effective management of dry mixed recycle.

### **Strategic Waste Transfer Facility for Central Dorset**

- 23 The Joint Committee considered a report by the Director of the Dorset Waste Partnership which provided an update on the business case for the construction of a new strategic waste transfer facility in central Dorset. This would replace the current waste transfer station (WTS) in Blandford and include a modern Household Recycling Centre (HRC), depot and vehicle maintenance facility to replace the depot in Shaftesbury.

The Joint Committee considered the business justification in the appendix to the report which was exempt information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

The Director reported that members of the Joint Committee had been invited to attend a site visit to the WTS in Blandford and had also been sent an e-mail video link in order to understand some of the practical difficulties with the existing arrangements.

The need for a waste transfer station had been set out in a previous options report to the Joint Committee in 2011, in order to increase flexibility and reduce reliance on facilities provided by third parties, some of which were due to end.

A greenfield site for a purpose built facility and other potential sites had been identified in the Waste Local Plan. Discussions were ongoing with the owners of the current WTS and the DCC/DWP site in Blandford and these options needed to be investigated and members kept informed of progress.

Members highlighted the need to move forward at pace, particularly given that 1200 new homes had been identified for Blandford in the Local Plan. Members who had participated in the site visit to the Blandford WTS had been made aware of the

limitations of the site and the detrimental impact on its operation.

The Chairman highlighted that the absence of adequate infrastructure had been identified as a high risk within the DWP risk register and suggested that it would be essential to ensure that the business case was maintained and up to date throughout this process.

*Following the discussion and confirmation that there were no questions in relation to the exempt appendix 4 of Item 10 - Finance Report June 2016, the Chairman advised consideration of exempt information by the Joint Committee had concluded and that the meeting would be open to the public and press from this point forward.*

### **Resolved**

- (i) that the proposal for a new strategic waste transfer facility in central Dorset as outlined in the business case to include a household recycling centre, waste transfer station, and potentially depot and vehicle maintenance workshop be approved;
- (ii) that taking an Option on a suitable site(s) in the Blandford area and land purchase subject to planning consent for the facility if this is considered beneficial by the Director of the DWP after consultation with the Chair of the Joint Committee be approved;
- (iii) that the application for prudential borrowing through Dorset County Council for construction of the new waste transfer facility be approved;
- (iv) that extension of the lease or negotiation of purchase of the freehold of the existing waste transfer and HRC site in Blandford, on terms to be agreed by the Director of the DWP after consultation with the Chair of the Joint Committee and the Director for Environment and Economy (DCC) as lessee be approved.

### **Reason for Decisions**

To secure a key site(s) in Blandford for the development of a strategic waste transfer facility in central Dorset which would provide the capacity to maximise the benefits of operational efficiency and resilience to provide business continuity now and in future years.

### **Public Participation**

#### **24 Public Speaking**

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were no public statements received at the meeting in accordance with Standing Order 21(2).

#### **Petitions**

There were no petitions received in accordance with the County Council's petition scheme at this meeting.

### **Dorset Waste Partnership Forward Plan 2016**

**25** The Joint Committee considered its forward plan and were informed of the following additional items to be considered at the meeting on 12 September 2016:-

- Bin Replacement Policy
- Fly Tipping Fixed Penalty Notices

In response to a question, officers advised that regular updates on a strategic waste transfer facility in central Dorset would be included in the Member newsletter until such time as a formal decision was required by the Joint Committee.

### **Noted**

## **Scheme of Delegation and 2017 Schedule of Meetings**

- 26 The Joint Committee considered a report by the Clerk to the Dorset Waste Partnership which recommended a scheme of delegation and schedule of meetings for approval.

The Joint Committee was advised that the scheme of delegation reflected the provisions of the current Inter Authority Agreement (IAA). This was an interim measure until such time as the new IAA was formally agreed and signed by the partner authorities. A further report would be considered in September 2016 with a revised Scheme of Delegation which would reflect the new IAA. Members were reminded that the Scheme of Delegation for People Management Matters applied to DWP staff as Dorset County Council was the host authority.

The Clerk reported that there were different requirements for the number of meetings set out in the current and proposed IAA, the latter requiring the Joint Committee to meet on at least one occasion to set the budget. She confirmed that the schedule of meetings set out in the report would meet the requirements of both and satisfied the budget setting process.

Members were updated that the latest meeting at which a partner authority would consider the IAA would take place on 27 July 2016 which would allow the new IAA to be signed and confirmed at the next meeting of the Joint Committee on 12 September 2016. In response to a question it was confirmed that arrangements for the DWP Scrutiny Group would be clarified at this time and that the Clerk would respond to the member following the meeting in relation to a specific point raised on the nature of the membership of this group.

### **Resolved**

- (i) That the proposed scheme of delegation be approved;
- (ii) That the proposed schedule of meetings be approved.

### **Reason for Decisions**

To support the delivery of effective public services through the Dorset Waste Partnership.

## **Financial Report June 2016**

- 27 The Joint Committee considered a joint report by the Treasurer and the Finance and Commercial Manager to the Dorset Waste Partnership. The Treasurer outlined the recommendations contained in the report.

A Member asked whether there would have been a difference in the underspend in the budget in 2015/16 had there not been a significant underspend in capital funding during the year.

The Treasurer confirmed that there would have been a different outturn in 2015/16 had capital funding not been deferred. As this funding had been carried forward it would not have an undue impact on the 2016/17 budget. The capital budget had been effectively postponed and was largely due to the delay in progression of the Blandford scheme.

### **Resolved**

- (i) That the outturn position for 2015/16 be noted;
- (ii) That the final capital expenditure position for 2015/16 be noted;
- (iii) That the discontinuation of the 1% reserve, in anticipation of the adoption of the new Inter Authority Agreement, and return appropriate shares to partners in accordance with Appendix 3 be approved;
- (iv) That transfer of the 2015/16 revenue underspend of £519,584 to a Budget

Equalisation Reserve be approved.

#### Reason for Decisions

The Joint Committee monitored the Partnership's performance against budget and scrutinised actions taken to manage within budget on behalf of partner Councils.

#### **Update on the Dorset Waste Partnership Medium Term Financial Plan (MTFP)**

28 The Joint Committee considered a report by the Director of the Dorset Waste Partnership providing an update on the financial position for the Medium Term Financial Plan.

The Finance and Commercial Manager introduced the report and advised that the Leaders and Chief Executives Group would be discussing the level of savings to be applied to the service in future and that the Commissioning Group had also been tasked to explore significant savings and consider what might be achievable pending a formal position agreed by the partner Councils. The outcome of these discussions would be reported back to the Joint Committee in September 2016.

A Member highlighted that service levels should not suffer in the rush to produce huge savings. The Chairman further expressed the opinion that there should be coherence in terms of looking at the overall service and ensuring that savings were explored from both the collection and disposal sides of the business and not just those parts of the operation that were easiest to cut.

#### **Noted**

#### **South West Audit Partnership - Half Yearly Review (including an update on the 37 point action plan)**

29 The Joint Committee considered a report by the Assistant Director of the South West Audit Partnership (SWAP) which provided an update on progress of recent audit work on the DWP Project Management and a follow up of SWAP recommendations from previous audits. Members were also advised of the planned programme of work in 2016/17. This was the first of 2 reports to be considered by the Joint Committee each year in order to provide an update on significant findings arising from audit work which would refer back to the 37 point management action plan wherever possible.

The Chairman asked about the status of work in relation to the Waste Management Facility and was advised that this was currently underway and was subject to the decision taken by the Joint Committee that day.

#### **Noted**

#### **Performance Indicator Monitoring - Quarter Four and Annual Performance (2015/16)**

30 The Joint Committee considered a report by the Interim Head of Service (Strategy) which set out the fourth quarter and annual performance statistics together and new KPI targets for 2016/17. A revised copy of Appendix 6 of the report had been circulated to the Joint Committee due to an incorrect calculation in some data contained in the graphs.

The report was introduced by the Interim Head of Service (Strategy) who highlighted areas in the fourth quarter and annual performance statistics indicated as red using the RAG system. She reported that the number of complaints had decreased overall, but remained high during 2015/16 and that work was continuing to reduce sickness levels. Incidences of fly tipping had also increased which followed a national trend. It was felt that this may have been due to restrictions placed on HRCs at neighbouring authorities, however, it would not be possible to measure this impact.

Members were advised that the direction of travel in relation to the cost of HRC's per

household had increased and not decreased as indicated in the report. Further clarification was also given on the direction of travel for performance indicators in relation to kerbside collected food waste and the number of fly tipping incidents.

It was proposed to e-mail the performance information in future to ensure that quarterly data was made available at an earlier stage and that members were kept up to date. The Chairman requested that this information was also communicated to the Partner Authorities so that they could include this information in their own performance reports whenever necessary.

#### **Resolved**

- (i) That the fourth quarter and annual performance of the DWP against the agreed performance indicator targets be noted;
- (ii) That the 2016/17 targets for the agreed KPI's be approved;
- (iii) That quarterly and annual KPI information is received via email for 2016/17 onwards.

#### **Reason for Decisions**

To inform the Joint Committee of the DWP performance against the performance indicator targets and allow for more timely reporting of information from 2016/17 onwards.

### **Corporate Risk Register**

- 31 The Committee considered a report by the Interim Head of Service (Strategy) presenting the current corporate risk register of the Dorset Waste Partnership.

A new risk to potential changes to the DWP through unitary and / or combined authority had been added to the register and officers were currently working out what this would mean for the DWP.

A Member asked about the significant risks around the budget outturn and the Treasurer confirmed that both the risk and residual risk remained high due to volatility in the budget.

#### **Noted**

### **Bring Bank Review**

- 32 The Joint Committee considered a report by the Director of the Dorset Waste Partnership that set out the usage and costs of the bring bank service following introduction of the recycle for Dorset and subsequent rationalisation of bring bank sites.

The Director introduced the report which identified continued reduction in the use of the bring banks and increasing costs. The report recommended an option to remove banks for glass, paper, plastics and cans which formed part of the kerbside collections, whilst retaining banks for textiles (which generated an income), small electrical items, foil and beverage cartons, resulting in a saving of £121,000.

A map demonstrated that Dorset continued to be well served by HRCs and some supermarkets that provided bring banks.

#### **Resolved**

- (i) That the removal of DWP bring banks for materials collected in the recycle for Dorset service and retention of bring banks for textiles, electronic goods, foil and beverage cartons at existing sites be approved;
- (ii) That authority be delegated to the Director of DWP, after consultation with the Chair of Joint Committee, for any further changes to the bring bank service.

Reason for Decisions

To further reduce the costs of the bring bank service following the introduction of the recycle for Dorset kerbside service.

**Questions from Councillors**

33 No questions were asked by councillors under host authority standing order 20(2).

Meeting Duration: 10.00 am - 11.45 am

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## **Management Committee 20<sup>th</sup> September 2016 Update to Constitution**

### **For Recommendation to Council**

#### **Brief Holder(s)**

Cllr Kevin Brookes

#### **Senior Leadership Team Contact:**

S Caundle, Assistant Chief Executive

#### **Report Authors:**

#### **Corporate Manager – Legal; Monitoring Officer**

#### **Statutory Authority**

Local Government Act 1972 including in particular section 101,102;

#### **Purpose of Report**

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

#### **Officer Recommendations**

- 2 Members recommend to Full Council:
  - (a) the updates to the Constitution as set out in Appendices 1 to 4 attached to this report;
  - (b) updating the Constitution:
    - (i) 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 supported,
    - (ii) to incorporate the updated delegation relating to planning applications as set out in Appendix 5, Part 2 of this report; and
  - (c) delegating to the Monitoring Officer power to make such further consequential changes to the Constitution as are necessary to reflect the changes as set out in the appendices

#### **Reason for Decision**

- 3 To introduce changes to the Constitution to reflect variations to legislative requirements, seek to secure the better alignment of various existing policies and powers within the different Constitutions of the partners of the Dorset Councils Partnership, develop a clearer interaction between

existing provisions within the Constitution and give further clarity to officer powers and responsibilities.

## **Background and Reason Decision Needed**

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

Council including the authors of this report; to that extent therefore all Officers have an interest to a greater or lesser extent in them and the provisions of this paragraph should be treated as a declaration for such purposes.

7. The content of Appendix 5 has been separated from the other provisions as it seeks to introduce a single delegation relating to planning (and similar) applications across all three of the councils of the partnership (Part 1 of Appendix 5). 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 Weymouth and Portland 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, certain change(s) do need to be delivered to secure compliance with various legal requirements. Further, as the officer core that serves the Dorset Councils Partnership becomes increasing 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.

## **Implications**

### **Corporate Plan**

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

### **Financial**

10. 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**

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

### **Environmental**

12. No direct environmental implications have been identified with making the proposed changes to the Council's Constitution. 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**

13. No direct economic development implications have been identified with making the proposed changes to the Council's Constitution. 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)**

14. 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**

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

### **Consultation and Engagement**

16. All planning brief holders/ portfolio holders, chairs and vice-chairs were given the opportunity to comment in advance on various iterations of the revised Code of Conduct relating to Planning Matters and also the proposed standard planning application delegation. All group leaders have had the opportunity 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 – W&P

### Proposed Further Revisions to the Constitutions

#### ARTICLES OF CONSTITUTION

[All Councils]

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

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

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

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

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

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

#### OFFICER SCHEME OF DELEGATION

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

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

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

- (b) Introduce the following new / replacement powers/ alterations to the *Officer Scheme of Delegation* for the reasons identified in brackets:
- (A) Add new paragraphs 11 onwards to the *Introduction and Interpretation* section, renumber remainder of Officer Scheme accordingly and remove similar definitions from Part B:

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

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

*12.1 "Town and Country Planning Legislation":*

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

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

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



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

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

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

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

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

*"Any of:*

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

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

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

*Power to determine whether to grant a dispensation:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PROCEDURAL RULES

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

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

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

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

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

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

## FINANCIAL REGULATIONS

7. Insert at front of Financial Regulations:

### **INTRODUCTION**

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

*Further, insofar as these Financial Regulations identify powers and duties attributable to any Officer, body or Member(s) then such provisions shall be deemed to form part*

*of the Officer Scheme of Delegations and / or Articles of the Constitution (as the case may be) for the purposes of identifying the powers and duties that can be exercised by the Officer, body or Member.*

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

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

#### CODES AND PROTOCOLS

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

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

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

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

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

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

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

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

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

**CODE OF CONDUCT FOR  
MEMBERS &  
OFFICER  
S 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 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 biased / 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 or the Councils of the DCP, or on equipment of the Councils of the DCP, without the prior written approval of the appropriate Service Manager or member of the Senior Leadership Team.
- 9.4 In the course of their work with the Councils of the DCP if an employee creates a copyright work, that work becomes the property collectively of the Councils of the DCP. Similarly, if in the course of an employees work if that employee creates a patentable invention, or creates a design capable of registration, then this will also become the collective property of the Councils of the DCP, and the employee will be required to co-operate in all relevant registration formalities to secure these provisions.
10. **Personal Interests**
- 10.1 Employees at senior level (Team Leader /4<sup>th</sup> Tier and above) must declare in writing to the Monitoring Officer, with a copy to their Service Manager, any non-financial interests when they become aware of circumstances that are arising or are about to arise that they know or consider could bring about conflict with the interests of any of the Councils of the DCP.
- 10.2 Employees must declare in writing to the Monitoring Officer, with a copy to their Service Manager or line manager, any financial interest when they become aware of circumstances that are arising or are about to arise that they know or consider could conflict with the authorities interests provided they should always be entitled to seek advice if they wish in relation to that declaration.
- 10.3 Under Section 117 of the Local Government Act of 1972, an employee must declare any financial interest which the employee or his/her spouse may have in any existing or proposed contract with any of the Councils of the DCP. Failure to do so is a criminal offence.
- 10.4 Similarly, all employees should also declare any relationships when they become aware of circumstances which are arising or are about to arise which could cause potential conflict e.g. acting as a school governor, or involvement with an organisation or pressure group which may oppose policies of any of the Councils of the DCP.
- 10.5 Employees should consider whether to declare to the Monitoring Officer or their Service Manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. For example, employees should declare in writing to their Service Manager or Director membership of freemasonry.
- 10.6 The Monitoring Officer or such other Officer(s) as may be appointed by him for such purposes may from time to time maintain a Register of Outside Interests and Relationships for recording notifications provided by Officers.
11. **Equality Issues**

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



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

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

## **Appendix 5**

### **Part 1 – proposed standard delegation across the partnership**

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

1. in respect of which:

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

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

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

### **Note as Regards the above consultation provision**

The Chairman of the Planning Committee can be substituted by the Vice Chairman and both can be substituted by any other Member 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 Weymouth and Portland**

*Power to determine all applications arising pursuant to any of the Town and Country Planning Legislation, except an application:*

- (i) where more than three Written Material Representations from different addresses, which are contrary to the proposed recommendation are received by the Council within the Consultation Period;*
- (ii) for Relevant Residential Development;*
- (iii) for Significant Development;*
- (iv) submitted by the Borough Council as applicant;*
- (v) that is a Called-in Application;*
- (vi) where the applicant or agent is a serving councillor of the Borough Council; and/or*
- (vii) made by Identified Staff.*

*For the purposes of this delegation:*

*“Borough Council” means Weymouth and Portland Borough Council;*

*“Called-in Application” means an application:*

- (i) in respect of which the Council receives from one or more district councillors of the Borough Council a Written Material Representation within the Consultation Period that includes a request that the application be referred to a committee; and*
- (ii) 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 Planning Committee for determination;*

*“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);*

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

*“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 orders) created pursuant to such primary legislation together with any other legislation replacing or re-enacting the same with or without modification;*

*“Relevant Residential Development” means an application involving the construction of a building, or the conversion of an existing building, that in either case will result in more than:*

- (i) one single dwelling; or*
- (ii) a pair of semi-detached dwellings; or*

(iii) *four flats;*

*provided that this does not include:*

- (iv) *an application for outline planning permission on an overall site of less than or equal to 0.5 hectares involving residential development; or*
- (v) *an application for prior notification approval pursuant to any of the Planning Legislation;*

*“Significant Development” means an application:*

- (i) *for a site that overall exceeds 0.5 hectares and involves residential development; and/or*
- (ii) *the erection of a building of more than 10,000 square metres; and*

*“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];

## **Management Committee 20 September 2016 Creation of a Town Council**

### **For Information**

#### **Brief Holder**

Kevin Brookes

#### **Senior Leadership Team Contact:**

S Caundle, Assistant Chief Executive

#### **Report Author:**

J Andrews, Corporate Manager Democratic & Electoral Services

#### **Statutory Authority**

Local Government Act

### **Purpose of Report**

- 1 To provide information on the creation of a Town Council for Weymouth.

### **Officer Recommendations**

- 2 To note the report.

### **Reason for Decision**

- 3 To advise Members of the process to create a Town Council for Weymouth following Local Government Reorganisation.

### **Background**

- 4 In January 2017 Weymouth & Portland Borough Council will be invited to consider a report setting out the business case for the creation of a Unitary authority in Dorset. The same report will be also be considered by the other Dorset Councils in January/February 2017.
5. Should a decision be made to create a Unitary authority that includes the Borough area, it is possible that this would be based on the revised Dorset County Council boundaries that are scheduled to be implemented in May 2017. If that were the case, a full boundary review for a new authority would not be likely to be undertaken for a number of years following its creation.
6. The creation of a Unitary authority would result in Weymouth & Portland Borough Council being disbanded necessitating the creation of a town council, if arrangements across the rest of rural Dorset are to be replicated. As the requirement for a town council is contingent on the creation of

unitary authorities, decision-making relating to a town council will not commence until after the decision in January/February.

7. The statutory order to enable the creation of the Unitary authority would be made in the Autumn of 2017, and would include the formation of an Implementation Executive. The Order would also set out its powers which may include the power to conduct a Community Governance Review (CGR).
8. A CGR is the way in which changes to Parish Boundaries or groupings of parishes are dealt with, and includes the creation of a Town Council. This can happen in a number of ways; the Implementation Executive could undertake the CGR or it could be agreed that the Dorset Council's partnership undertake this review. The CGR would relate only to the creation of the Town Council, and would not refer to the services which a new Town Council might deliver.
9. A very broad outline of the CGR process is as follows:
  - Terms of reference for CGR must specify the area under review and set out clearly the matters on which a CGR is to focus, and these terms of reference must be published.
  - Consultees are set out in legislation and include local people and local businesses, and their representations must be taken into account when finalising the detail of the review.
  - The review must take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish. There is more detail on both of these factors in the guidance.
  - The review must consider electoral arrangements and, if creating a large Parish, whether or not this should be warded.
  - More detailed information in respect of the CGR process can be found in the Local Government Boundary Commission for England's "Guidance on community governance reviews" at [http://www.lgbce.org.uk/\\_data/assets/pdf\\_file/0019/10387/community-governance-review-guidance.pdf](http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf)
10. It is suggested that the most appropriate mechanism to establish a town council should be discussed with the DCLG in detail once a decision has been made on unitary authority proposals.

## **Implications**

### **Financial, Equalities, Environment, Economic Development, Risk Management (including Health & Safety) and Human Resources**

10. None associated with this report that is intended for information only.

## **Consultation and Engagement**



11. The Assistant Chief Executive has met with representatives of the Department of Communities and Local Government to seek their expert advice in respect of the creation of a Town Council following the formation of a new Unitary authority. There has been no consultation or engagement with a wider audience in respect of this particular report as no decision has yet been made with regard to the creation of a new Unitary authority, but there will be a full consultation exercise carried out when a Community Governance Review is commenced.

## **Appendices**

12. None.

## **Background Papers**

Local Government Boundary Commission for England's "Guidance on community governance reviews" – [http://www.lgbce.org.uk/\\_data/assets/pdf\\_file/0019/10387/community-governance-review-guidance.pdf](http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf)

## **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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**Date:** 30 August 2016

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## **Management Committee**

**20<sup>th</sup> September 2016**

## **Management of the Verne Common Nature Reserve and High Angle Battery, Portland**

### **For Decision**

#### **Brief holders**

Finance and Assets Councillor Jeff Cant

Community Facilities Councillor Andy Blackwood

#### **Senior Leadership Team Contact:**

M Hamilton, Strategic Director

#### **Report Author:**

G Northcote Estate Manager

### **Statutory Authority**

Wildlife and Countryside Act 1981, as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000 and inserted by section 55 of the Natural Environment and Rural Communities Act 2006.

### **Purpose of Report**

- 1.1 To agree adoption of the work plan scheduled in the current Higher Level Stewardship Scheme for this land and related budgetary requirements.
- 1.2 To identify current management issues.
- 1.3 To identify and consider potential options for the future land management of this 50 acre nature reserve site.
- 1.4 To request the assistance of Portland Town Council in liaising with the public and consultation on these proposals.

### **Officer Recommendations**

- 2.1 That the Council approves the continued implementation of the Higher Level Stewardship Agreement for the Verne Common Nature Reserve and High Angle Battery for the years 2016 to 2019 inclusive.
- 2.2 That Members approve an initial budget of £95,000 to be funded from general reserves to address the investment required this year for fencing and scrub clearance.
- 2.3 That officers investigate costs of future land management and options for possible land transfer and/or management of this property and report back with recommendations.

## **Reason for Decision**

- 3.1 The site is significant and the Council has legal obligations to manage this area in accordance with the requirements contained in the Environmental Stewardship Agreement 2014-2024 that enforceable by Natural England and are described in the background below. These decisions are the first steps towards achieving compliance with these requirements. The works proposed will arrest further decline in condition and utilise current resource opportunities effectively.
- 3.2 At present the adherence to the Higher Level Stewardship (HLS) Agreement gives the Council the best available access to grant funding. The Higher Level Stewardship Agreement relates to the Verne Common and Old Hill Local Nature Reserve that includes the High Angle Battery.
- 3.3 The risk of not undertaking the works under the HLS Agreement is that the council will still legally be required to do the works but will not have the ability to obtain grant funding. There is a further risk that if the Council withdraw from the HLS Agreement in the future, the Council would be required to repay any monies received.
- 3.4 In future the Council will consider alternative means of managing the Nature Reserve. This may be preferable to the Council's continuing management of this land which imposes significant financial and technical demands on the Council's resources that could potentially be addressed as effectively by others with more appropriate knowledge and resources.

## **Background and Reason Decision Needed**

- 4.1 The Council own the Verne Common and Old Hill Nature Reserve area on Portland that includes the High Angle Battery. The Verne Common Nature Reserve was approved by the Council in 2007. The area includes land designated as Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC) and Sites of National Conservation Interest (SNCI). The High Angle Battery is a Scheduled Ancient Monument and the area also falls within the Isle of Portland Regionally Important Geographical Site (RIGS). Plant species that are nationally scarce exist on the site, as well as others that the removal of scrub will allow to flourish and expand.

### **The Reserve**

- 4.2 The Council has statutory responsibilities to manage the Reserve as stated in the Statutory Authority above. The Council does not have any direct staff with the relevant special skills, experience and knowledge to deal with this very specialist area of work. The costs of employing consultants and direct staff would be very high and this has been avoided to date by liaising and relying on outside voluntary organisations and individuals. The information in this report is the current initial estimation of the likely level of costs and works but is subject to final requirements.
- 4.3 Some work has been undertaken under the guidance of the Portland Ranger Service to address scrub management over the years. However the Council was notified in 2014 by Natural England (NE) that it was not

addressing its statutory management duties. Four parcels of land within the Isle of Portland SSSI are described as being in unfavourable recovering position due to continuing high levels of scrub and a lack of grassland management. Some areas were described as being in unfavourable condition altogether. NE threatened its use of Management Schemes and Notices to impose this management on the Council.

- 4.4 The limestone grassland under threat is a Biodiversity Action Plan habitat and Portland is one of only two places in Dorset where it occurs. It is internationally renowned and officers are informed that as much as 97% of similar grassland has now been lost across the United Kingdom. The land is also an important open space adjacent to where people live and provides an ideal opportunity for people to appreciate and get involved with wildlife on their doorstep.
- 4.5 The Natural Environment and Rural Communities Act 2006 imposes obligations on Councils to restore or enhance biodiversity. Councils should be able to demonstrate a commitment and contribution to Biodiversity Action Plans, where appropriate, and be able to demonstrate progress against key biodiversity indicators and targets. This can be achieved by implementing Environmental Stewardship programmes.
- 4.6 The Portland Ranger, while working under the Wild about Weymouth and Portland Project (part funded by the Council), liaised with NE and proposed that the Council considered entering into an Environmental Stewardship Agreement to access grant funding to support a programme of grassland management through grazing and scrub and tree reduction. This was commended because of the perceived higher long term cost of regular grassland cutting and scrub clearance.
- 4.7 In consequence and because of the availability of partial funding, the Council applied for and obtained Higher Level Stewardship funding through the Rural Payments Agency (RPA) and signed a Higher Level Stewardship (HLS) Agreement with NE on 1<sup>st</sup> December 2014. The Agreement is available as a Background Document. The area covered by the Agreement accords with the Reserve and is shown in Appendix 1. This legal agreement identified a range of partially grant funded works over a 10 year programme. However the Council can terminate the Agreement in 2019 on giving one month's notice without penalty. The targets set for recovery are reasonable and extend over the whole 10 year period and beyond. The Agreement also imposes works partially grant funded in respect of the High Angle Battery where stonework and concrete walls are eroded. Regardless of the HLS Agreement, failure to implement the required works could result in action by NE, as stated in para 4.3.
- 4.8 Works have already commenced, shared between the Parks and Open Spaces team in respect of land management, and the Estates Team in respect of maintenance of the High Angle Battery. In 2015 works undertaken included the completion of a Scrub Management Plan by Dorset Wildlife Trust and a Breeding Birds Survey by the Portland Bird Observatory as well as some targeted scrub clearance along lines of planned fencing, to enable site enclosure and the future use of grazing animals to naturally contain grass and scrub growth. Payments have been received towards the cost of the works from the RPA.

- 4.9 This year there is an essential need for investment required to achieve the fencing and water supplies required to safely enclose and support the stock. The stock of primarily goats is the most cost effective method of achieving scrub reduction and control. The alternative is to clear this by hand with intensive labour costs, but in reality in a less effective way since clearing repetition is required on a regular basis.
- 4.10 The work plan envisages rotational goat and horse grazing hereafter and this will be achieved by implementing controlled grazing regimes that leave all access routes through the land open at all times but impose some rotational limitations on access to grassland. The work plan also envisages some invasive tree and shrub reduction in selected areas but this should not impact on breeding or indeed sheltering birds because the bird survey has informed this process.
- 4.11 Importantly NE have allocated funds to consult locally with residents and landowners to ensure that the proposals are fully explained and their impact managed in advance of their implementation this year. If Members approve the recommendations above then this consultation will be scheduled this autumn and will be jointly supported by Natural England and our principle potential delivery partner, Dorset Wildlife Trust. Officers propose to seek the assistance of Portland Town Council in liaising with the public and consultation on these proposals.
- 4.12 The Dorset Wildlife Trust (DWT) have already worked on behalf of the Council to achieve the works programme this year and have procured quotations competitively for the fence line scrub clearance and 1.75 miles of fencing that will cost around £70,000 to clear, supply and install.
- 4.13 The DWT are willing to undertake all relevant organisational liaisons and supervise work contracts directly at no cost to the Council providing the Council continue to fully implement the HLS programme. However, in the event that the council do not implement all, they would charge the Council a day rate of £250 per day and potentially a total fee to date of £13,000.
- 4.14 A shared stock grazing scheme needs to be established as it will reduce future scrub clearance liabilities and is the only way to secure the condition of the site in terms of scrub control into the future. At a recent meeting with DWT it was clearly stated that the Council need to implement this. Failure to do so will result in significantly increased ongoing annual maintenance costs.

#### High Angle Battery

- 4.15 Discussions are ongoing with Historic England with regard to works required to the High Angle Battery and a new Management Plan. Some funding has been promised in the sum of £5,000 but the quantum and cost of the final Management Plan is not known. This is being prepared and until such time as the costs and requirements are known then no further action will be taken beyond the funds provided. A further report will be made to committee once the new plan and costs are available.

## Future Management

- 4.16 The Council has no ongoing budget for this Nature Reserve management and our staff do not possess the skill set required to manage these specialist habitats. Officers are investigating partner and sharing opportunities to assist the ongoing issues and will report back to a future committee.

## Implications

### Corporate Plan

- 5.1 Protecting and enhancing the built and natural environment  
5.2 Working with partners to improve public health and well being

### Financial

- 6.1 The total costs of works in 2016 could be around £125,000 plus VAT but this is offset by grants of potentially £20,000. There are unknown costs still to be determined including water supply for watering the animals and other elements. At present a conservative request for a budget of £95,000 is sought but it is possible that additional funding will be required, and if so a report will be brought back to committee requesting this.
- 6.2 The HLS Agreement offers further opportunity for revenue grants, which are in the region of £3,000 pa for the duration of the agreement. There could be some shortfall on the revenue costs dependant on the success of the ground clearance and other proposals. At present this element is uncertain and again a report on that element will be made to committee moving forward.

### Environmental

- 7.1 As detailed in the report, if funds are approved, work could be carried out between 1st October and 28th February, outside the bird-nesting season.
- 7.2 Failure by the Council to undertake the work agreed in the HLS Agreement is a failure to apply the Natural Environment and Rural Communities Act 2006.

### Economic Development

- 8.1 The planned stock grazing scheme may help support the existing local community farm and tourist attraction and will promote public access to the High Angle Battery.

### Risk Management (including Health & Safety)

- 9.1 It is believed that by working with partner organisations the Council will be best able to mitigate the risks associated with its management liabilities. The grazing proposal has emerged from lengthy consideration of management issues and is supported by NE and DWT who have experience of similar schemes. However there will be risks in maintaining

goat, sheep or horse grazing across the reserve and if fencing is not robust or the stock is disturbed by dogs, dispersed or not supported locally by residents, then the scheme will be at risk of failure despite the significant expenditure required. It is hoped to establish a community shepherd scheme that will assist maintenance reporting.

## **Human Resources**

- 10.1 Continuing support from Estates and Open Spaces Teams to manage these assets and Legal Team to create appropriate future lease or service level agreements.

## **Consultation and Engagement**

- 11.1 The HLS Scheme work plan allows for public consultation ahead of its implementation. This will follow a decision to adopt the work plan. The consultation will be shared with our partner organisations NE, EH and DWT.

## **Appendices**

- 12.1 Appendix 1: HLS Agreement Site Plan

## **Background Papers**

- 13.1 Proposed declaration of the Verne Yeates and Old Hill Local Nature Reserve, Portland – Management Committee Report 5<sup>th</sup> June 2007
- 13.2 High Angle Battery Draft Management Plan 2011-2014
- 13.3 Higher Level Stewardship Agreement: Verne Common and Old Hill Nature Reserve Portland.

## **Footnote**

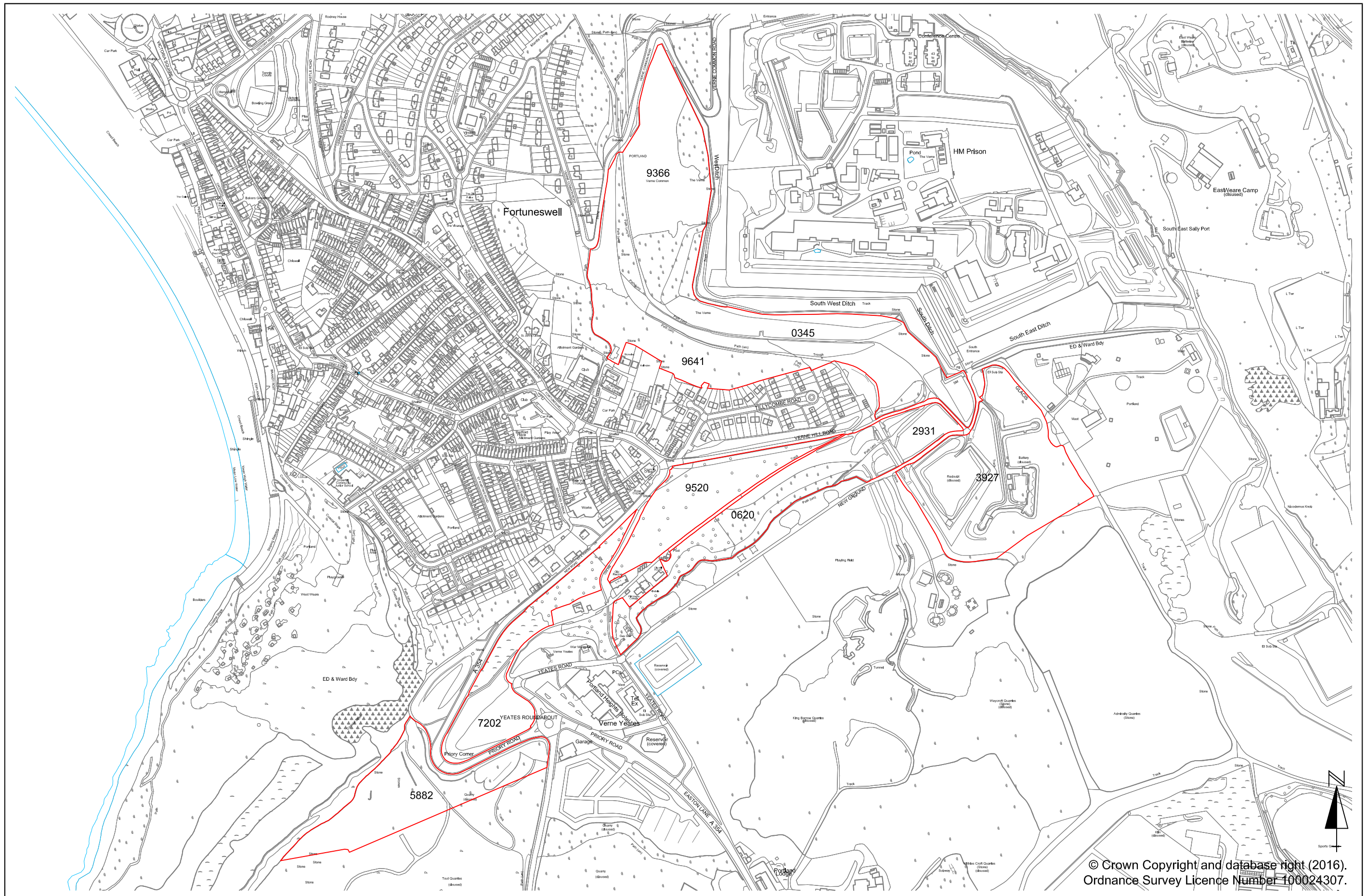
Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

**Report Author:** Greg Northcote, Estate Manager

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## **Management Committee** **20 September 2016** **47 The Esplanade, Weymouth**

### **For Decision**

#### **Briefholders**

Cllr Jeff Cant - Finance and Assets

Cllr Andy Blackwood - Community Facilities

#### **Senior Leadership Team Contact:**

M Hamilton, Strategic Director

#### **Report Author:**

David Brown, Head of Assets & Infrastructure

#### **Statutory Authority**

Legal power to dispose of the land – s123 (2) and s 128(1) Local Government Act 1972 and Circular 06/03 Local Government Act 1972 General Disposal Consent (England) 2003.

#### **Purpose of Report**

- 1 To consider the current condition and future of 47 The Esplanade, Weymouth;
- 2 To consider the closure of the associated public toilets and the future need of re-provision;
- 3 To consider disposal of the building.

#### **Officer Recommendations**

- 4 (a) To close the public toilets in the building at the end of October 2016.  
(b) To agree that the property is placed on the open market and sold  
(c) (i) To cater for the summer season using temporary facilities for 2017. To agree a budget cost of £5,000 to be provided from the property reserve fund for funds to allow for the connection provision of the temporary toilet facilities and also  
(ii) To agree to the appointment of an external consultant to explore feasibility options for a suitable location, service availability, draw up initial plans and obtain budget costs for the future re-provision of permanent toilet facilities within the seafront area. To agree a budget cost of £5,000 provided from the property reserve fund to allow for this feasibility work to be undertaken  
(iii) To revert to committee for a decision as to whether any scheme, if feasible, should proceed.

## **Reason for Decision**

- 5 (i) To enable the building to be bought back into full use within the private sector and to provide the Council with the ability to maximise the capital receipt from the sale of the property.
- (ii) To provide temporary toilet accommodation and to assess the feasibility of providing alternative toilet provision for the future to replace those being sold.

## **Background and Reason Decision Needed**

- 6 The property is situated on the Esplanade at the junction of Bond Street. It is a listed building under the ownership of Weymouth & Portland Borough Council within the Town centre conservation area.
- 7 Accommodation is spread over 5 storeys including the gents toilets housed within the basement, ladies toilets at ground level and the upper 3 floors housing a self contained flat that was last occupied over 10 years ago.
- 8 The upper part of the building is in a considerable state of disrepair requiring extensive works, and estimated to be in excess of £40,000 to bring it back into a serviceable condition.
- 9 The building suffers from a poor narrow side access which means access to the upper residential levels is extremely problematic, and this is insufficient to allow furniture to be brought into the property easily. Further there is no upper level fire escape which creates fire evacuation and safety issues to any occupants.
- 10 The toilets have steps down to the basement for the gents and a step up to the ladies, these are not disabled compliant, and cannot easily be made so. Plumbing to the toilets has been brought through the basement of the residential accommodation and so separation of the building into different ownerships is not practical.
- 11 The Council has previously considered options for the use of the upper part of this building but with the access limitations, the fire and safety problems, and the extent of the required works this has not been viable or practical.
- 12 The ladies and gents toilet facilities are extensively used by beach users during the summer season, and also shoppers generally. There are however other public toilets further along the Esplanade.
- 13 The provision of modern fully accessible toilets could be considered but a location on the seafront side of the road, and in a conservation area will be challenging to achieve .Any new structure would require appropriate attention to design and location if planning permission was to be granted. The potential damage from the sea in storm conditions will also be a factor

and it is not certain that these challenges can be overcome to permit permanent re-provision.

- 14 If re-provision was wanted then a feasibility study with practical investigations, and design work would be needed. For this funding would be required to commission an external consultant to undertake the various feasibility enquiries, utilities availability and capacity, and initial design considerations. Assuming a scheme was feasible then a report and budget cost would be reported back to members to then decide if provision would proceed or not.
- 15 In summary a separation of the building into different ownerships so as to allow the continued use of the toilets is not practical. With the current repair liabilities, and the integration of the toilets with the residential then a sale of the whole building would appear to be a sensible way forward. This would then allow the building to be brought back into use, while giving a capital receipt to the Council.

## **Implications**

### **Corporate Plan**

- 14 The disposal of the premises is in accordance with the Councils adopted Assets Management plan. It could depending on the future use of the building when disposed support the Councils corporate priority of “Building a Stronger Local Economy”.

### **Financial**

- 15 The sale of the property would generate a reasonable capital receipt and this could be used towards any future provision if feasible and wanted, or to other required projects.
- 16 Some saving from the closure of the toilets would occur, but if alternative facilities are provided the cost of operating these would most likely be similar.

### **Equalities**

- 18 The current property has significant access issues and is not DDA compliant.
- 19 Any future temporary or re-provided toilet facilities would meet the current legislative requirements.

### **Environmental**

- 20 The property is a listed building within a conservation area therefore planning and development restrictions as detailed within the local plan will be applicable for any alternative use.

### **Economic Development**

- 21 A future alternative use of the property, subject to planning permission and Listed Building consent etc. could benefit the Economy and potentially support job creation.

## **Human Resources**

- 23 Resources to sell and market the property, but external agents would be utilised.

## **Consultation and Engagement**

24 The Council has not consulted on this disposal but the current poor condition of the building, the lack of full use of this, the inability to bring it all into beneficial use, the lack of disabled facilities, and the inability to separate the building mean that there are limited options in dealing with this property apart from the sale of it.

Temporary facilities will be provided until the feasibility and cost of more permanent facilities is determined, and in any event both will be subject to obtaining the necessary statutory consents.

## **Appendices**

None

## **Background Papers**

None

## **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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## **Management Committee 20<sup>th</sup> September 2016 Weymouth Town Centre Masterplan – Site update - Peninsula**

*Appendices 1, 2 and 3 to this report are not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of The Local Government Act 1972, as amended.  
The public interest in maintaining the exemption outweighs the public interest in disclosing it.*

### **For Decision**

**Briefholder**  
Cllr Jeff Cant

**Senior Leadership Team Contact:**  
M Hamilton, Strategic Director

**Report Author: Martin Hamilton**

### **Statutory Authority**

Legal power to dispose of the land – s123 (2) and s 128(1) Local Government Act 1972 and Circular 06/03 Local Government Act 1972 General Disposal Consent (England) 2003.

### **Purpose of Report**

- 1 This report is to enable Management Committee to determine the next steps required to facilitate the re-development of the Peninsula site;

### **Officer Recommendations**

- 2
  - (a) Note the feasibility study prepared by Cushman & Wakefield on the Peninsula site and instruct officers to progress a leisure led development as outlined in this report;
  - (b) To agree a budget allocation of £200,000 from the Borough Development Reserve for the more detailed reports and information needed, as set out in section 31 of the report.
  - (c) To report back to Management Committee in December with the findings obtained;
  - (d) Progress a “meanwhile uses” strategy for the existing peninsula buildings to bring buildings back into use pending redevelopment;

## **Reason for Decision**

- 3 The decisions collectively enable the Council to take the next critical steps in the regeneration of the Peninsula site by determining the nature of development to be sought and directing officers to take the necessary steps to enable that development.

## **Background and Reason Decision Needed**

- 4 The Peninsula is a man-made structure extending to approximately 5ha in size in a strategically important location close to Weymouth town centre and visible from the Esplanade. Currently occupied by the Jurassic Skyline Tower, Pavilion Theatre, pleasure pier, car park and redundant buildings associated with the previous ferry operation, the site is identified in the Weymouth Town Centre Master Plan for mixed use development.
- 5 The location of the site is such that its development has the potential to positively impact significantly on both the townscape and the economy of Weymouth. As a made-made structure, and located within a flood zone, the site also presents some significant development challenges.
- 6 Utilising funding from Dorset Local Enterprise Partnership, the Council commissioned Cushman & Wakefield (C&W) to undertake a study to establish the feasibility of developing the site, taking into account financial models and intelligence gathered from soft market testing. The outcome of this study is presented in this report to inform members' consideration of next steps for this key site.
- 7 In their feasibility study C&W have modelled a "residential led" redevelopment based on an assessment of an indicative level of residential development and associated leisure uses including café/restaurants, and a hotel. This model is subject to sensitivity analysis involving variations in market price for the residential units developed, and the proportion of affordable housing required. In addition, C&W have modelled a "leisure led" development, which is focused on establishing the Peninsula as a destination for all weather leisure activities. Each of these are summarised below and presented in more detail in the confidential Appendix 1 attached.
- 8 In addition to the C&W study, the LEP also funded a study on aspects of the local tourism economy which was undertaken by Blue Sail. This report raises a number of important issues which are relevant when considering the future of the Peninsula site. The report identifies that, whilst employment in the hospitality and leisure sectors in many seaside towns has grown in recent years, it has declined in Weymouth, and despite natural assets and profile, the town is under performing relative to its peers. The report notes that the tourism growth in the town is constrained by the need for more, and better, accommodation.
- 9 In addition, the report recommends substantial investment in the quality of the environment, the shopping and eating out experience, and in more visitor attractions, particularly attractions which are all-weather in nature.



Such investment would serve to increase both visitor numbers, length of stay, and spend, as well as serving to extend the tourism season in the town.

## **Ferry Terminal**

- 10 Subsequent to the departure of Condor Ferries from Weymouth in 2015, the Council entered into an agreement with High Speed Ferries (HSF) which enabled the Council to retain the designated Restricted Area on the Peninsula site whilst negotiations progressed with HSF.
- 11 The Management Committee decision was to maintain the Restricted Area for a ferry service until 31<sup>st</sup> March 2016 whilst discussions continued. As HSF were not in a position at the end of this period to commence the service, the Restricted Area is now no longer being maintained as such. HSF continue to pursue the development of their operations, but the Council is no longer in a formal agreement to facilitate that service operating from Weymouth.
- 12 In addition to HSF, officers have tested the likelihood of another ferry operator wishing to commence operations from the Weymouth ferry terminal, and see no prospect of this happening in the foreseeable future.
- 13 In light of the position with ferry operators, officers are pursuing a “meanwhile uses” strategy for the site, with a view to securing uses of the assets which reduce the net cost of the site. Members will be aware of the recent filming in Weymouth which made use of the site and, once filming had ceased, the former ferry queueing lanes were brought into use as car parking which proved popular in peak season. In addition, the various buildings on the site are being marketed for short term (3 year) lettings.
- 14 Neither the option to develop the site for housing nor leisure assume the operation of a ferry from the site. The eventual designs will need to accommodate the continued use of the wharf adjacent to the former ferry berth and associated storage. This should be arranged in order to provide both income to the harbour, and a point of interest for visitors to the site. It is proposed that the focus of work in the short term would be on securing short term lets and establishing the operational footprint for wharfage rather than pursuit of a ferry operator.

## **Site Conditions and Constraints**

- 15 As noted above the peninsula is a man-made structure. As such, development of the site for any purpose will involve abnormal costs when compared with many other brownfield sites. The extent of these abnormal costs is as yet unquantified, and will vary depending on the nature and scale of development undertaken. They will however include:
  - Flood Prevention – a significant portion of the site is in a flood zone, with parts of the site liable to flooding likelihood greater than 1 in every 100 events. The site is surrounded by harbour walls which have been assessed as “poor but serviceable” and will require investment. Any

residential development would need to take account of this flood risk and mitigate it either through design or by enhancing the flood defences. For a leisure scheme the mitigation might potentially be able to be reduced, but this would need to be quantified further.

- Contamination – The site is made up of fill brought into the location and its precise makeup is unknown. Some degree of contamination must be assumed.
- Ground conditions – as made up ground, reclaimed in phases, it is assumed that any development will require piling.

- 16 In preparing the feasibility study, C&W have assumed a level of abnormal costs based on their experience elsewhere. Whilst adequate for the purposes of modelling, it will be necessary for the Council to procure detailed site condition surveys prior to marketing in order to secure an accurate estimate of the abnormal costs likely to be encountered.

### **Appraisal of Housing Market**

- 17 In order to establish the feasibility of a residential led development on the Peninsula, C&W have reviewed the local market for the sorts of properties likely to be included in any development. The ability of the site to “market make”, and thereby secure a significantly higher value than is currently being realised in Weymouth, is uncertain as the market for waterside development is not as mature as in other south coasts towns.

### **Residential Led Feasibility Model**

- 18 C&W have drafted a development model for the Peninsula which envisages:
- 349 residential units (private plus 35% affordable)
  - 130 bed hotel
  - 400 space multi-story
  - 5 Restaurants
  - New public square
  - Pavilion remaining in situ.
  - No ferry operation
- 19 This model is for appraisal purposes only. It is indicative of a particular mix which would make good use of the site in terms of maximising residential units without developing to a height which would be problematic in terms of the visual impact. If taken to market the precise mix of units, levels of parking etc, would undoubtedly be subject to change, but the model put forward presents a credible basis for appraisal.
- 20 The model has been tested by C&W with major developers, hotel and restaurant operators in soft market testing.

21 The C&W report attached at Confidential Appendix 1 set out the detail of their financial appraisals. The appraisals show:

- Gross receipt, from residential units, hotel, restaurants and car parking
- Development costs for the above
- Other costs such as legal fees, cost of finance, etc
- Developer's profit
- Gross Residual Land Value - in essence, the value of the site

Sensitivity analysis varies the proportion of affordable housing from 35% (as per policy) to 0% (which assumes reduction due to viability).

The analysis shows that the development is, at best, marginal in terms of financial viability. The site only secures a positive net residual value if there is NO affordable housing. In addition this model gives the Council no receipt for the current site value and the car park income is lost. In essence this represents a net loss to the council.

22 With the marginal viability there will be a presumption of any development progressing as a joint venture between the Council and a development company, with the Council sharing the risk and providing some funding to facilitate the development.

23 The financial appraisal does not take into account deliverability risk. As shown in the C&W models, the residential led development would be an £100- £125m development, and if progressing the Council would need to be assured that the development would be completed, and completed in an acceptable timeframe. Developers contacted through the soft market test recognised that the site would be a complex one to develop. Many indicated they would not be interested due to the total capital investment required; high risk and so would want the council to lead and share in the higher risk elements of the scheme.

24 If minded to pursue development for mixed use as per this appraisal, the process of undertaking site surveys, competitive process to select development partner, negotiation of joint venture, securing detailed planning consent would see actual construction works commence on site in mid-2020.

### **Leisure Led Feasibility Model**

25 In addition to the residential led development option, C&W have modelled a development with no residential buildings, but rather focussing on the development of a mix of leisure uses which would create a "leisure destination" in its own right. The aim of this model was to evaluate the viability of a development which directly addressed the need for significant all-weather facilities in the town with a view to generating an ongoing economic impact.

There are significant benefits to the leisure led model. In summary the benefits are that the general leisure sector is very strong and continuing to expand, but being a relatively young market the tenant covenants are not that strong. Such a scheme however would extend the tourist offering and

potentially the season, as well as providing a wet weather attraction. The financial commitment required to deliver such a scheme is low relative to a residential scheme and potentially with higher delivery prospects. This would also generate ongoing employment and provide a different offering relative to competing tourist destinations.

The feasibility study is based on a development which would include:

- 1 x leisure unit of 8,000 sq. ft.
- 2 x leisure units of 20,000 sq. ft. (positioned next to each other to give the flexibility to be merged into one 40,000 sq ft unit)
- 1 x leisure unit of 15,000 sq. ft.
- 3-4 waterside restaurants of 3,000 sq ft – 3,500 sq ft each
- 1 x mid-range hotel
- Car parking reconfigured on the south of the site to allow the restaurants to benefit from the views onto the Esplanade.

There are a range of potential leisure uses but it is suggested that to give the optimum synergy with the Weymouth current tourist holiday base that this would be aimed at the “participative” activities.

These end leisure occupiers might include

- Indoor Surfing facility
- Climbing Centre
- Indoor Sky Diving
- High ropes
- Indoor soft play

- 26 The model assumes no ferry operation, retention of car park income, and Pavilion. This mix is offered for illustrative and modelling purposes, and the eventual mix should be very much market driven.
- 27 Leisure provision is a wide market sector and the C & W presentation attached at Appendix 1 gives not only further examples of the different types of offering in the sector, but also involvement of other councils who have taken forward such schemes. There are a number of viable schemes that have been produced where councils have taken a similar initiative.
- 28 The C&W report attached at Confidential Appendix 1 sets out the detail of their financial appraisals. One appraisal uses a traditional methodology with a developer assuming all risks, and selling the finished investment to make a capital profit. This approach shows that the development gives insufficient profit to be viable.
- 29 A second appraisal undertaken by C &W is based on a council led development benefiting from low cost borrowing available to local authorities. This appraisal allows the finished project to be retained by the council as a revenue generating asset. The appraisal shows this to be a viable project. Confidential Appendix 2 sets out the timeline for bringing the scheme to fruition, showing actual construction work commencing in 2019.

C&W have undertaken a cash flow model based upon the potential time line and this as set out in Confidential Appendix 3. While this shows the scheme to be viable this will need to be subject to further testing from the Councils perspective as part of the more detailed work to be undertaken following on from this report.

### **Next Steps**

- 30 The appraisals show that progressing a housing led development is very high risk in terms of financial viability and deliverability. In order to progress such a scheme would need to exclude social housing, and as a consequence it likely to deliver housing offer which does not reflect local need. The complexity of the site is such that a leisure led scheme is only really viable if a council led scheme is progressed.
- 31 In light of the appraisals and the benefits to the local economy, officers recommend that the leisure led scheme is progressed to the next stage of the development. This will require investment to finalise the viability and development issues, and will include:
- 1) Commission scheme concept and visuals for discussion with planners and occupiers
  - 2) Engagement with potential occupiers
  - 3) Pre-application planning submission
  - 4) Services and ground condition surveys
  - 5) Engagement with the Environment Agency
  - 6) Transport study
  - 7) Update of the financial viability analysis including production of a cost plan, and detailed due diligence by the council's finance team.

To obtain the foregoing a budget of £200,000 is requested which would be taken from the Borough Development Reserve.

## **Implications**

### **Corporate Plan**

Development of the sites within the Weymouth Town Centre master plan and the local plan are supported by way of employment gain and a mixed scheme development.

### **Financial**

The request for the £200,000 from the Borough Development fund is to undertake and commission more detailed viability issues.

### **Equalities**

There are no equalities issues and any development would be fully DDA compliant.

## **Environmental**

The delivery of a new mixed leisure or other scheme offers the opportunity to enhance the current Peninsula environment. Any scheme will be subject to the usual planning and other environmental and statutory checks and requirements.

## **Economic Development**

There is the potential from a successful scheme to provide additional employment, and to add to the economic prosperity of Weymouth.

## **Risk Management (including Health & Safety)**

The risk of any council undertaking a development scheme is potentially high, but with further detailed studies to assist in this decision the risk will be reduced. The council will, with that more detailed information and advice, be able to decide in December if it wishes to commit to progressing the scheme. The risks and costs will be set out and so each decision will be based upon the best information available at that time.

## **Human Resources**

None directly arising

## **Consultation and Engagement**

Asset Management Group.  
Town Centre Master Plan has been subject to consultation

## **Appendices**

Confidential Appendices 1- Financial analysis of the development options  
Confidential Appendices 2- Timeline for delivering a leisure scheme and options  
Confidential Appendices 3- Cash flow analysis for leisure scheme

## **Background Papers**

Weymouth town centre master plan

## **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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## Management Committee Four Month Forward plan 1 October 2016 to 31 January 2017

This Plan contains the decisions that the Council intends to make over the next 4 months, but will be subject to review at each committee meeting. The Plan does not allow for items that are unanticipated, which may be considered at short notice. It is available for public inspection along with all reports (unless any report is considered to be exempt or confidential). Copies of committee reports, appendices and background documents are available from the council's offices at Council Offices, Commercial Road, Weymouth, DT4 8NG 01305 251010 and will be published on the council's website Dorsetforyou.com 3 working days before the meeting.

**Notice of Intention to hold a meeting in private** - Reports to be considered in private are indicated on the Plan as Exempt. Each item in the plan marked exempt will refer to a paragraph of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and these are detailed at the end of this document.

### Brief Holders

- Community Safety - Cllr F Drake
- Corporate Affairs and Continuous Improvement – Cllr K Brookes
- Economic Development – Cllr J Farquharson
- Environment and Sustainability - Cllr R Nowak
- Finance and Assets – Cllr J Cant
- Housing – Cllr G Taylor
- Community Facilities – Cllr A Blackwood
- Tourism, Harbours and Culture – Cllr J Osborne
- Social Inclusion – Cllr C James
- Transport and Infrastructure – C Huckle

## KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Economic Growth Strategy	To adopt economic growth strategy and 5 year action plan.			WDDC Portfolio Holder for Enabling  NDDC Portfolio Holder for Community and Regeneration, Councillor David Walsh  WPBC Briefholder for Economic Development Martin Hamilton, Strategic Director, Trevor Hedger, Senior Economic Regeneration Officer	1 Nov 2016  7 Nov 2016  8 Nov 2016
Weymouth Town Centre Master Plan Sites Update - Harbourside Weymouth	To report on options for the Harbourside sites. To consider and agree the actions for taking forward the site development.		3	WPBC Briefholder for Finance and Assets David Brown, Head of Assets & Infrastructure	8 Nov 2016
Proposals for an arts programme for the borough council	As requested by Management Committee at its meeting on 16 <sup>th</sup> August 2016, a costed programme of arts activities is presented for member consideration and endorsement.	Report of 16 August 2016		WPBC Briefholder for Tourism, Culture and Harbour Tony Hurley, Leisure Commissioning Manager	13 Dec 2016



# NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Proposals for Local Government Reorganisation	To advise members of the outcome of the public consultation on local government reorganisation (LGR), to present the case for change and financial appraisal of options: and the invite members to make a decision on whether to recommend LGR to government and, if so, which is their preferred option.			NDDC Leader of Council	23 Jan 2017
				WPBC Leader of Council	24 Jan 2017
				WDDC Leader of Council	26 Jan 2017
				WPBC Leader of Council	31 Jan 2017
				WDDC Leader of Council	2 Feb 2017
				NDDC Leader of Council Matt Prosser, Chief Executive	3 Feb 2017

# NON- KEY Decisions

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Community Infrastructure Levy - Exceptional Circumstances Relief	To explain the circumstances for establishing Exceptional Circumstances Relief and seek member agreement for officers to implement the policy in accordance with nationally prescribed regulations.			WPBC Briefholder for Environment and Sustainability Hilary Jordan, Head of Planning Community & Policy Development	8 Nov 2016

# NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Hotel and Guesthouse Review	To review and agree the policy for dealing with the Council's leased hotels.			WPBC Briefholder for Finance and Assets David Brown, Head of Assets & Infrastructure	8 Nov 2016
Quarter 2 Business Review	To provide the strategic overview of performance, risk revenue and capital expenditure and income.			WPBC Briefholder for Finance and Assets Julie Strange, Head of Financial Services	8 Nov 2016
Community Infrastructure Levy- Revised Regulation 123 list	To agree the revised regulation 123 list.			WPBC Briefholder for Environment and Sustainability Hilary Jordan, Head of Planning Community & Policy Development	8 Nov 2016
Resourcing the work of the Melcombe Regis Board	To secure approval for expenditure on a feasibility study into options to address housing conditions in the Melcombe Regis ward.			WPBC Briefholder for Housing Clive Milone, Head of Housing	8 Nov 2016
Council Tax Discretionary Discounts	To determine applications for Council Tax Discretionary Discount having regard to the merits of the case.			WPBC Briefholder for Finance and Assets Stuart C Dawson, Head of Revenues and Benefits	8 Nov 2016

# NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Report on the findings of a consultation on the Weymouth & Portland Draft Parking Policy	To consider adopting the new parking policy for Weymouth & Portland.			WPBC Briefholder for Transport and Infrastructure Jack Creeber, Parking & Transport Manager	8 Nov 2016
Report into various loss making car parks	To consider a report into loss making car parks.	report of 16 August 2016		WPBC Briefholder for Transport and Infrastructure Jack Creeber, Parking & Transport Manager	13 Dec 2016
2017-2018 Budget	To consider an update on the 2017/18 budget.			WPBC Briefholder for Finance and Assets Jason Vaughan, Strategic Director	13 Dec 2016
Dorset Waste Partnership Budget	To consider the waste partnership's draft budget.			WPBC Briefholder for Environment and Sustainability Graham Duggan, Head of Community Protection	13 Dec 2016

NON KEY DECISIONS

Title of Report	Purpose of Report	Documents	Exempt	Portfolio Holder & Report Author	Decision Date
Harbour Budget Requirements 2017/18	To present the budget request for the harbour for 2017/18 including considering fees and charges.			WPBC Briefholder for Corporate Affairs and Continuous Improvement, WPBC Briefholder for Finance and Assets, WPBC Briefholder for Tourism, Culture and Harbour Nick Thornley, Head of Economy, Leisure & Tourism	13 Dec 2016

## Private meetings

The following paragraphs define the reason why the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed and the public interest in withholding the information outweighs the public interest in disclosing it to the public. Each item in the plan above marked Exempt will refer to one of the following paragraphs.

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveal that the authority proposes:-
  - a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b. To make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

