

Shadow Dorset Council

Date: Thursday, 24 January 2019
Time: 6.30 pm
Venue: South Walks House, Dorchester, Dorset, DT1 1EE

Membership:

The Council membership is listed on the following page.

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

For more information about this agenda please telephone Democratic Services on 01305 252216 or sdallison@dorset.gov.uk

Publication Date: 16 January 2019

This agenda and reports are also available on the Council's [website](#).

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

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

Recording, photographing and using social media at meetings

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

MEMBERSHIP OF THE SHADOW DORSET COUNCIL

Anthony Alford	Nigel Dragon	Andrew Kerby	Julie Robinson
Jon Andrews	Francis Drake	Paul Kimber	Gareth
Kerry Baker	Fred Drane	Rebecca Knox	Rockingham
Malcolm Barnes	Gerald Duke	Richard Kosior	Tia Roos
Peter Barrowcliff	*Jean Dunseith	Noc Lacey-Clarke	George Russell
*Shane Bartlett	Mike Dyer	Catherine Langham	John Russell
Thomas Bartlett	Dominic Elliott	Margaret Lawrence	Jacqui Sewell
*Pauline Batstone	John Ellis	Robin Legg	Peter Shorland
Bill Batty-Smith	*Beryl Ezzard	Margaret Leicester	*David Shortell
Colin Beck	Terry Farmer	Gina Logan	Andy Skeats
*Derek Beer	James	Mike Lovell	Deirdre Skipwith
Richard Biggs	Farquharson	Cathy Lugg	Jane Somper
Andy Blackwood	*Tony Ferrari	Barbara Manuel	Jackie Stayt
*Kevin Brookes	Caroline Finch	Gloria Marsh	John Stayt
*Cherry Brooks	*Spencer Flower	Penny McCartney	Gary Suttle
Piers Brown	Victor Fox	Frances McKenzie	Clare Sutton
Graham Brown	Jo Francis	Wendy Meaden	John Tanner
Sandra Brown	Robert Freeman	Laura Miller	David Taylor
Hazel Bruce	*Katharine Garcia	David Morgan	Gill Taylor
Ian Bruce	Ian Gardner	Tim Morris	Mark Tewkesbury
*Ray Bryan	Simon Gibson	Richard Nickinson	Alan Thacker
David Budd	Hilary Goodinge	Pamela Nixon	Carol Tilling
Nigel Bundy	Barry Goringe	Ray Nowak	Simon Tong
Audrey Burch	Mike Gould	Peter Oggelsby	*William Trite
Sarah Burns	Robert Gould	*Jon Orrell	*Daryl Turner
Derek Burt	Matthew Hall	Jason Osborne	Mark Unsworth
Derek Bussell	Lucy Hamilton	David Packer	*David Walsh
*Steve Butler	Traci Handford	Cathy Page-Nash	Ann Weaving
Mike Byatt	Tim Harries	Emma Parker	Peter Webb
*Andrew Canning	David Harris	*Michael Parkes	Sandy West
Jeff Cant	Paul Harrison	*Andrew Parry	Jane Westbrook
*Graham Carr-	Brian Haynes	*Mary Penfold	*Peter Wharf
Jones	*Jill Haynes	*Bill Pipe	*Kate Wheller
*Andrew Cattaway	Ryan Hope	Claire Pipe	Mike Whitwam
Alexander Chase	Fred Horsington	Val Potheary	Mike Wiggins
Simon Christopher	Susie Hosford	Robin Potter	Peter Williams
Alex Clarke	Colin Huckle	Simon Pritchard	Timothy Yarker
Ronald Coatsworth	Nick Ireland	Byron Quayle	
Robin Cook	Christine James	Barry Quinn	(1 vacancy)
Patrick Cooke	Susan Jefferies	Alison Reed	
*Toni Coombs	Gary Jefferson	Molly Rennie	*Indicates
Barrie Cooper	Sherry Jespersen	Cheryl Reynolds	councillors on
Hilary Cox	K D Johnson	Dave Rickard	borough/district
*Deborah Croney	Stella Jones	Belinda Ridout	councils as well as
*Keith Day	Trevor Jones	Michael Roake	Dorset County
*Janet Dover	Oz Kanji	*Mark Roberts	Council
Charles Dowden			

AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 CODE OF CONDUCT

To receive any declarations of interest.

3 MINUTES

5 - 8

To approve the minutes of the meeting held on 13 December 2018.

4 PUBLIC PARTICIPATION (30 MINUTES)

Members of the public may submit a written question to the Leader, Portfolio Holder, or Chairman of the Shadow Council or committee. Questions or statements must have been submitted to the Monitoring Officer by 10.00 am on Tuesday 21st January 2019.

5 QUESTIONS FROM SHADOW COUNCILLORS (30 MINUTES)

A Shadow Councillor may ask the Chairman, Leader, Portfolio Holder or the Chairman of a committee any question about a matter which the Shadow Council, the Shadow Executive or committee has powers, duties or responsibilities. Questions must have been submitted to the Interim Monitoring Officer by 10.00am on Tuesday 21st January 2019.

6 MINUTES OF THE SHADOW EXECUTIVE COMMITTEE

9 - 16

To receive the minutes of the Shadow Executive Committee held on 17th December 2018 and 14th January 2019 (to follow).

7 MINUTES OF THE SHADOW OVERVIEW AND SCRUTINY COMMITTEE

17 - 28

To receive the minutes of the Shadow Overview and Scrutiny Committee held on 3rd December 2018, 3rd January and 8th January 2019 (to follow).

8 ADOPTION OF THE DORSET COUNCIL CONSTITUTION

29 - 50

To consider a report by Jonathon Mair, Corporate Director – Legal & Democratic and Monitoring Officer (Designate).

9 URGENT ITEMS

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

Shadow Dorset Council

SHADOW DORSET COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 13 DECEMBER 2018

Present: Cllrs A Alford, J Andrews, S Bartlett, P Batstone, R Biggs, K Brookes, C Brooks, P Brown, R Bryan, D Budd, N Bundy, A Burch, D Bussell, A Canning, A Chase, S Christopher, R Cook, T Coombs, H Cox, K Day, N Dragon, J Dunseith, M Dyer, D Elliott, B Ezzard, J Farquharson, T Ferrari, S Flower, V Fox, R Freeman, S Gibson, B Goringe, M Hall, L Hamilton, B Haynes, J Haynes, R Hope, F Horsington, Nick Ireland, S Jefferies, K D Johnson, S Jones, T Jones, P Kimber, R Knox, N Lacey-Clarke, W Meaden, L Miller, P Nixon, E Parker, A Parry, M Penfold, V Potheary, R Potter, B Quinn, M Rennie, C Reynolds, D Rickard, M Roberts, T Roos, J Sewell, P Shorland, D Shortell, J Somper, D Taylor, G Taylor, A Thacker, D Turner, M Unsworth, P Webb, P Wharf, K Wheller, M Wiggins, P Williams and T Yarker

Apologies: Cllrs K Baker, M Barnes, P Barrowcliff, T Bartlett, B Batty-Smith, C Beck, D Beer, A Blackwood, G Brown, S Brown, H Bruce, Ian Bruce, S Burns, D Burt, S Butler, M Byatt, J Cant, G Carr-Jones, A Cattaway, A Clarke, R Coatsworth, P Cooke, B Cooper, D Croney, J Dover, C Dowden, F Drake, F Drane, G Duke, J Ellis, T Farmer, C Finch, J Francis, K Garcia, I Gardner, H Goodinge, M Gould, R Gould, T Handford, T Harries, D Harris, P Harrison, S Hosford, C Huckle, C James, G Jefferson, S Jespersen, O Kanji, A Kerby, R Kosior, C Langham, M Lawrence, R Legg, M Leicester, G Logan, M Lovell, C Lugg, B Manuel, G Marsh, P McCartney, F McKenzie, D Morgan, T Morris, R Nickinson, R Nowak, P Oggelsby, J Orrell, J Osborne, D Packer, C Page-Nash, Mike Parkes, B Pipe, C Pipe, S Pritchard, B Quayle, A Reed, B Ridout, M Roake, J Robinson, G Rockingham, G Russell, J Russell, A Skeats, D Skipwith, Jackie Stayt, John Stayt, G Suttle, C Sutton, J Tanner, M Tewkesbury, C Tilling, S Tong, B Trite, D Walsh, A Weaving, J Westbrook, S West and M Whitwam

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

Kate Critchel (Senior Democratic Services Officer), Susan Dallison (Democratic Services Manager), Aidan Dunn (Executive Director - Corporate Development S151 Designate), Lee Gallagher (Democratic Services Manager - Dorset County Council), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer, Designate), Matt Prosser (Chief Executive Designate) and Jason Vaughan (Interim Section 151 Officer)

23. Code of Conduct

There was no declarations of interest to report.

24. Minutes

The minutes of the last meeting were confirmed as a correct record and signed by the Chairman.

25. Public Participation (30 Minutes)

There was no public participation to report.

26. Questions from Shadow Councillors (30 Minutes)

There were no questions from Councillors.

27. Minutes of the Shadow Executive Committee

The minutes of the meetings held on 15 October and 12 November 2018 were received and noted.

28. Minutes of the Shadow Overview and Scrutiny Committee

The minutes of the meetings held on 8 October and 9 November 2018 were received and noted.

Mr J Mair, Interim Monitoring Officer and Mr A Dunn left the meeting room at this juncture.

29. Confirming the permanent appointment of the Senior Leadership Team For Dorset Council

The Shadow Council considered a report on the selection committees' recommendations to appoint the Executive Director People, Adults, the Executive Director People, Children's and the Executive Director Place. The selection committees also recommended to the Shadow Council the appointment to the following posts; Executive Director Corporate Development and Corporate Director Legal & Democratic.

In considering the report, some members expressed concern that they were being asked to rubber stamp a decision made by the appointments panel, without detailed information on the individuals concerned. However others indicated that they had confidence in the robust interview process that had taken place.

It was proposed by Cllr Ferrari as Chair of the selection committee that Aidan Dunn be appointed as the Executive Director, Corporate Development (S151) It was proposed by Cllr Flower as Chair of the selection committee that Jonathan Mair be appointed as the Corporate Director Legal & Democratic for Dorset Council.

The Shadow Council was also asked to consider the appointment to the statutory role of Electoral Registration Officer within the remit of the Chief Executive and upon being put to the vote the motion was carried.

Decision

- (a) That the appointment of Aidan Dunn to the position of Executive Director Corporate Development at a spot salary of £135,000, be approved;
- (b) That the appointment of Jonathan Mair to the position of Corporate Director Legal & Democratic at a spot salary of £105,000, be approved;
- (c) That the appointment to the position of Executive Director People, Adults at a spot salary of £135,000 (details to be released at a later date), be noted;
- (d) That the appointment of Sarah Parker to the position of Executive Director People, Children's at a spot salary of £135,000, be noted;
- (e) That the appointment of John Sellgren to the position of Executive Director Place at a spot salary of £135,000 be noted.

Appointments would be taken up at the earliest possible date and would be dependent upon individual notice periods for the successful candidates.

- (f) That the addition of the statutory role of Electoral Registration Officer within the remit of the Chief Executive duties and responsibilities be agreed.

Mr J Mair and Mr A Dunn returned to the meeting.

30. **Appointment of External Auditors**

Members were advised that Dorset Council and the Shadow Dorset Council were legally required to appoint external auditors. Cllr Ferrari set out a proposal to appoint the Public Sector Audit Appointments Limited (PSAA) who were willing to manage the appointment of auditors to both councils. However both councils would be required to opt-in to the arrangements to allow PSAA to act.

It was proposed by Cllr Ferrari seconded by Cllr Lacey-Clarke

Decision

That Dorset Council and the Shadow Dorset Council opt-in to the arrangements for the appointment of external auditors, managed by Public Sector Audit Appointments Limited.

31. **Urgent items**

The Chairman advised that there was one item of business to be reported to the Shadow Council.

32. **Changes to the Constitution**

The Corporate Director Legal & Democratic reported that in line with the rules of the Shadow Council constitution, the Leader of the Shadow Council had amended the Council meeting quorum to 41 members.

Following any such amendment these changes must be reported to the next meeting of the Shadow Dorset Council. In response to questions regarding this decision, the Leader of the Shadow Dorset Council informed members that the decision had been made to reduce the number as a sensible pragmatic approach; recognising that fewer councillors were attending the shadow council meetings.

The Chairman further indicated that it was important that the Shadow Council was able to take important decisions at future meetings in the New Year, but this decision did not preclude all members from continuing to attend.

Duration of meeting: 6.30 - 7.02 pm

Chairman

.....

Shadow Dorset Council

Executive Committee

**Minutes of meeting held at South Walks House, Dorchester
on Monday 17 DECEMBER 2018.**

Present: Cllrs R Knox (Chairman), G Suttle (Vice-Chair), A Alford, P Batstone, J Cant, G Carr-Jones, T Ferrari, S Flower, M Hall, J Haynes, C Huckle, A Parry, M Penfold, B Quinn, S Tong, D Turner, D Walsh and P Wharf.

Officers present (for all or part of the meeting): Matt Prosser (Chief Executive Designate), Keith Cheesman (LGR Programme Director), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer, Designate), Jason Vaughan (Interim Section 151 Officer) and Lee Gallagher (Democratic Services Manager - Dorset County Council).

In accordance with the Overview and Scrutiny procedure Rules of the Shadow Dorset Council, 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.

87. Apologies

Apologies for absence were received from Cllrs Steve Butler and Sherry Jespersen.

88. Declaration of Interests

There were no declarations by members of disclosable pecuniary interests under the Shadow Dorset Council's Code of Conduct.

Cllr Jeff Cant made a non-pecuniary declaration in relation to minute 99 as although he owned property in Weymouth he considered its value unaffected by decisions concerning the former Weymouth and Portland Borough Council Offices at North Quay. The Interim Monitoring Officer confirmed his advice that there was not a disclosable pecuniary interest unless the proposal would have a financial impact on the value of property owned by a member.

89. Minutes

The minutes of the previous meeting held on 12 November 2018 were confirmed and signed.

90. Public Participation

There were no public questions or statements received at the meeting in accordance with Standing Order 28.

91. Shadow Executive Forward Plan

The Committee received the latest draft Forward Plan, which included all decisions to be taken throughout the Shadow Dorset Council period until 1 April 2019.

It was reported that the item relating to the Convergence Plan for 14 January 2019 would now form part of the budget report at that meeting. Likewise, the item relating to the Transition Period Plan would be incorporated into the item on the Constitution.

Noted

92. **Programme Highlight Report (including Programme Budget)**

The Committee considered a report by the Programme Director which provided an overview of the Local Government Reorganisation Programme including milestone and implementation plan progress, workstream activity, convergence and transformation development. The risk facing the programme was also summarised, which had seen the budget position evolve and would be reported on 14 January 2019, which would build on convergence to enable a balanced budget.

A question from Cllr Lucy Hamilton was read out in her absence in relation to government funding to support transformation, and its impact on the budget. The question was answered by the Lead Member for Finance and is attached to these minutes as an annexure.

It was reported that since the previous meeting, when the first Gateway Review was discussed, arrangements had been put in place to involve the Leader and Deputy Leader, and Lead Members for HR and Workforce, Finance and Governance. Other Lead Members were encouraged to liaise with South West Audit Partnership colleagues if they wished to be further involved, as there had been a mixture of experiences and contact to date.

In relation to the request within the report to provide additional funding from sovereign councils towards the LGR Programme, it was confirmed that Weymouth & Portland, North Dorset and West Dorset had already made provision for additional funding to be provided and other councils would consider the request in due course.

Decision

1. That the progress made since the last Shadow Executive Committee meeting be noted.
2. That the request for resources and the funding approach as detailed in section 3 of the Programme Director's report be agreed.

Reason for Decision

Programme resource requirements are understood and met.

93. **Draft Statement of Common Ground on Strategic Planning Matters**

The Committee considered a report by the Lead Member for Planning on the preparation of a Statement of Common Ground to demonstrate the enhancement of cooperation that has taken place between adjoining local planning authorities and other bodies involved in the preparation of local plans. The draft statement was in the process of being considered by each sovereign council in Dorset for approval so that it was in place and would sit alongside local plans throughout examination, of which the Purbeck Local Plan would be in March 2019. Purbeck District Council and North Dorset District Council had agreed the statement without amendment to date.

Decision

That the draft Statement of Common Ground, attached as Appendix 1 to the Lead Member's report, be approved.

Reason for Decision

To ensure that the requirement for a Statement of Common Ground to be prepared, in association with the development of Local Plans, was met.

94. **Community Health Improvement Services Procurement**

The Committee considered a recommendation from the Joint Public Health Board held on 19 November 2018 on contracts for a range of Community Health Improvement Services that were due to expire at the end of March 2019. The Board made a number of decisions, of which the Shadow Executive Committee was requested to affirm.

Member discussed the range of contracts covered within the report, the flexibilities within them, and the increased budget for 2019/20. It was confirmed that the funding had been ring-fenced for Public Health services which included an increase from previous years, but the actual spend would be dependent on the number of service users who accessed the services following referral.

In relation to the monitoring of contracts to measure quality of the services provided, it was explained that the Joint Board members wanted to ensure that there was an assessment of interventions and outcomes to show if the committed spend made a difference in addition to information on the number of people who did not take up referrals was also useful. This was accepted by officers and would form part of the monitoring arrangements.

Decision

That the decisions of the Joint Public Health Board regarding Community Health Improvement Services Procurement be affirmed.

95. **Strategic Documents linked to the new 'Well Managed Highways Infrastructure' (WHMI) Code of Practice**

The Committee considered a report by the Cabinet member for Natural and Built Environment, Dorset County Council, which accompanied the submission of key documents which were linked to the new 'Well managed Highway Infrastructure' Code of Practice and that had recently been revised.

Members expressed gratitude to the highways officers for their hard work and the innovative ways of working which enabled faster, priority led maintenance and management.

Decision

That the amendments to the strategic documents be approved.

Reason for Decision

To ensure the authority had a robust risk-based approach to asset management, highway inspection and defect repair and winter service which met the requirements of the new code and criteria linked to incentivised funding.

96. **Exempt Business**

Decision

That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified below it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraph 1, 3 and 4 of Part 1 of Schedule 12A to the public interest in disclosing the information to the public.

97. **Shaping Dorset Council Programme - Contractual Terms and Conditions for New Employees**

The Committee considered an exempt report by the Lead Member for HR and Workforce in relation to the development of an agreed set of terms and conditions for new employees for Dorset Council from 1 April 2019, including the pay and grading structure and job evaluation scheme; holiday arrangements; any enhancements and allowances that would be applied; and any other contractual terms and conditions of employment.

Decision

1. That formal consultation commence with the joint trade unions on the basis of the proposals outlined in Appendix 1 of the Lead Member's report.
2. That delegated authority be granted to the Chief Executive (Designate) for Dorset Council, the Leader of the Shadow Council and Lead Member for HR & Workforce to flex the proposals as part of the ongoing consultation with the trade unions, if required, in order to reach agreement.
3. Should agreement not be reached in some or all areas that, following the disputes resolution process, the proposals be implemented without formal agreement with the unions.

Reason for Decisions

To enable recruitment of new employees for Dorset Council.

98. **Shaping Dorset Council Programme - Interim Voluntary Release Scheme**

The Committee considered an exempt report by the Lead Member for HR and Workforce on an interim Voluntary Release Scheme.

Recommended

To recommend to sovereign councils that a single process be implemented to manage and agree requests for Voluntary Redundancy for Dorset Council where those decisions are made before 1 April 2019, as outlined in the Lead Members' report.

Decisions

1. That Dorset Council applies redundancy multiplier arrangements as detailed in the Lead Member's report for all transferred staff.
2. That a redundancy multiplier for all new staff who join Dorset Council from 1 April 2019 be applied.

Reason for Decisions

Inclusion of a voluntary redundancy scheme would support meeting the budget requirements for 2019/20 and beyond.

99. **Former Weymouth and Portland Borough Council offices, North Quay, Weymouth**

(Note: At the beginning of the meeting Cllr Jeff Cant made a non-pecuniary declaration in relation this item. He remained in the meeting and took part in the debate.)

The Committee considered an exempt report by the Leader of Weymouth & Portland Borough Council (W&PBC) in respect of the former Borough Council offices at North Quay, Weymouth.

An outline of the history leading to the proposals within the report was provided by Cllr Jeff Cant, Leader of Weymouth and Portland Borough Council. The report was considered and approved by the W&PBC Management Committee at its meeting held on 11 December 2018. Cross party support at the Borough Council was expressed for the decisions made by the Management Committee.

Decision

That the decisions of the W&PBC Management Committee be supported.

100. **Urgent Items**

There were no items of urgent business pursuant to section 100B (4) b) of the Local Government Act 1972 considered at the meeting.

Duration of meeting: 4.00 - 5.05 pm

Chairman

.....

This page is intentionally left blank

Member Questions and Speakers

Question from Cllr Lucy Hamilton to the Leader of the Shadow Dorset Council in relation to the cost of setting up the new Dorset Council

Question

Firstly I'd like to recognise the extraordinary hard work of officers in working to a tight deadline and an even tighter budget. However, paragraph 2.2 states "there remains a risk that at this moment in time there is no clear way to set a balanced budget". Can I have an urgent update on the funds available from central government to go towards the complex work of reorganisation? Central government delays have made this whole process even more costly.

Answer

We have now received the provisional finance settlement which was in line with our assumptions and estimates. There are still a number of issues to be resolved but the Shadow Executive in February will receive proposals for a balanced budget for 2019/20.

A number of representations have been made jointly by the two unitary programmes to the Ministry for Housing, Communities and Local Government during the year about funding of some of the extraordinary costs of this process, especially in light of the government delays. There is clearly a reluctance for precedents to be set and we have not yet been given any indication that we might receive any one-off funding to help us.

The preferred route from MHCLG is for the use of the Capitalisation Directive which in essence allows us to capitalise the implementation costs and spread these over 20 years and we are actively pursuing this.

This page is intentionally left blank

Shadow Dorset Council

SHADOW OVERVIEW AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 3 DECEMBER 2018

Present: Cllrs T Jones (Chairman), K Brookes, R Bryan, M Byatt, S Gibson, B Goringe, N Lacey-Clarke, J Sewell, J Somper and M Wiggins

Apologies: Cllrs C Brooks, S Bartlett, C Finch, R Nowak and J Tanner

Also present: Cllr A Alford, Cllr C Reynolds, Cllr P Shorland and Cllr A Thacker

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

Natalie Adam (Service Manager - Advisory Service), Keith Cheesman (LGR Programme Director), David Fairbairn (Solicitor), Robert Firth (Corporate Manager - Legal Services), Aileen Powell (Unison representative), Lee Ellis (Scrutiny Officer), Mark Taylor (Group Manager - Governance and Assurance) and Lindsey Watson (Senior Democratic Services Officer)

CHANGE TO ORDER OF AGENDA ITEMS

The Chairman noted that he would be changing the order of agenda items 6 and 7 so that the item on 'Programme Highlight Report' would be considered before the item on the 'Dorset Council Constitution'.

A comment was raised in respect of the attendance of members of the committee at meetings and it was noted that relevant members had been contacted about this.

58. **Declarations of Interest**

There were no declarations of interest.

In response to a question, it was noted that members did not need to declare an interest in respect of the Code of Conduct contained within the draft Dorset Council Constitution, to be considered on the agenda.

59. **Minutes**

The minutes of the meeting held on 7 November 2018 were agreed as a correct record and signed by the Chairman.

Councillor Bryan abstained from agreeing the minutes as a correct record as he had not been present at the meeting.

60. **Public participation**

There were no representations from members of the public.

61. TUPE - Progress to date

The committee received a presentation with regard to the TUPE process which covered:

- The key date in the process was 31 March 2019, after which staff would transfer to the new organisation
- Background and context - The HR Workstream Board was the key group in order to ensure that deadlines were being met and risks assessed. TUPE activity was being led through the TUPE Working Group. In addition, there were links to other workstreams, for example, ICT. Close working was undertaken with trade unions
- Legal position and process including TUPE legislation, working with other councils, getting the best approach for employees and work being undertaken with schools
- Current position – including the TUPE plan, meetings of the workstream, meetings with managers and trade unions, employee briefings, housekeeping for managers and communication of proposed TUPE destinations, standstill and vacancy management, consultation, letters and formal transfer
- Next steps – TUPE list data, measures and consultation and a timeline for action
- Unison were working hard with Human Resources colleagues and were in a position where they understood the process. There needed to be further work in order to agree the position regarding terms and conditions and TUPE measures.

Members raised questions in respect of the presentation and the following points were noted:

- A report would be taken to the Shadow Executive Committee with regard to the terms and conditions package and there would also be the opportunity to feed in the trade union comments
- Although there had been some issues in the early stages of the work, it was felt that the discussions between HR and the unions were productive, with both parties having an understanding and working towards doing the best for the new Council and employees
- Under TUPE legislation, staff would transfer to the new organisation with their current terms and conditions (subject to any measures). There would be a move over to new terms and conditions over a period of time where there was an economic, technical or organisational reason to do so
- In response to a question it was noted that there didn't appear to be any issues with recruitment and retention as a result of the change, beyond what would normally be expected
- The experiences of other unitary councils such as Cornwall and Wiltshire had been reflected upon, although the position in Dorset was different as it was to be the creation of a whole new council on a much larger scale than had previously been undertaken elsewhere

- It was noted that service continuity work was being handled by the theme boards working alongside the programme team
- Employee briefings were being led by the Chief Executive Designate which would include information on the impact of the work being undertaken and budgetary impacts. It was noted that the unions would be involved in the process

62. **Programme Highlight Report including SWAP Assurance report**

The Programme Director provided a verbal update in respect of the latest Programme Highlight Report, which would be considered by the Shadow Executive Committee on 17 December 2018. The report was not available for this meeting as the agenda for the Shadow Executive Committee would not be published until 7 December. There was no report from South West Audit Partnership at this time with their next report being the Gateway 2 report to be available in January 2019.

A number of comments were made with regard to the report not being available for the committee to view for this meeting. In response, the Programme Director noted that the report was currently being finalised and would be considered by the Programme Board prior to it being published in the Shadow Executive Committee agenda on Friday. The impact of the Shadow Executive Committee changing the date of their meeting was recognised and the Chairman indicated that he would be writing to the Leader of the Shadow Dorset Council to raise this issue. A copy of the reply would be provided to members of the committee.

The Programme Director noted that overall progress remained at Amber. There were two red milestones although it was noted that these were in relation to strategic priorities and would not impact on the arrangements for day 1. There were some issues with regard to the setting of the Budget with some pieces of work outstanding and a report to be considered by the Shadow Executive Committee with regard to releasing money from the budget. A series of communication pieces were to be sent out and there was confidence that outstanding issues would be resolved.

63. **Dorset Council Constitution**

The committee considered a report with regard to work undertaken to draft a Constitution for the new Dorset Council. A copy of the draft Constitution was provided for members' consideration. The draft Constitution had been developed with the Governance Working Group, which had agreed a number of principles to underpin the drafting of the various key parts of the Constitution. The draft Constitution was still work in progress, being subject to continued consultation with members and officers. The Governance Working Group would be meeting on 19 December 2018 to consider the comments from this committee and a member briefing and workshop to be held on 13 December. In addition a proposed draft committee structure was provided to members

The Legal Services Manager (Dorset Councils Partnership) provided an overview of the key principles which had been used to develop the draft Constitution, which included the preference of the Governance Working Group for a lean and light approach, consistency in use of terminology in the document, size of committees, decision making reserved to Full Council, Executive and overview and scrutiny arrangements.

Members considered the issues arising from the presentation and the draft document and during discussion the following points were raised:

- The Executive would be formed of the Leader and between 2 to 9 other members
- The detail around area forums was still work in progress and would be developed by the new Council including how they linked with town and parish councils and other local area organisations
- Relevant issues around emergencies and contingencies would be dealt with by the Executive or Full Council as appropriate and there was a need to consider officer delegations in this area with an appropriate reporting mechanism
- The draft committee structure included a body for the scrutiny of health matters however it was recognised that there may be a joint committee for the whole of Dorset
- A full discussion was held with regard to the proposed arrangements for area planning and a map of the proposed area boundaries was shown to members. The Governance Working Group had considered a range of options and had concluded that the option presented provided the best way forward and fitted in with the overarching principle of having a lean and light structure. A comment was made that it would be useful for members to see the background information and range of options considered and it was agreed that this information could be provided to members of the committee. Various comments were made with regard to the size of the areas, with some feeling that the areas were too large and would take away from local decision making and a comment was made with regard to the large workload for these committees. An alternative view was expressed that the areas should be kept as proposed so that the committees had a more strategic overview of issues in the Council and recognising the role that town and parish councils played in the planning process. It was felt that these issues could be explored with members during the member briefing and workshop session to take place
- It was expected that there would be a further review of the Constitution after a period of time
- Members considered arrangements for consideration of matters relevant to Revenues and Benefits and joint arrangements would be included in the Constitution. A point was noted that there was a proposal for a pan-Dorset arrangement
- Area arrangements were work in progress and was another area that could be focused on at the member briefing and workshop
- In response to a question it was noted that the work streams had been looking at the following themes – people, place, resources

and health. Place covered the regulatory work on the council including public realm

- A comment was made with regard to the proposed size of the Staffing Committee (5 members) and whether due to the small membership, there would be issues with being quorate? In response, it was not anticipated that the committee would sit very often but the point would be taken away and further considered
- There were opportunities for all members to have a role in the proposed committee structure which included joint committees and panels, however a point was noted that some members felt excluded
- In response to a question it was noted that decision making by individuals through the executive arrangements could be undertaken but that this could not apply to non-executive members. Portfolio holders could establish engagement with other members or establish advisory panels but they could not delegate the power to take decisions to non-executive members
- Consideration was given to the policies that would need to go to Full Council for approval and those that would not
- A comment was made with regard to powers proposed to be given to the Monitoring Officer and a concern was expressed that the Monitoring Officer could have unilateral authority to change the Constitution without consultation. It was noted that when this had been considered there was recognition that the Monitoring Officer shouldn't have to go through a process for every change to the Constitution. A suggestion was made that changes could be made in consultation with the Leader with the exception of where the Monitoring Officer was making changes in order to follow legal requirements. This comment would be taken away for further consideration as to the wording to be included
- A comment was made that there should be a review of the Constitution after a period of 12 months. In response it was noted that there could be recognition that a review would take place
- Members considered the proposed arrangements for overview and scrutiny and the arrangements for the call-in process. One view expressed was that the call-in process should sit with the Audit and Governance Committee and another view was that call-in should be undertaken by the 4 overview and scrutiny committees
- Members noted the interim committee arrangements for the period from 1 April 2019 until the elections for the Dorset Council in May 2019

64. Shadow Overview and Scrutiny Committee Work Programme

The Scrutiny Officer noted that a new date for a Special Meeting of the committee to undertake a Call to Account, would be confirmed shortly. A meeting of the committee was scheduled for 8 January 2019 and a further additional meeting would be arranged for late January/early February 2019 in order to consider the Budget.

Members discussed the arrangements for the special meeting for the Call to Account and how this could best be considered by the committee.

65. **Urgent items**

There were no urgent items.

Duration of meeting: 9.30 - 11.34 am

Chairman

.....

Shadow Dorset Council

SHADOW OVERVIEW AND SCRUTINY COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 3 JANUARY 2019

Present: Cllrs T Jones, C Brooks (Chairman), S Bartlett, K Brookes, R Bryan, S Christopher, C Finch, S Gibson, B Goringe, N Lacey-Clarke, J Sewell and J Tanner

Apologies: Cllrs M Byatt, R Nowak, J Somper and M Wiggins

Also present: Cllr J Cant, Cllr T Ferrari, Cllr D Harris, Cllr S Hosford, Cllr R Knox, Cllr M Rennie, Cllr C Reynolds, Cllr D Rickard and Cllr A Thacker

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

Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer, Designate), Jim McManus (Interim Deputy 151 Officer), Stuart Caundle (Head of Paid Service - Dorset Councils Partnership), Lee Ellis (Scrutiny Officer), Mark Taylor (Group Manager - Governance and Assurance) and Lillian Broad (Democratic Services Officer)

66. Declarations of Interest

There were no declarations of interest.

67. Public participation

There were no representations from members of the public.

68. Call to Account - Transfer of Assets

A brief introduction was provided by Councillor C Brooks, Vice-Chairman (in the Chair), as the Chairman Councillor T Jones indicated that he would not chair the meeting as he wished to take a full part in the meeting.

Members were informed that written statements had been received from:

- Councillor Keith Day
- Councillor David Rickard
- Councillor David Harris
- Verwood Town Council
- Bridport Town Council

The following councillors had informed the Scrutiny Officer, prior to the meeting, that they wished to speak to the item.

Councillor C Reynolds, representing West Dorset District Council (WDDC), stated her belief that the same standards for transferring assets had not been

upheld across the county, using the proposals WDDC had put forward to the Shadow Executive Committee as an example of this.

Councillor D Rickard, WDDC, stated that he believed the benefits of transferring assets in West Dorset had been ignored by the Shadow Council. He informed members that much of what had been proposed would have returned assets to their communities and be funded at a local level.

Councillor M Rennie stated that Dorchester Market was not an asset as it had been described in transfer documents, and that it was important historically for the town. Councillor Rennie believed that discussion should continue with Dorchester Town Council, so that not only the market continued beyond April 2019, but also so that relations with the current operator could continue.

Councillor Susie Hosford represented Dorchester Town Council and wished to express support for the previous statements.

Councillor D Harris stated he was representing Weymouth and Portland. Councillor Harris also stated he believed that initial discussions over transfer of assets had been clear that the Unitary Authority would not be taking on assets that did not contribute to its statutory functions. Councillor Harris stated that whilst he understood why an asset such as the crematorium in Weymouth should be run by the new authority, he did not understand why the seafront hotels owned by Weymouth and Portland Borough Council should be under the control of the new Dorset Council. Councillor Harris also stated that he believed the transferring of the car parks in Weymouth to the Town Council could also encourage its relationship of working with the Unitary Authority.

Will Austin, Clerk of Bridport Town Council, stated that he believed the Shadow Executive Committee had exceeded its powers by considering matters beyond physical assets and that the Shadow Council should not have a say in the £1.3 million reserve WDDC had earmarked for service/asset transfers. Mr Austin also stated that he did not believe the minutes of the meeting of the Shadow Executive Committee were accurate and that the actual debate was also inadequate, as there was no discussion of assets or revenue savings. Mr Austin also did not believe that Town/Parish Councils had been given any input into the Shadow Executive's initial decision, or the Call to Account.

Councillor Alan Thacker expressed support for the statements that had already been given, and also wished to thank officers who had contributed to the proposals.

For clarity Councillor S Bartlett informed the committee he was also a member of Wimborne Minster Town Council.

Some members expressed concern that the same standards for the transfer of assets had not been upheld across the county.

Members suggested that some Town and Parish Councils may need some reassurance the asset transfers would proceed as expected.

The Call to Account also included the panel of the following members and officers, who were involved in the decision making process:

- Councillor Rebecca Knox – Leader of Shadow Dorset Council
- Councillor Tony Ferrari – Executive Lead, Finance
- Councillor Jeff Cant – Executive Lead, Property and Assets
- Jonathan Mair – Monitoring Officer
- Jim McManus – Chief Accountant, Deputy Section 151 Officer DCC

Stuart Caundle, Head of Paid Service, Dorset Councils Partnership had also been invited to the meeting.

In reference to the first line of enquiry, the Monitoring Officer informed members that they had received information from Rebecca Kirk, General Manager (PDC) on how these principles had been developed. The General Manager (PDC) had stated that they were asked by the Chief Executives to provide an update to themselves and the programme board relating to asset transfers from predecessor councils. This report was drafted and circulated to the Chief Executives, who then asked for a set of principles to be drafted. The report was presented to the programme board, who gave their feedback and amendments. The report was then presented at the Shadow Executive Committee on 20 July 2018, where the principles were amended further.

Members asked the panel if the structural change order was considered by officers when creating these principles. The Monitoring Officer replied that during meetings between MHCLG and Chief Finance Officers it had been discussed whether it would be necessary to impose Article 24, which would limit the ability of predecessor Councils to transfer assets of a certain value. However, it was decided that this would not be necessary. The Monitoring Officer informed members that the decision of the threshold value had been decided locally, although in previous Local Government Reorganisations this had also been set at £100,000.

The Leader of the Shadow Dorset Council confirmed that whilst they had been working with advice from MHCLG, the formulation of these principles had been a local decision. She explained the principles were developed in line with previous experiences of officers and also by the judgement of the Section 151 Officer.

In reference to the second line of enquiry, the Leader of the Dorset Shadow Council stated that the principles did not only apply to asset transfers. She informed members that each proposal for a transfer of assets was looked at individually, therefore the principles were needed to make sure decisions were consistent.

The Executive Lead for Property and Assets recognised that this process could be seen as confusing to those not on the committee. He informed members their main focus had been to look at whether there had been the chance of substantial or valuable assets being transferred, to the detriment of residents.

Members questioned the consistency of the Shadow Executive Committee, as the proposed asset transfers by West Dorset District Council were not approved as they had exceeded £100,000. However the committee had then approved Weymouth and Portland Borough Council (WPBC) securing an £11 million loan. The Executive Lead for Property and Assets explained to members that the two proposals were not comparable, as WPBC were not borrowing from the unitary tax base and would not have any impact on the new authority.

Some members stated concerns as to whether the Lead Member for Property and Assets may have had a conflict in interest in promoting the £11 million loan that had been proposed by WPBC, as they were also the Leader of WPBC. The Leader of the Shadow Dorset Council stated that there was not a conflict, as all members of the Shadow Executive Committee were leaders of the sovereign Councils, or had been nominated by their leader. The Lead Members were then decided based on who would be most appropriate for the role. The Monitoring Officer also added that the Lead Members had not been agreed when the set of principles had been agreed. The Monitoring Officer informed members that the Lead Member for Property and Assets had no pecuniary interest. The officer also informed the committee the structural change order allowed all members to participate, as nothing ruled out members from participating and decision making if it affected their predecessor Council.

Councillor R Bryan left the meeting at 10.46 am.

In reference to the third line of enquiry, members were informed that the report that went to the 18 June 2018 meeting of the Shadow Executive Committee stated that each asset would be considered individually.

Members asked how the values of some assets were determined and if their marriage value was considered. The example of Kiosks in Lyme Regis was given, if they would be considered in isolation or together. The Monitoring Officer replied that this would depend on the proposal. The Lead Member for Property and Assets agreed, stating that they had worked with a list of potential assets but could only work out their value under certain circumstances.

In reference to the fourth line of enquiry, the Lead Member for Property and Assets informed the committee that the Weymouth Town Council had been considered to have 'unique circumstances' as it was a brand new Council still being created.

Members asked the panel if the loan secured by WPBC could have been delayed and considered by the new Unitary Authority. The Lead Member for Property and Assets stated that a lot of work had already gone into securing the loan, and that they were aware the new authority would probably not be able to carry on this work during its initial set up.

In reference to the fifth line of enquiry, the Monitoring Officer informed members that principle (vii) and principle (viii) were separate and did not have a relationship. They explained that principle (vii) ensured that all transfers were cost neutral, whereas principle (viii) set out that ongoing revenue support of an asset should not be provided.

Members asked if that where a Town or Parish Council carried out a statutory service on behalf of the Unitary Authority, would there be a contribution for this? The Monitoring Officer replied that Town or Parish Councils had been contracted on behalf of the Unitary Authority.

Following questions from members, the Monitoring Officer confirmed that principle (vii) would mean there would be no negative effect on Dorset Council.

In reference to the sixth line of enquiry, the Leader of the Shadow Dorset Council stated that this presumed how the new authority would proceed. By creating these principles, the Shadow Executive Committee was instead trying to establish ways of working and what the new Dorset Council should be looking at. The Leader of the Dorset Shadow Council also informed members that through the constitutional structure of the new Unitary Authority, there would be a forum for these discussions to take place.

In reference to the seventh line of enquiry, the Monitoring Officer stated that under the current circumstances the Secretary of State would not do this, as there was not enough time left. The Monitoring Officer also informed members that the Shadow Council could also use a direction to restrict a predecessor Council from transferring assets, as this was a provision of the structural change order.

In reference to the eighth line of enquiry, the Leader of the Shadow Dorset Authority stated that they could not speak as to the reasons for individual members of the committee. However as Chairman, after questioning they felt that the proposal went against the agreed principles. The Shadow Executive Committee felt these proposals could be considered in the future, but that it was not currently appropriate to consider these at present.

Members asked if the Shadow Executive Committee had considered the Wednesbury Principles when deciding on proposals, as some members felt that other Market Towns should have also been looked at under 'unique circumstances'. The Monitoring Officer informed members that this didn't apply to the decision surrounding Weymouth Town Council.

Members expressed concern at the first principle as they felt the wording was vague. However, they stated that clarification from the panel had addressed these concerns.

In reference to the ninth line of enquiry, the Leader of the Shadow Dorset Council stated that she believed previous answers had revealed where these parameters had been set, after new members had been elected.

Members expressed the view that whilst great efforts had been made into communication, this had not reached the Town and Parish Councils in enough detail. Members also hoped this would be corrected under the new authority. The Leader of the Shadow Dorset Council agreed that a discussion in further depth would have been of great benefit, but due to time constraints this was not able to take place.

Members also stated that there was also a reliance on Shadow Executive members to filter information back to the members of their sovereign Councils.

Recommendation A, that the Shadow Overview and Scrutiny Committee agree with the evidence provided by members and officers during the Call to Account, was proposed.

Decision

That the Shadow Overview and Scrutiny Committee:

- (a) Agree with the evidence provided by members and officers during the Call to Account;
- (b) That this decision be forwarded to the Shadow Executive Committee, for their information.

69. Urgent items

There were no urgent items.

Duration of meeting: 9.30 - 11.49 am

Chairman

.....

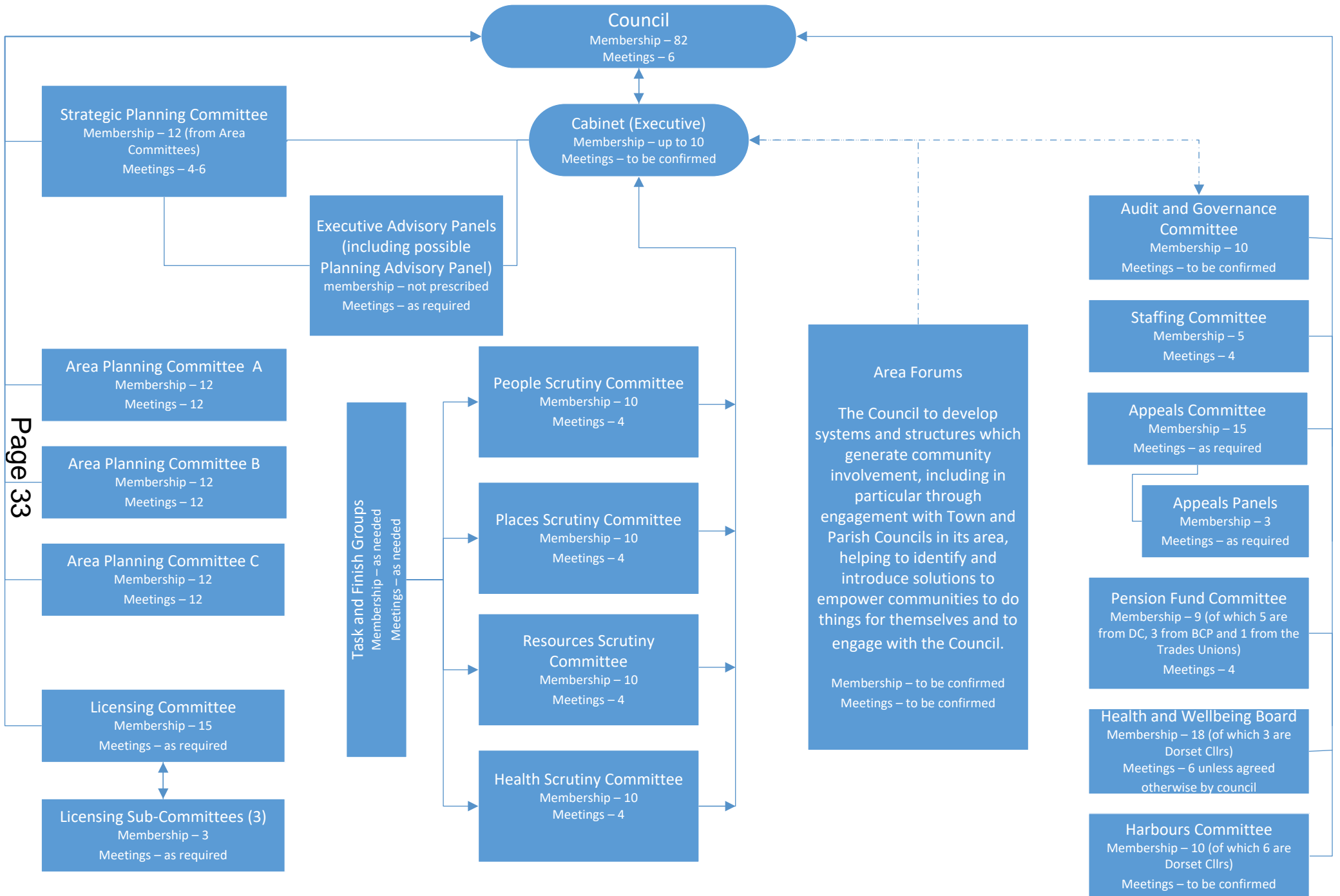
Shadow Dorset Council

Date of Meeting	Shadow Executive Committee – 14 January 2019 Shadow Dorset Council – 24 January 2019
Lead Member	Councillor Spencer Flower – Lead Member for Governance
Officer	Jonathan Mair, Corporate Director - Legal and Democratic and Monitoring Officer (Designate)
Subject of Report	Adoption of the Dorset Council Constitution
Executive Summary	<p>The arrangements for the transition from the existing district and county councils to the new Dorset Council are set out in the Dorset Bournemouth and Poole Structural Changes Order 2018 (the SCO).</p> <p>One of the requirements of the SCO is that the Shadow Council must formulate proposals for the executive arrangements that are to be operated by Dorset Council. The SCO requires that these proposals must be for a leader and cabinet executive within the meaning of section 9C(3) of the Local Government Act 2000.</p> <p>A Governance Working Group, under the chairmanship of Councillor Spencer Flower, was established to oversee the development of a proposed constitution. The proposals which have been developed are a collaborative effort by officers from across the six predecessor councils, led by the interim monitoring officer and overseen by the Working Group.</p> <p>This link will take members to the draft Constitution (available from Tuesday 8 January 2019) recommended by the Governance Working Group. Please note this document is fully bookmarked, but you may need to adjust your view settings on your browser to see them.</p> <p>The approach taken by the Governance Working Group has been based upon “governance lite”, that is to say a Constitution which provides an efficient and effective framework for clear decision making, scrutiny and accountability without an unnecessary burden of bureaucracy.</p> <p>The overall proposed structure illustrating the relationship between the full Council, Cabinet, Overview and Scrutiny and other main committees is appendix 1 to this report.</p> <p>Members of the Shadow Overview and Scrutiny Committee met to review the proposed Constitution on 3 December 2018 This was followed by a Briefing and Workshop open to all members on 13 December 2018.</p>

	<p>Feedback from the Shadow Overview and Scrutiny Committee and from members at the Briefing and Workshop was reported to a final meeting of the Governance Working Group on 19 December 2018. That feedback, together with commentary and the Working Group's response are set out in appendix 2 to this report.</p> <p>One particular area of feedback relates to the operation of planning delegations. A meeting took place on 3 January 2019 between Planning Chairmen and officers where the development of informal planning protocol would be supported. It is intended that the protocol will include arrangements for:</p> <ul style="list-style-type: none"> • Dealing with representations from town and parish councils – encouraging them to work through local members. • Informing local members of applications in their ward. • Scope to extend the time for representations from local members in recognition that town and parish councils in their wards might not have meetings arranged to coincide with usual consultation periods. <p>It is intended that the protocol will be agreed with the Chairmen of existing Planning Committees in advance of 1 April 2019.</p> <p>As a next step the draft Constitution, subject to the views of the Shadow Executive Committee, will be recommended to a meeting of the full Shadow Council. A Scheme of Members' Allowances will be recommended at the same meeting.</p> <p>The draft Constitution is subject to some ongoing textual revision to ensure that the separate sections are consistent and work together as a whole. Delegated authority is sought to enable the Chairman of the Governance Working Group to agree any necessary changes in consultation with the Monitoring Officer (designate).</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>The adoption of a Constitution for the new Council is a legal requirement. An equalities screening assessment is appendix 3 to this report.</p> <hr/> <p>Use of Evidence: In drafting the Constitution and making recommendations to the Governance Working Group officers have drawn upon evidence of good practice in the predecessor and other local authorities.</p> <hr/> <p>Budget:</p> <p>There are no direct budget implications arising from this report.</p> <hr/> <p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the LGR approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW</p>

	<p>Other Implications:</p> <p>The Constitution is not intended to be set in stone and it is recommended that its operation should be reviewed after one year.</p>
Recommendation	<ol style="list-style-type: none"> 1. That the Shadow Executive Committee recommend the draft Constitution to the Shadow Council for adoption as the Constitution of Dorset Council 2. That delegated authority is given to enable the Chairman of the Governance Working Group, in consultation with the Monitoring Officer (designate), to make any necessary textual revisions to ensure that the separate sections of the Constitution are consistent and work together as a whole. 3. That the operation of the Constitution should be reviewed after one year in April 2020.
Reason for Recommendation	To put in place the Constitution of the new Dorset Council and to provide for the Constitution to be reviewed so as to ensure that it meets the needs of the Council.
Appendices	<p>Appendix 1 - Overall proposed structure illustrating the relationship between the full Council, Cabinet, Overview and Scrutiny and other main committees.</p> <p>Appendix 2 – Response to feedback from the Shadow Overview and Scrutiny Committee and from the Member Briefing and Workshop</p> <p>Appendix 3 – Equalities Screening Assessment.</p>
Background Papers	<ol style="list-style-type: none"> 1. The Dorset Bournemouth and Poole Structural Changes Order 2018 2. Recommended Constitution of Dorset Council 3. Constitutions of the predecessor councils.
Officer Contact	<p>Name: Jonathan Mair, Corporate Director - Legal and Democratic and Monitoring Officer (Designate)</p> <p>Tel: 01305224181</p> <p>Email: j.e.mair@dorsetcc.gov.uk</p>
Date agreed by Lead Member	Agreed by Lead Member – Councillor Spencer Flower – 2 January 2019

This page is intentionally left blank



This page is intentionally left blank

Responses of the Governance Working Group to feedback from the Shadow Overview and Scrutiny Committee and from the Member Briefing and Workshop

	Issue raised	Response
	Issues raised at Shadow Overview and Scrutiny Meeting	
1.	The Monitoring Officer should not have power to correct issues relating to “uncertainty in interpretation” without some oversight.	<p>The draft Constitution has been amended in Article 15 to limit the power of the MO to correct issues relating to “uncertainty in interpretation”.</p> <p>The draft Constitution now requires these issues to be subject in all cases to prior consultation with the Leader and at least two Members, one of whom is an Executive Member and one who is a Chairman or Vice-Chairman of an Overview and Scrutiny Committee.</p>
2.	The Leader and Cabinet Executive was thought by some members to be unrepresentative	The Monitoring Officer has reviewed the Structural Changes Order and has confirmed that it requires that the Dorset Council Constitution must establish executive arrangements which follow the leader and cabinet executive model, within the meaning of section 9C(3) of the Local Government Act 2000.
3.	One member supported limiting powers of call-in to just one Overview and Scrutiny Committee	<p>This was reviewed by the Governance Working Group on 19 December.</p> <p>As drafted the Constitution gives each of the Overview and Scrutiny Committees the authority to review individual decisions and seek their Call In for reconsideration (as provided for in the Overview and Scrutiny Procedure Rules – Part <u>2</u> of this Constitution).</p> <p>The Working Group concluded that restricting call-in to a single overview and scrutiny committee would be too limiting on the powers of non-executive members.</p>
	Issues raised at member workshop	

Appendix 2

<p>4.</p>	<p>Members wished to be assured that the Constitution gives ward members the right to engage with the Executive.</p>	<p>The proposed Executive Procedure Rules were reviewed by the Governance Working Group on 19 December.</p> <p>The Working Group agreed that a change should be made to make it clear that other Members <u>including Ward Members</u> may speak at Executive meetings with the agreement of the Leader or person presiding in his/her absence.</p> <p>Beyond that change the Working Group was satisfied that as drafted the Executive Procedure rules give members wide ranging rights, including:</p> <p>4.2 (a) Any Member of the Council may ask the Leader to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council to be placed on the agenda of the next available meeting of the Executive for consideration. The Leader, or in his/her absence Deputy Leader, has a discretion to limit the number of such items of business at the meeting of the Executive.</p> <p>(b) Where the Leader has agreed to the Member's request the Notice of the Meeting shall state the name of the Member who requested the item of business to be considered. This Member shall be invited to attend the meeting, whether or not it is a meeting in public session.</p> <p>The mover of a Valid Member's Motion under Council Procedure Rule 13 which has been referred to the Executive for consideration may attend the meeting of the Executive when his/her motion is under consideration and to explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers.</p>
<p>5.</p>	<p>Members wished to be assured that they and members of the public would have opportunities to ask questions at meetings of the Executive</p>	<p>The opportunity for members and the public to ask questions at meetings of the Executive was considered by the Governance Working Group on 19 December.</p>

Appendix 2

		<p>The Working Group agreed that the draft Constitution should be amended to include cross referencing between Council Procedure Rules and the Executive Procedure Rules.</p> <p>These changes will put beyond doubt that councillors and members of the public have the same rights in relation to meetings of the Executive as they do for other meetings.</p> <p>For members of the public this includes:</p> <ul style="list-style-type: none"> • The right to attend public meetings. • The right to ask public questions, make statements and lodge petitions. • The opportunity also for public deputations.
6.	A request to add Housing Allocation Policy to the definition of the Policy Framework	At the meeting on 19 December the Governance Working Group supported making this change.
7.	Overview and Scrutiny Committees involvement in policy formulation	At the meeting on 19 December the Governance Working Group agreed that Overview and Scrutiny Committees' involvement in policy formulation was to be covered through involvement in executive panels drawn from the membership of the various O&S committees.
8.	Members wished the arrangements for planning delegations to be reviewed.	The Governance Working Group supported a meeting with predecessor council planning committee chairs to review the proposed delegations.
9.	Concern was expressed about how the membership and arrangements for meetings of the Health and Well Being Board had been recorded in the Constitution.	<p>The Governance Working Group agreed that the membership of the Health and Wellbeing Board is as recorded in Article 8 but supported a change to record that:</p> <p>The number of ordinary meetings of the Health and Wellbeing Board each year will normally be 6 unless otherwise determined by Full Council.</p>
10.	The benefits of involving different political representation in Executive Advisory Panels should be recognised.	The Governance Working Group agreed that the membership of executive advisory panels should refer to broader "representation" of members rather than merely political representation on panels.

Appendix 2

11.	Members wished the Constitution to be reviewed after 12 months	The Governance Working Group supported a review after 12 months.
-----	--	--

Equality Impact Assessment - Draft Constitution

Initial Screening

Part 1: Summary & Articles

Section	Direct impact on people?		Notes
	Yes	No	
Article 1: The Constitution		X	
Article 2: Members of the Council		X	2.3 (j) Role of all members includes 'ensuring the Council identifies a range of equality and diversity issues associated with its services and reasonable adjustments are made to address these'
Article 3: Members of the Public and the Council		X	Should we include something about the provision of information in different formats? And enabling participation where people have particular needs?
Article 4: The Full Council		X	
Article 5: Chairing the Council		X	
Article 6: The Executive		X	
Article 7: Overview and Scrutiny Committees		X	
Article 8: Committees and Board		X	
Article 9: Standards		X	
Article 10: Interim Arrangements/Community Engagement		X	
Article 11: Other Arrangements	✓		Question for DEP – do we need to look in more detail at the ToRs of the Statutory and Non-Statutory Bodies (CSCJB, Corporate Parenting Board, Adoption Agency Panel etc?)
Article 12: Officers		X	
Article 13: Decision making		X	Should we add something in 13.2 about equality and diversity, reflecting 2.3 (j) above?
Article 14: Finance, Contracts and Legal Matters		X	
Article 15: Review and Revision of the Constitution		X	
Article 16: Suspension, Interpretation and Publication of the Constitution		X	

Part 2: Rules of Procedure

Section	Direct impact on people?		Notes
	Yes	No	
Council and Committee Procedure Rules inc. Petition Scheme	✓		4.1 – the time of meetings will need consideration
Access to Information Procedure Rules		✗	6.1 – should we reference the provision of information in alternative formats if required?
Budget and Policy Framework Procedure Rules		✗	Should we reference the Equality Duty in 2.1?
Executive Procedure Rules		✗	
Overview and Scrutiny Procedure Rules		✗	
Officer Employment and Dismissal Procedure Rules		✗	

Part 3: Scheme of Delegation

Section	Direct impact on people?		Notes
	Yes	No	
Functions of the Council		✗	
Delegations to Officers		✗	

Part 4: Financial Procedures

Section	Direct impact on people?		Notes
	Yes	No	
Financial Procedure Rules		✗	AJN View
Contracts Procedure Rules		✗	AJN View

Part 5: Codes & Protocols

Section	Direct impact on people?		Notes
	Yes	No	
Members Code of Conduct		✗	2.2 refers to the Equality Act 2006 – is this correct?
Member Complaint Process		✗	
Officer/Member Protocol		✗	
Code of Conduct for Employees		✗	
Protocol for Councillors and Officers Dealing with planning Matters		✗	

Part 6: Scheme of Member Allowances

Section	Direct impact on people?		Notes
	Yes	No	
Scheme of Member Allowances			

Part 7: Management Structure

Section	Direct impact on people?		Notes
	Yes	No	
Management Structure			

This page is intentionally left blank

Extract of draft possible Local Scheme of Nomination relating to town and country planning matters (excluding highways)

To determine any application under the Town and Country Planning Legislation including:

- (a) any application submitted wholly or partly under section 73 and/or section 73A of the Town and Country Planning Act 1990;
- (b) any application for listed building consent;
- (c) any application for permission in principle and/or technical detail consent;
- (d) any reserved matter application; and/or
- (e) whether to require / impose any condition, obligation, limitation and/or any other restriction and/or any other requirement in respect thereof,

but excluding any application:

- (i) submitted by or on behalf of a Member, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that Member, spouse or partner (as the case may be);
- (ii) submitted by or on behalf of an employee of the Council, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that employee, spouse or partner (as the case may be) and either that employee:
 - (A) is directly involved in the processing of and/or determination of any such application; and/ or
 - (B) is a Chief Officer.
- (iii) submitted by or on behalf of the Council where the application form identifies this to be the case;
- (iv) that would in the opinion of the nominated Officer:
 - (A) be contrary to the Development Plan (as defined in section 38(3) Planning and Compulsory Purchase Act 2004 when assessed as a whole; and
 - (B) be required to be referred to the Secretary of State in accordance with any relevant direction;
- (v) for outline or full planning permission for development within Schedule 1 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it exists at the time of the application being received by the Council in respect of which an Environmental Impact Assessment has been submitted; and/or
- (vi) in respect of which:
 - (A) (1) two or more Members have made a written representation and there remain at least two which have not been withdrawn;
 - (2) all those representations are received by the Council within 21 calendar days beginning with the date on which in relation to the application the Council first displays a site notice, or first publishes a press advert, or commences any procedure for notifying a Member (whichever is the earliest) (or such extended period as the nominated Officer considers appropriate in the circumstances); and
 - (3) in the opinion of the nominated Officer contains one or more material planning considerations;

and

- (B) the nominated Officer in consultation with the Chairman and Vice-Chairman of the Planning Committee that s/he assesses to be most relevant (or if either are absent / unavailable one or the other another Member of the relevant Planning Committee nominated by the available Member (as the case may be) or if both are absent / unavailable determined by the nominated Officer) considers ought to be referred to that Planning Committee for determination.

To undertake all action in respect of any application under any Town and Country Planning Legislation relating to any of the following:

- (a) any certificate of lawfulness including any application for a certificate of lawfulness or development (CLUEDs) and/or a certificate of proposed use or development (CLOPUDs) provided that there is prior notification of the application to any Member in whose ward the application is situated;
- (b) any prior notification, prior approval and/or any other determination relating to any permitted development provision including:
 - (i) whether any such notification/approval/determination is required; and
 - (ii) determining whether any exception, condition, limitation and/or other restriction has been met in connection with any prescribed permitted development;
- (a) any non-material amendment;
- (b) for the discharge of any condition/obligation and/or confirmation of compliance with any condition/obligation;
- (c) for approval of any scheme, design, code or other documentation submitted for approval by the Council including any application for a variation to any such approved documentation;
- (d) any advertisement including any banner may be visible from any highway;
- (e) to undertake any work to any tree in Conservation Area and/or to which a Tree Preservation Order relates;
- (f) any grant provided that this can be met from an existing budget available for such a purpose; and/or
- (g) any street furniture including any telecommunication equipment.

To undertake all action in respect of administering any application under any of the Town and Country Planning Legislation including the power to:

- (a) determine whether any application has been validly made and/or whether to decline to register and/or determine any application including to decline to determine any application which s/he considers to be a repeat application, relating to an extant enforcement action and/or as a result of the submission of inadequate/insufficient information;
- (b) determine what, and the extent of, information required in respect of any application, including any environmental impact assessment and/or any other assessment and/or report;
- (c) determine any scoping and/or screening opinion in relation to any environmental impact assessment including whether any such opinion is required;
- (d) determine whether any application should be referred/notified to the Secretary of State;
- (e) make any arrangement for a site visit;
- (f) determine whether any matter which would normally be a reserved matter should be required as part of an outline application;
- (g) determine whether to allow any amendment / variation to any application and/or

- (h) any document submitted in relation to any such application;
- (h) determine whether to refer any application to the relevant Secretary of State as a departure from the Development Plan;
- (i) determine the method and extent of consultation in respect of the notification, consultation and/or advertisement of any application;
- (j) determine whether to seek to secure the withdrawal of any application outstanding for a period in excess of six calendar months and/or to determine whether any such application should be treated as withdrawn;
- (k) authorise any change to any register or other record of the Council as a consequence of any matter that is being dealt with including any deletion and/or other modification;
- (l) determine any request for any deferment and/or withdrawal by any party; and/or
- (m) determine whether any change constitutes a minor amendment.

To prepare any local plan, action plan and/or any supplementary planning document pursuant to any of the Town and Country Planning Legislation including:

- (a) to determine whether to enter into any service level agreement and/ or contract for any associated purpose provided that any cost can be met from an existing budget within the control of the nominated Officer and/or the prior approval of the Section 151 Officer has been obtained;
- (b) the drafting of any plan and/or document including any preferred option; and
- (c) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received;

provided that such power does not include:

- (h) making a final determination whether to submit any plan for independent examination;
- (i) making a final determination whether to accept any recommendation arising from any independent examination; and
- (ii) making a final determination whether to adopt any plan and/or supplementary planning document.

To undertake all action in in relation to any function of the Council concerning neighbourhood planning (including all functions relating to the making and approval of any neighbourhood development plan, neighbourhood development order and/or community right to build order) whether under any Town and Country Planning Legislation or otherwise including power to:

- (a) make a final determination as to whether to designate a neighbourhood plan area and/or make such an area a business area;
- (b) determine whether to submit any matter to independent examination; and/or
- (c) determine whether to appoint and the appointment of any examiner provided that any costs associated with the same can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer is obtained,

provided that this does not include power to make:

- (i) a final determination as to whether to designate a neighbourhood plan area unless in his/her opinion:
 - (A) there is insufficient time to have the matter considered by the relevant committee as part of the normal committee cycle;
 - (B) the Council is legally obliged to approve the designation; and/or

<p>(C) there has been no objection to the proposal submitted to the Council within any relevant time for the submission of representations which has not been withdrawn;</p> <p>(ii) the final determination as to whether to submit any document to a referendum;</p> <p>(iii) the final determination as to whether to make a neighbourhood development order /community right to build order and the terms of any planning permission granted pursuant to a neighbourhood development order /community right to build order; and</p> <p>the final determination as to whether to make a neighbourhood development plan.</p>
<p>To undertake all action relating to any matter arising in respect of any appeal, call-in and/or other inquiry and/or hearing of whatever nature arising pursuant to any Town and Country Planning Legislation including for the avoidance of doubt but without prejudice to generality of the foregoing:</p> <p>(a) to determine any response required in relation to any procedural issue relating to any such matter including for the avoidance of doubt whether any such matter should be dealt with by means of written representation, hearing or public inquiry;</p> <p>(b) to determine any procedural issue relating to any such matter including the venue for the holding on any hearing and/or appeal; and/or</p> <p>(c) to determine whether or not to defend any reason for refusal.</p>
<p>To determine whether to delegate authority to a neighbouring planning authority to determine an application submitted under any Town and Country Planning Legislation that crosses an administrative boundary subject to prior consultation with the Chairman of the Strategic Planning Committee, or in his/her absence the Vice-Chairman of the Strategic Planning Committee.</p>
<p>To allocate and distribute funding (including authorising payment) secured in connection with any permission (including any related planning obligation or CIL payment), consent or other approval granted under Town and Country Planning Legislation subject to the decision being in accordance with any strategy and/or policy adopted by the Council.</p>
<p>To manage and implement procedures for the sale / re-sale of any low cost / discounted market housing including:</p> <p>(a) determining whether a person is eligible for consideration for the provision of such a property; and</p> <p>(b) setting a price for the sale of any such property.</p>
<p>To undertake all action relating to the preparation, maintenance and publication of all registers that the Council is required to maintain under any Town and Country Planning Legislation including Part 1 of the Brownfield Register.</p>
<p>To take action in relation to the designation of any nature reserve including to determine any application, provided that this does not include power to make a final determination to approve the designation of any nature reserve unless there has been prior consultation with at least one Member and any local Member in whose ward any nature reserve would be situated.</p>
<p>To undertake all action in order to regulate any actual, perceived or potential breach of any of the Town and Country Planning Legislation including:</p> <p>(a) any action to seek to regulate any actual or perceived breach of any notice, order, agreement, obligation and/or other document, condition, restriction and/or other limitation issued or provided for pursuant to such Town and Country Planning Legislation;</p> <p>(b) to determine whether to issue any notice including:</p>

- (i) any requisition for information;
- (ii) any planning contravention notice;
- (iii) any enforcement notice;
- (iv) any breach of condition notice;
- (v) any notice pursuant to section 215 Town and Country Planning Act 1990;
- (vi) any temporary stop notice;
- (vii) any stop notice;
- (viii) any advertisement discontinuance notice; and/or
- (ix) any replacement tree notice;
- (c) to determine whether or not to amend and/or withdraw any notice;
- (d) to determine whether to seek any injunction and/or pursue any action arising therefrom; and/or
- (e) to determine whether or not to take and/or to cease action whether because in his/her opinion the breach is trivial, there is insufficient demonstrable harm and/or, it is not expedient to take / continue to take action,

provided that this delegation does not include the power to make a final determination to:

- (i) seek any injunction and/or any make any application for contempt whether pursuant to the Town and Country Planning Act 1990 or otherwise; or
- (ii) issue a stop notice: unless:
 - (A) in his/her opinion the need to issue a stop notice is urgent;
 - (B) there is the prior approval of the Corporate Director – Legal and Democratic Services; and
 - (C) any cost associated with the issue of the stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.

To undertake all action relating to whether to seek to spot list any building that in his/her opinion is of architectural and/or historic interest and is or may be under threat.

To undertake all action in relation to a grant of a permission in principle for the purposes of determining whether to issue and the content of any direction as to when such permission in principle should take effect.

To undertake all action in respect of any matter relating to any actual and/or perceived fly posting whether currently occurring or otherwise including to determine whether to take any direct action and any action necessary pursuant to any such determination.

To undertake all action in connection with:

- (a) the exercise of any function of the Council as local planning authority pursuant to any Pastoral Measure whether the Pastoral Measure 1983 No 1 or otherwise; and
- (b) the provision of any response to any consultation to faculty procedure and pastoral measures relating to any alteration to of any ecclesiastical building including any scheme for redundancy.

To determine whether and how to respond on behalf of the Council to any application pursuant to any of the Town and Country Planning Legislation submitted to any other local authority subject so far as s/he considers it feasible so to do to prior consultation with any Executive Member with responsibility for planning and the Chairman of the planning committee that s/he considers most relevant to the application.

To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification and/or variation to any agreement, deed, undertaking

<p>and/or any other document entered into wholly or partly pursuant to any Town and Country Planning Legislation provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation:</p> <ul style="list-style-type: none"> (a) imposed by an express decision of Planning Committee; and (b) where in his/her opinion such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).
<p>To undertake all action in respect of the submission to the Council of any matter consequent to any permission, consent, approval and/or other determination made pursuant to any Town and Country Planning Legislation including:</p> <ul style="list-style-type: none"> (a) to develop and maintain a process for the submission of any application relating to any money secured pursuant to any planning obligation; (b) the submission of any scheme, detail and/or plan; and/or (c) to make any determination in relation to any such submission including for the avoidance of doubt any such submission to comply with any condition and/or obligation.
<p>To undertake all action in respect of:</p> <ul style="list-style-type: none"> (a) determining whether to issue any completion notice pursuant to any Town and Country Planning Legislation including for the avoidance of doubt any further action arising as a consequence of determining to issue such a notice; and/or (b) making any modification to and/or the revocation of any planning permission and/or permission in principle issued pursuant to any Town and Country Planning Legislation provided that this does not include power to modify and/or revoke any such permission: <ul style="list-style-type: none"> (i) that was expressly granted by the Planning Committee unless in his/her opinion the matter is urgent; (ii) without the prior approval of the Corporate Manager – Legal; and (iii) unless any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.
<p>To undertake all action in connection with any proposal for a change/modification in any common land and/or public right of way provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.</p>
<p>To undertake all action for the purpose of issuing a refusal of an application submitted pursuant to any Town and Country Planning Legislation where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.</p>
<p>To undertake all action relating to making and/or confirming any type of Tree Preservation Order including:</p> <ul style="list-style-type: none"> (a) any temporary Tree Preservation Order; and/or (b) to amend, vary, modify and/or revoke any Tree Preservation Order,

provided that the ward Member in whose ward the Tree Preservation Order is situated is notified as soon as reasonably practicable after any such making, confirming, amending, varying, modifying and /or revoking (as the case may be).

To undertake all action pursuant to any Town and Country Planning Legislation in connection with:

- (a) any tree which in his/her opinion are, or may be, dangerous; and/or
- (b) an application for work to, including the felling of, a tree:
 - (i) that is subject to any type of tree preservation order;
 - (ii) within a conservation area; and/or
 - (iii) otherwise requires approval by the Council for work and/or felling to be undertaken,

provided that:

- (iv) unless in his/her opinion the need to determine such an application is urgent then notice of the application has been sent to any Member in whose ward the tree is situated at least seven (7) calendar days before a determination is made; and
- (v) the power to make any final determination in respect of any such application does not include an application made by or on behalf the Council, from an Identified Member and/or from Identified Employee .

To undertake all action in respect of any matter arising in relation to:

- (a) the issue of any building preservation notice; and/or
- (b) any urgent work that may be required in respect of any listed building,

whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing:

- (c) to enter any building, structure (including any moveable structure) and/or on any land;
- (d) to determine whether to issue any notice;
- (e) to determine in relation to any such urgent work the extent of any work that may be required and to authorise the undertaking of any such work; and/or
- (f) to appoint/authorise any other person for any purpose relating to any of the above,

provided that in all cases:

- (g) this power does not extend to making any final determination as to whether to issue a notice unless in his/her opinion the delay in taking the matter through the normal committee cycle of the Council could be materially disadvantageous to any reason for issuing the notice; and
- (h) any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.

To undertake all action in respect of any matter arising under any Town and Country Planning Legislation relating to any hedge and/or hedgerow including:

- (a) to determine whether or not to uphold a formal complaint regarding a high hedge;
- (b) to determine whether or not to issue any notice including any Remedial Notice;
and/or
- (c) to determine whether or not to vary and/or revoke any such notice.