



Council

Date: Thursday, 15 April 2021
Time: 6.30 pm
Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 21)

The Council membership is listed on the following page.

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

For more information about this agenda please contact Democratic Services
Susan.dallison@dorsetcouncil.gov.uk



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Due to the current coronavirus pandemic the Council has reviewed its approach to holding council meetings. Members of the public are welcome to view the meeting on line by using the following link to access the Dorset Council meeting.

[Click here](#)

Members of the public wishing to view the meeting from an i phone, i pad, or android phone will need to down the free Microsoft Team App to sign in as a guest. It is advised to do this at least 30 minutes prior to the start of the meeting. Please note that public speaking has been suspended however public participation will continue by written submission only. Please see detail set out below.

Recording, photographing and using social media at meetings

Dorset 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 Protocol for filming and audio recording of public council meetings.

A recording of the meeting will be available on the council's website after the event.

Membership of Dorset Council

Anthony Alford	Stella Jones
Jon Andrews	Andrew Kerby
Rod Adkins	Paul Kimber
Michael Barron	Rebecca Knox
Peter Barrow	Noc Lacey-Clarke
Shane Bartlett	Howard Legg
Pauline Batstone	Robin Legg
Derek Beer	Cathy Lugg
Richard Biggs	Laura Miller
David Bolwell	David Morgan
Alexandra Brenton	Louie O'Leary
Cherry Brooks	Jon Orrell
Piers Brown	Emma Parker
Ray Bryan	Mike Parkes
Andrew Canning	Andrew Parry
Graham Carr-Jones	Mary Penfold
Simon Christopher	Bill Pipe
Kelvin Clayton	Valerie Potheary
Susan Cocking	Byron Quayle
Robin Cook	Molly Rennie
Tim Cook	Belinda Ridout
Toni Coombs	Mark Roberts
Janet Dover	Julie Robinson
Jean Dunseith	Maria Roe
Mike Dyer	David Shortell
Beryl Ezzard	Jane Somper
Tony Ferrari	Andrew Starr
Spencer Flower	Gary Suttle
Les Fry	Clare Sutton
Simon Gibson	Roland Tarr
Barry Goringe	David Taylor
David Gray	Gill Taylor
Matthew Hall	David Tooke
Paul Harrison	William Trite
Jill Haynes	Daryl Turner
Brian Heatley	David Walsh
Ryan Holloway	Peter Wharf
Ryan Hope	Kate Wheller
Robert Hughes	Sarah Williams
Nick Ireland	John Worth
Sherry Jespersen	
Carole Jones	

A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence.

2 MINUTES

7 - 24

To confirm the minutes of the meeting held on 16 February 2021.

3 DECLARATIONS OF INTEREST

To receive any declarations of interest.

4 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman of Council.

5 PUBLIC PARTICIPATION - QUESTIONS AND STATEMENTS

A period of 30 minutes is allocated to receive and respond to questions and statements on the business of the Council in the following order:

- (a) Questions and statements from Town and Parish Councils;
- (b) Questions and statements from those living or working in the Dorset Council area;

A person or organisation can ask either 2 questions, or 2 statements or 1 question and 1 statement at each meeting.

****Important**The full text of the question or statement must be received by 8.30am on Monday 12 April 2021 and each question or statement is limited to 450 words.**

Due to the Coronavirus pandemic public speaking has been suspended, however questions and statements will be published on the website and the Chairman of Council will decide whether a question or statement is to be read out aloud in whole, in part or not at all in the meeting. The Chairman will invite the relevant member to respond to the questions and statements at the meeting.

Details of the Council's procedure rules can be found at:

[Click here](#)

6 PUBLIC PARTICIPATION - PETITIONS AND DEPUTATIONS

A period of 15 minutes is allocated to receive and respond to petitions in accordance with the council's petitions scheme.

A period of 15 minutes is allocated to receive and respond to deputations in accordance with the council's constitution.

The petitions scheme and procedures relating to deputations can be viewed at :

[Click here](#)

7 ANNOUNCEMENTS AND REPORTS FROM THE LEADER OF COUNCIL AND CABINET MEMBERS

To receive any announcements and reports from the Leader of Council and members of the Cabinet.

8 QUESTIONS FROM COUNCILLORS

To receive questions submitted by councillors. The deadline for receipt of questions is 8.30am on Monday 12 April 2021.

9 COUNCILLOR CODE OF CONDUCT ARRANGEMENTS 25 - 92

To consider a recommendation from the Audit & Governance Committee.

10 NOTIFICATION OF URGENT DECISION 93 - 94

To receive a report by A Dunn, Executive Director, Corporate Development S151.

11 SALE OF OLD FISH MARKET, CUSTOM HOUSE QUAY, WEYMOUTH 95 - 96

To consider a recommendation from the Harbours Committee.

The full report is exempt and is appended to the Council agenda as an exempt appendix to the recommendation report. If members wish to discuss the exempt report then Full Council will need to move into exempt business by going into a separate Teams Meeting.

12 EXEMPT BUSINESS

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 schedule 12 A to the Local Government Act 1972 (as amended).

13 APPENDIX 1 - SALE OF THE OLD FISH MARKET, CUSTOM HOUSE QUAY, WEYMOUTH

97 - 186

Appendix 1 to the recommendation from the Harbours Committee.

14 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 recorded in the minutes.

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DORSET COUNCIL

MINUTES OF MEETING HELD ON TUESDAY 16 FEBRUARY 2021

Present: Cllrs Rod Adkins, Tony Alford, Jon Andrews, Mike Barron, Pete Barrow, Shane Bartlett, Pauline Batstone, Derek Beer, Richard Biggs, Dave Bolwell, Alex Brenton, Cherry Brooks, Piers Brown, Ray Bryan, Graham Carr-Jones, Simon Christopher, Kelvin Clayton, Susan Cocking, Robin Cook, Tim Cook, Toni Coombs, Janet Dover, Jean Dunseith, Beryl Ezzard, Tony Ferrari, Spencer Flower, Les Fry, Simon Gibson, Barry Goringe, David Gray, Matthew Hall, Paul Harrison, Jill Haynes, Brian Heatley, Ryan Holloway, Ryan Hope, Rob Hughes, Nick Ireland, Sherry Jespersen, Carole Jones, Stella Jones, Andrew Kerby, Paul Kimber, Rebecca Knox, Nocturin Lacey-Clarke, Howard Legg, Robin Legg, Cathy Lugg, Laura Miller, David Morgan, Louie O'Leary, Jon Orrell, Emma Parker, Mike Parkes (Vice-Chairman), Andrew Parry, Mary Penfold, Bill Pipe, Val Potheary (Chairman), Byron Quayle, Molly Rennie, Belinda Ridout, Mark Roberts, Julie Robinson, Maria Roe, David Shortell, Jane Somper, Andrew Starr, Gary Suttle, Clare Sutton, Roland Tarr, David Taylor, Gill Taylor, David Tooke, Bill Trite, Daryl Turner, David Walsh, Peter Wharf, Kate Wheller, Sarah Williams and John Worth

Apologies: Cllr Mike Dyer

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

Jacqui Andrews (Service Manager for Democratic and Electoral Services), Hayley Caves (Member Development and Support Officer), Kate Critchel (Senior Democratic Services Officer), Susan Dallison (Democratic Services Team Leader), Aidan Dunn (Executive Director - Corporate Development S151), Fiona King (Senior Democratic Services Officer), Jonathan Mair (Corporate Director - Legal & Democratic Service Monitoring Officer), David McIntosh (Corporate Director (HR & OD)), Matt Prosser (Chief Executive) and Lindsey Watson (Senior Democratic Services Officer)

47. Apologies

An apology for absence was received from Mike Dyer.

48. Minutes

The minutes of the meeting held on 10 December 2020 were confirmed and agreed as a correct record and would be signed by the Chairman in the future.

In response to a question about the supplementary question raised by Cllr Trite, the Democratic Services Manager undertook to ensure this would be included when the minutes were published.

49. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

In respect of agenda item 9, Harbour Budget and Fees, Cllr Turner advised that his brother held a licence for Lyme Regis harbour.

In respect of agenda item 11, Weymouth Rowing Club Lease, Cllr Orrell advised that all of his family were members of the Rowing Club.

50. Chairman's Announcements

The Chairman advised she had no announcements at this time.

51. Public Participation - Questions and Statements

Public questions, statements and the responses from the Leader of the Council and appropriate Portfolio Holders are set out in Appendix 1 attached to these minutes.

52. Public participation - petitions and deputations

There were no petitions or deputations.

53. Announcements and Reports from the Leader of Council and Cabinet Members

The Leader of the Council advised members that his bulletin would be published following the meeting and a few of the areas that would be included in this were as follows:-

Climate change
Challenges of a further lockdown
Vaccines being rolled out very successfully
Dorset Council News was due out next month
The emerging Dorset Local Plan
Explanations were given around the budget
Acquisition of St Mary's School, Shaftesbury
Update on Covid-19 in Dorset
Results from the recent Residents survey
The Leader's continuing role as an advocate for Dorset
Keeping residents well informed during the pandemic for the past year.

54. Questions from Councillors

Questions put by councillors to the Leader and relevant Portfolio Holders are attached to these minutes at Appendix 2, together with the responses.

Cllr Tooke asked a supplementary question relating to the recent PSPO consultation on dog fouling that ran for a longer period than the local Plan. He

felt that the Local Plan was a far more significant piece of work and how did the council plan to address any reputational damage that might occur as a result of this. The Portfolio Holder for Planning advised that the community involvement consultation had been planned for 6 weeks and this was extended to 8 weeks. There was another consultation planned for later in the year. Dorset Council was very vulnerable without a Local Plan in place. It was not just about particular local areas but about various other issues. He made reference to a recent ministerial statement that stated the Council needed to have a Plan in place by the end of 2023.

55. Harbours Budget and Fees and Charges 2021-22

The Chairman of the Harbours Committee set out the recommendations from the Harbours Committee for members.

Proposed: Mark Roberts
Seconded: Rob Hughes

Questions from members focused on the Harbours Committee's confidence in the proposed increases and the good value that they represented.

Decisions

That the following related to budget requirements for the Harbours' Budgets for 2021/22 be approved, including:

1. The Weymouth Harbour Budget for 2021/22;
2. The fees and charges for 2021/22 for Weymouth Harbour;
3. The Asset Management Plan Improvements for 2021/22 for Weymouth Harbour subject to a mid-year review;
4. The budget request for Bridport Harbour for 2021/22;
5. The budget request for Lyme Regis Harbour for 2021/22; and
6. The fees and charges for 2021/22 for Bridport and Lyme Regis Harbours.

Reason for Decisions

The Harbours Committee has the responsibility for the harbours' finances including budget setting, budget monitoring and the final outturn at the year end.

56. Budget Strategy

The Portfolio Holder for Finance, Commercial and Capital Strategy set out the recommendations from the Cabinet.

An amendment had been proposed from Cllr Ezzard which had been attached as a supplement to the agenda. Cllr Brenton seconded the amendment and noted that all councillors realised they needed to mitigate on climate change. To the residents of the Dorset it seemed all the action was being undertaken by volunteer groups. She felt Dorset Council needed to lead on this and this would show that the Council had a commitment to climate change.

There were a number of comments and questions relating to the amendment including:-

A small step to giving the climate emergency a proper place

The budget had not addressed the need to meet the needs of this area

£19m funding had been awarded to the Council to help with climate change

The work that Cllr Bryan had undertaken in respect of climate change

The effects of climate change

Assumptions in the budget made and decisions on this made by Town Councils

No wish to revisit the budget on member allowances

No wish to ask the Dorset tax-payer to pay anymore

Disappointment the amendment submitted so late following all the budget consultations that had taken place with members

Climate change costs were already in the budget

Procedural issue raised with the Monitoring Officer who responded that the amendment was procedurally valid.

In accordance with procedure rule 19.6 a recorded vote was taken. Those who voted in favour of the amendment: Cllrs Alex Brenton, Kelvin Clayton, Tim Cook, Janet Dover, Beryl Ezzard, Brian Heatley, Ryan Holloway, Ryan Hope, Nick Ireland, Paul Kimber, Robin Legg, David Morgan, Jon Orrell, Maria Roe, Andrew Starr, Clare Sutton, Gill Taylor and David Tooke.

Those who voted against the amendment: Cllrs Rod Adkins, Anthony Alford, Jon Andrews, Shane Bartlett, Pauline Batstone, David Bolwell, Cherry Brooks, Piers Brown, Ray Bryan, Graham Carr-Jones, Simon Christopher, Susan Cocking, Robin Cook, Toni Coombs, Jean Dunseith, Tony Ferrari, Spencer Flower, Les Fry, Simon Gibson, Barry Goringe, Paul Harrison, Rob Hughes, Sherry Jespersen, Carole Jones, Andrew Kerby, Rebecca Knox, Nocturin Lacey-Clarke, Cathy Lugg, Laura Miller, Louie O'Leary, Emma Parker, Mike Parkes, Andrew Parry, Mary Penfold, Bill Pipe, Val Potheary, Byron Quayle, Belinda Ridout, Mark Roberts, Julie Robinson, David Shortell, Jane Somper, Gary Suttle, William Trite, Daryl Turner, David Walsh, Peter Wharf, Kate Wheller and John Worth.

Abstentions: Cllrs Michael Barron, Peter Barrow, Derek Beer, Richard Biggs, David Gray, Matt Hall, Howard Legg, Stella Jones, Molly Rennie, Roland Tarr, David Taylor and Sarah Williams

Following a recorded vote, 18 for, 49 against and 12 abstentions the amendment was LOST.

Group Leaders were initially invited to speak on the budget strategy.

Nick Ireland, Leader of the Liberal Democrat Group read out a prepared statement.

Comments from members were also received including:-

Thanks and congratulations to all staff and volunteers for the past year especially in respect of the distribution of business grants
Consideration of a tax emergency in the future.

The Portfolio Holder for Finance, Commercial and Capital Strategy appreciated all the comments and undertook to continue to lobby the Dorset MPs.

The Leader of the Council advised that whilst this had been a challenging although balanced budget it was capable of meeting service delivery and would fulfil statutory obligations. The Budget café and Scrutiny committees had been really helpful in the budget process. He also undertook to continue to lobby for a better deal for Dorset.

Proposed: Gary Suttle

Seconded: Spencer Flower

In accordance with procedure rule 19.6 a recorded vote was taken. Those who voted in favour of the recommendations:- Cllrs Rod Adkins, Anthony Alford, Jon Andrews, Michael Barron, Peter Barrow, Shane Bartlett, Pauline Batstone, Derek Beer, Richard Biggs, David Bolwell, Alex Brenton, Cherry Brooks, Piers Brown, Ray Bryan, Graham Carr-Jones, Simon Christopher, Kelvin Clayton, Susan Cocking, Tim Cook, Robin Cook, Toni Coombs, Jean Dunseith, Tony Ferrari, Spencer Flower, Les Fry, Simon Gibson, Barry Goringe, David Gray, Matt Hall, Paul Harrison, Jill Haynes, Brian Heatley, Ryan Holloway, Rob Hughes, Sherry Jespersen, Stella Jones, Carole Jones, Andrew Kerby, Paul Kimber, Rebecca Knox, Nocturin Lacey-Clarke, Robin Legg, Howard Legg, Cathy Lugg, Laura Miller, David Morgan, Louie O'Leary, Jon Orrell, Emma Parker, Mike Parkes, Andrew Parry, Mary Penfold, Bill Pipe, Val Potheary, Byron Quayle, Molly Rennie, Belinda Ridout, Mark Roberts, Julie Robinson, David Shortell, Jane Somper, Andrew Starr, Gary Suttle, Clare Sutton, Roland Tarr, David Taylor, Gill Taylor, William Trite, Daryl Turner, David Walsh, Peter Wharf, Kate Wheller, Sarah Williams and John Worth.

Those who voted against: Cllrs Janet Dover, Beryl Ezzard, Ryan Hope and Maria Roe.

Abstentions: Cllrs Nick Ireland and David Tooke.

Following a recorded vote, 74 for, 4 against and 2 abstentions the recommendations were approved.

Decisions

1. That the revenue budget summarised in Appendix 1 of the report be approved;
2. That the increase in general council tax of 1.997% and to levy 2.995% (3%) as the social care precept, providing a band D council tax figure for Dorset Council of £1,779.39 be approved;

3. That the capital strategy set out in Appendix 3 and the capital programme set out in Appendix 4 be approved;
4. That the treasury management strategy set out in Appendix 5 be approved;
5. That the assumptions used to develop the budget strategy and Medium-Term Financial Plan (MTFP) as set out throughout this report and summarised in Appendix 6 be approved;
6. That the recommended balances on earmarked reserves and on general funds, including the minimum level of the general fund be approved;
7. That the responses to the recommendations and comments made as part of the budget scrutiny process (Appendix 7) be agreed.

Reasons for Decision

1. The Council is required to set a balanced revenue budget, and to approve a level of council tax as an integral part of this. A balanced budget is essentially one where expenditure is funded by income without unsustainable use of one-off, or short-term sources of finance.
2. The Council is also required to approve a capital strategy, a capital programme and budget, and a treasury management strategy, each of which are included with this report.
3. The draft budget proposals have been considered (and endorsed) by the Place and Resources Scrutiny Committee and by the People and Health Scrutiny Committee.

57. Weymouth Rowing Club Lease

The Chairman of the Harbours Committee set out the recommendation from the Harbours Committee.

Proposed: Mark Roberts
Seconded: Rob Hughes

Decisions

1. That the lease for the Weymouth Rowing Club be renewed for an interim period of 3 years from 25 March 2020.
2. That the Harbours Committee be given delegated authority to determine further interim renewals of the lease if necessary.
3. That the Harbours Committee be given delegated authority to determine whether to grant a full lease for a period of 25 years from 25 March 2020 once the Harbour Revision Order has been approved.

Reason for Decisions

The Gig Rowing Club continues to be an integral part of the harbour and have an active membership. The renewal is a short-term temporary arrangement until a longer term lease can be considered once the Harbour Revision Order has been approved

58. Appointment of Co-Opted Independent Member of the Harbours Committee

The Chairman of the Harbours Committee set out the recommendation from the Harbours Committee.

Proposed: Mark Roberts
Seconded: Rob Hughes

The Chairman confirmed that 3 applications had been received and all 3 applicants were interviewed.

Decision

That the nomination of the Harbours Committee's Appointments Panel for a new Co-opted Independent Member, Mr William Ellwood be approved.

Reason for Decision

To ensure that the membership of the Harbours Committee is in accordance with the Dorset Council Constitution and industry best practice.

59. Pay Policy Statement 2021/22

The Portfolio Holder for Corporate Development and Change advised members that, in accordance with the Localism Act 2011, Council was responsible for approving the annual pay policy statement for 2021/22.

Cllr Ireland proposed the following amendment to the Pay Policy Statement:-

Appendix A, add after item 7.4 (page 142)

7.5 Dorset Council resolves to work to the lowest wages it pays being in accordance with the minimum Real Living Wage as defined by the Living Wage Foundation by 1st April 2022 and seek accreditation for such from the same.

Cllr Howard Legg seconded the amendment.

The Monitoring Officer confirmed this was a valid amendment in that it added words to the proposal before members. In terms of councillors being able to make evidence-based decisions, notice of this type of amendment was not required. With reference to the principles for good decision making, members had not received financial advice or HR advice for this amendment and therefore was possibly not in accordance with good decision making.

Several comments were made by members including:-

Reference made to the lowest paid workers

Reference made to retaining good staff and paying them enough

Concern letting residents down by making decisions ad hoc

Importance of following proper consultation and agreements

The statement does not change the pay strategy but would like to see it applied to terms and conditions and go through proper channels

Being a socially responsible council

No opportunity to discuss properly or receive relevant advice

The Leader advised members that the Council relied on national pay bargaining which was a platform to put this forward as a national point. He was happy to acknowledge the point made and ensure it was brought forward to the national conversation in relation to pay bargaining.

The Deputy Leader advised members that this was a factual statement that met the requirements of the Localism Act and was not a policy statement.

On being put to the vote the amendment was lost.

Proposed: Peter Wharf
Seconded: Spencer Flower

Decisions

1. That the provisions of the Localism Act and content of the Pay Policy Statement for the 2021/22 financial year be noted; and
2. That the Pay Policy Statement for 2021/22 be approved.

Reason for Decision

The Full Council is responsible for approval of the annual pay policy statement.

60. Calendar of Meetings 2021-22

The Leader of the Council presented the draft calendar of meetings for the municipal year 2021 to 2022 for formal adoption.

Proposed: Spencer Flower
Seconded: Les Fry

One member was disappointed there was not a mix of daytime and evening meetings.

Decisions

1. That the Calendar of meetings for the period May 2021 to May 2022 be adopted.
2. That authority be delegated to the Corporate Director – Legal and Democratic Services to make any necessary changes, in consultation with the relevant Chairmen and Vice-Chairmen, to ensure effective political management.

Reason for Decisions

To ensure effective political management, comply with the Dorset Council Procedure Rules and to put into place appropriate arrangements for Council committee meetings.

61. Urgent items

There were no urgent items to report.

62. Exempt Business

There was no exempt business.

Duration of meeting: 6.30 - 9.13 pm

Chairman

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**Full Council
16 February 2021
Questions submitted for the Public Participation Period**

Question 1 - submitted by David Redgewell, South West Transport Network and Railfuture Severnside

What Budget is set aside for social support buses services in Dorset separate from the Department for transport Covid 19 bus operators grant and concessionary fare grant?

This funding is important to maintain vital buses service across the county for essential journeys for key workers and access to Food shopping, chemist, banks post office banks health care and very importantly to The Bus minister and the Department for transport Covid 19 vaccinations centres as per recent guidance to Dorset council and Bus companies. From Stephen Fiddler Director of buses and taxis at the Department for transport

Response by Cllr Ray Bryan

Dorset Council is continuing to provide funding for the supported public bus routes, in order to enable key workers to get to work and for people to access essential services. A number of these services are duplicated for the school run when a dedicated school bus is provided for students, to allow correct social distancing for members of the public. These additional vehicles are funded by the Department for Education. Commercially operated routes in Dorset are running at around 80-90% of the full timetable, in order to provide a public transport service for essential travel. Service levels are regularly reviewed with the bus operators to ensure they meet demand. Public Health Dorset (PHD) and the Clinical Commissioning Group are working together to identify transport solutions for those people who are unable to get to vaccination centres by driving themselves or using public transport. PHD will apply to the COVID-19 Contain Outbreak Management Fund for the required amount of funding, once the level of demand for the service is established.

Question 2 – submitted by David Redgewell, South West Transport Network and Railfuture Severnside

What capital budget is set as railway improvements programmes for Bus rail interchange work at Weymouth town station and Dorchester south station, bus stop real time information and bus stop shelter maintenance?

Response by Cllr Ray Bryan

The Weymouth Station Gateway project is being led by the Dorset Coast Forum, in partnership with Dorset Council, Public Health Dorset, Weymouth Town Council, Weymouth BID and South Western Railway. The project's aim is to make a number of improvements to the forecourt and the walkway to

make it a more welcoming and user-friendly place for visitors and residents. These improvements include improving the sustainable transport infrastructure including bus links, cycle ways and pedestrian access. The budget is £596,000 and Dorset Council's current contribution to the project is £100,000 from the Local Transport Plan funding. The scheme is still in the design phase and full costings of the preferred design is underway. The project team are investigating other public transport links that could sit alongside the project and we are working closely with the local bus companies to do this. The capital budget for bus stop improvements is an annual sum of £25,000 from the Local Transport Plan. In addition, when appropriate, Dorset Council will collect contributions for bus stop infrastructure from new developments through Section 106 or CIL. The current budget for maintenance/ operation of Real Time Information is £112,100 and for maintenance/ cleaning of bus shelters is £9,000.

**Full Council
16 February 2021
Questions from Councillors**

Question 1 – submitted by Cllr Andrew Kerby

During the COVID pandemic, the majority of Dorset residents have followed the law by staying at home and only leaving for essential reasons. The lockdown for many, including myself has been particularly difficult, with families split and children unable to attend school. Though I get frustrated with the lockdown, I understand the need to reduce the amount of interactions to slow the spread of Coronavirus.

I find it exasperating that over lockdown and the tier restrictions that a minority of holiday lets and guesthouses are still remaining open for business, in clear breach of COVID measures. This is wrong and I feel very little seems to be done to enforce those rogue businesses and individuals. Additionally, I believe that many of these 'rogue' let's have claimed government grants designed to support closed businesses over the tough lockdowns. This is fraud and is taking funds away from legitimate struggling industries.

My concern is that Dorset Council is not being proactive enough in identifying rogue businesses, nor acting on information passed to the council from residents and the police. There is the additional worry that Dorset Council is failing to use its own data to identify potential fraud – particularly around government grants. I ask for assurance that Dorset Council is taking all necessary steps to ensure that our residents are safe and that fraud to the taxpayer is swiftly acted on.

Upon doing my own research, I have found just how easy it is to book a property online using some well-known national websites, with no questions asked to whether my stay was legitimate. I ask members to join me in condemning those online holidays letting websites, that are still operating and putting the lives' of our residents at risk.

Response from Cllr Jill Haynes

As regards keeping people safe, from the first Lockdown until now, regulatory officers within Community and Public Protection have been operating as a combined virtual team, following up complaints and answering business enquiries on closure and permitted safe opening. Where issues are not enforceable by the Council, or support is required, Police liaison follows – remembering that the Local Authority can deal with the behaviour of businesses not customers' behaviour which is a Police issue, including the wearing of face coverings.

All complaints and enquiries are responded to whether it involves licensed premises, food businesses, close contact personal services or all manner of

other businesses and activities by a range of organisations. Businesses in Dorset have attained very high levels of compliance without the need to resort to formal action, although not without initial resistance in all cases. When the law, or the tiers of control, have changed is when these enquiries and complaints have spiked.

There have been exemptions for many businesses to continue to operate, sometimes in modified ways. Investigation has often revealed legitimate refurbishments and other activity taking place in some premises. If any resident or community representative is concerned about a business being open when it should not be or is concerned with how it is operating they are encouraged to report this and [details are on our website](#).

The website has continued to be an up to date reliable starting point for any such enquiry, with links to Government guidance and specialist health and safety material.

The officers working on this are from Licensing and Community Safety (Licensed premises); Food, Safety and Port Health (Food premises) and Trading Standards (anything else). Covid Marshals, managed through Licensing and Community Safety, also add eyes and ears to Covid breaches by businesses as well as assisting with issues in the high streets of Dorset.

Response from Cllr Gary Suttle

I thank Councillor Kerby for raising this issue.

The national restrictions state that during this lockdown period accommodation such as hotels, hostels, guest houses and campsites should close except for specific circumstances, such as

- where these act as someone's main residence
- where the person cannot return home
- for providing accommodation or support to the homeless
- or where it is essential to stay there for work purposes.

The restrictions are also clear that overnight stays and holidays away from primary residences will not be allowed - including holidays in the UK and abroad.

So I agree with Cllr Kerby - all businesses and individuals must comply with the national restrictions. Compliance is the quickest route for us to exit this terrible pandemic.

But sadly we know that there are a small minority of businesses and individuals who don't think the rules apply to them. Throughout the pandemic Dorset Council's regulatory officers have been following up complaints and answering business enquiries on closure and permitted safe opening. Our teams have worked alongside the Police, talking to businesses, talking to the public, working hard to ensure compliance and thus keep our residents safe.

Cllr Kerby believes that there may have been a number of unscrupulous grant claims. May I firstly reassure him that the vast majority of Dorset business owners are highly professional and act only in accordance with the formal scheme criteria and in fact many have checked directly to make sure they are acting correctly before claiming. The revenues and benefits teams in Dorset Council and Stour Valley Poole Partnership have worked tirelessly and have so far paid out grants totalling £143M to Dorset businesses.

As part of the process the applicants have to go through a strict validation process, to ensure the legitimacy of the claim. But we have taken a belt and braces approach and as part of our follow up are sharing the data with government departments, including HMRC. If there are false grant claimants out there who think you have 'got away with it' they shouldn't be surprised if they hear from us soon!

And this brings me to my final point. I can assure him that Dorset Council has a zero tolerance approach to fraud.

Thankyou

Question 2 – submitted by Cllr David Tooke

The current Local Plan Consultation strategy largely relies on people having access to, and sufficient familiarity and experience with, the internet.

Whilst there are copies lodged with local Libraries people need to be able to book, collect, read and return these in a short space of time. Given the three-week loan period it's likely that each copy will only be read by two, or at most three people, in the time available.

Many people are suffering extreme hardship and stress, many juggling home working whilst having to home educate children, many battling with grief, or loss of their livelihood. A great number of people do not have access to on-line facilities or are simply unable to engage with it. This is not the time to be conducting a "public consultation" when a large number of local residents are unable to participate.

I am sure the whole Council would prefer a fully franchised, democratic process, which would lend significant weight to the eventual published plan, rather than the democratically limited process currently in hand.

In light of this, should the Council not extend the Consultation until later in the year, when we hope to be able to have some face to face contact and the ability to run well-structured road shows, and fully involve as many of our residents as possible?

Response by Cllr David Walsh

There is nothing “democratically limited” about our current Local Plan consultation process. Simply put, we are doing more than we have ever done before to ensure that as many Dorset residents as possible, both online and offline, can engage with the process and have their say.

Around 90% of residents have internet access and are therefore fully able to take part in the consultation online. There is no requirement in legislation to make individual hard copies available. Planning regulations were amended in response to the pandemic to remove the requirement for even inspection hard copies to be available.

But, in the best interests of all our residents and to ensure no-one is excluded from taking part, we have planned for those who are not online. This includes the library copies, and we are making more copies available to those libraries where demand is greater. The libraries can also arrange delivery if people are unable to collect a copy.

While the pandemic has prevented traditional face-to-face events such as roadshows, we have worked hard to provide a range of alternatives. This includes social media advertising, online webinars that can be accessed via the telephone and watched at any time, podcasts, surgeries where people can talk to us directly and a dedicated telephone line for people who would like to speak to planning officers and discuss anything to do with the plan.

We've had around 50 articles in the traditional media and an article was sent to all parish and community magazines back in December to publicise the consultation. I myself have been interviewed on several local radio stations regarding the Local Plan consultation process.

This may be a different approach for those who have responded to local plan consultations previously, but we can potentially reach a much wider number of people and different audiences from those normally involved. We have already reached over a million people on social media and had around 21,500 visitors to our web pages. We have had over 3,500 viewings of our webinars, and over 600 listens of our podcasts.

Delaying the consultation would have a major impact on the programme for preparing the local plan and would be an extremely high-risk strategy. Cabinet have previously agreed that we are aiming to adopt the plan by spring 2023, and indeed a ministerial statement has recently been sent to all local planning authorities stressing the need for all to have up to date local plans by the end of 2023. All of our currently adopted local plans are more than five years old, and we do not have any parts of the council area that have both a five-year land supply and sufficient housing delivery in the last year to pass the 'housing delivery test'.

This means that we currently have less control over the development that takes place in our area, until we can adopt an up to date plan that allocates enough land to meet our development requirements. Therefore, it is vitally important for us to avoid any delay in preparing the plan. In short, waiting for the pandemic to blow over and everything to get back to normal is simply not an option for us.

We understand that some organisations and individuals may attempt to undermine the consultation process itself as a means of protesting some of the proposals and policies outlined in the Local Plan. But I, alongside our hardworking officers on the Local Plan team, remain 100% confident that we are going above and beyond what we need to do to ensure the consultation is robust and fully accessible. In the meantime, if anyone has views on any part of the draft Local Plan, now is the time to tell us – we are listening and want to know what you think.

Question 3 – submitted by Cllr Beryl Ezzard

We have always been conservationists and conscious of reducing our carbon footprint year on year, but will our actions be fast enough? Members on this Council agreed to the Climate & Ecological Emergency in May 2019 in an urgent call to action. We need action now to slow down and reverse the current temperature rising.

Why, when other Councils nearby has, this Council has not, budgeted for Climate & Ecological emergency action in the coming year? A £100,000 at the very least, should be a priority for this Council; although we face many difficulties and trials currently, we need to focus on the objective of being carbon neutral by 2030 not by 2040.

We need to give the Dorset Community a solid commitment to quicken our pace, to reverse the trend and save our only Planet for future generations. It may mean the initial outlay is more expensive using renewal energy; solar and wind, however, within a few years, reduced heating costs and pollution will give priceless return for future generations to enjoy.

There are several budget items of lesser priority, in our opinion, that would allow for this Fund. Will the Council now act and amend the Budget Statement to include £100,000 for the Climate & Ecological Emergency action this coming year?

Thank you

Response from Cllr Ray Bryan

I was surprised to see the words We need action now to slow down and reverse the current temperature rising.

We have since May 2019 worked tirelessly to learn and understand the actions needed to reduce the carbon footprint of Dorset Council. With some amazing results already achieved.

The production of the action plan and strategy document took a number of meetings & time with officers over several months to compile the report that has recently been out to an extended public consultation the results of which are currently being analysed. Early indications show that most of the respondent's opinions are very much in line with our strategy and that includes our 2040 target date.

I said from day one that I would only support an action plan that I was confident we could achieve that includes the date.

The question is, to achieve a 2030 target date, will the local taxpayer be willing to pay a considerable increase in their current council tax which would be many millions per year over a very much shorter period. Our chosen route is to seek financial support from Central Government rather than ask our residents to fund our plans.

To obtain funding from Government they look at our Strategy and Action plan which includes dates and approve them.

The recent resident's survey shows when residents were asked to rate their views on what is important to them, out of 15 levels of importance, Climate Change came in at no 9 down two places from last year's survey.

As far as the rest of Cllr Ezzard's question is concerned this is a duplication of her suggested amendment to the budget and I would not want to pre-empt that debate.

Recommendation to Full Council

From Audit & Governance Committee – 22 February 2021

Councillor Code of Conduct Arrangements

Local Councillor(s): All Councillors

Executive Director: J Mair, Corporate Director, Legal & Democratic

Report Status: Public

Recommendation:

1. That the Local Government Association Model Councillor Code of Conduct including those provisions of the Model Code relating to other registrable interests be adopted.
2. That Dorset's Town and Parish Councils be invited to consider adopting the LGA Model Code.
3. That the proposed new arrangements for dealing with Code of Conduct complaints against Councillors be adopted.

Reason for Recommendation:

To support councillors in maintaining high standards of conduct and to ensure a proportionate approach to the assessment and hearing of complaints against councillors.

Appendices

Report and appendices submitted to the Audit & Governance Committee on 22 February 2021

Background Papers

None

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Audit & Governance Committee

22 February 2021

Councillor Code of Conduct Arrangements

For Recommendation to Council

Local Councillor(s): All Councillors

Executive Director: J Mair, Corporate Director, Legal & Democratic

Report Author: Jonathan Mair
Title: Monitoring Officer
Tel: 01305 224181
Email: jonathan.mair@dorsetcouncil.gov.uk

Report Status: Public

Recommendation:

That the Committee recommend that the Full Council:

1. Adopt the Local Government Association Model Councillor Code of Conduct including those provisions of the Model Code relating to other registrable interests.
2. Invite Dorset's Town and Parish Councils to consider adopting the LGA Model Code.
3. Adopt the proposed new arrangements for dealing with Code of Conduct complaints against Councillors

And

That the Committee resolves that it should be updated at each of its meetings about code of conduct complaints received and that an annual monitoring report should be presented in May each year.

Reason for Recommendation:

To support councillors in maintaining high standards of conduct and to ensure a proportionate approach to the assessment and hearing of complaints against councillors.

1. Executive Summary

This report is in two parts. The first part makes recommendations about the adoption of a new councillor code of conduct. The second part recommends new arrangements for the assessment and hearing of complaints that councillors have breached the code.

The proposals considered in this paper concern how councillors should behave and how any complaints that councillors have not behaved as they should can be made, how they are assessed and investigated.

This paper does not concern the separate legal requirements governing councillor's disclosable financial interests – these are specified in law and alleged breaches are investigated by the police.

Part 1 - Proposed adoption of a new Councillor Code of Conduct:

[The Localism Act 2011](#) requires that Dorset Council (as a relevant local authority) must promote and maintain high standards of conduct by its members. To help achieve this there is a particular requirement that the Council must adopt a code dealing with the conduct expected of councillors when they are acting in that capacity.

Ahead of the formation of Dorset Council on 1 April 2019 the Shadow Authority adopted the code of conduct included as appendix 1.

Although very few conduct complaints have been made against Dorset Council Councillors it is important that as part of promoting high standards of conduct the Council should review its code against what is regarded as best practice.

As part of its work in supporting all tiers of local government to continue to maintain high standards of leadership and performance the Local Government Association (LGA) has recently completed work to develop a [new model councillor code of conduct](#), included as appendix 2. The LGA sees a link between high standards of leadership and high performance and it is in this context that the new model code has been developed and is now recommended for adoption.

After a proposed joint statement, introductory text and definitions the code includes paragraphs or sections addressing purpose, general principles and

application. It then goes on to address the minimum standards of behaviour expected of all councillors. It does this in ten main sections based upon the principles of conduct in public life.

My experience is that members of the public and councillors can sometimes be confused about the circumstances in which the Code applies. The section of the new model code dealing with application of the code provides more detail than previously about the circumstances in which the requirements of the code apply to councillors and under “Application of the Code of Conduct” it lists 4 situations when the code would apply, including where a councillor gives the impression they are acting as a councillor or council representative, but also when they refer publicly to their role or use knowledge they could only obtain in their role as councillor.

The model code is also helpfully direct in the application of its requirements to individual members in a series of “As a councillor I...” statements.

The Localism Act leaves councils free to adopt their own codes of conduct, restricted only by the need for any code to be consistent with the principles of conduct in public life. In line with this freedom the LGA advises that the model code is a template for authorities to adopt either in whole or with local amendments.

One particular part of the model that members are invited to consider is the inclusion of a new category of “other registrable interests” and proposed restrictions on participation when a councillor has such an interest (see paragraphs 6 and 7 of Appendix B to the proposed model code). At present councillors are required only to comply with the legal minimum by disclosing your “disclosable pecuniary interests” and these are interests of yourself and your spouse or partner only. The proposed model goes further in defining a new category of other registrable interests and by bringing within scope the interests of relatives or “close associates”. As a result the financial and well-being interests of the councillor, friend, relative, close associate and body would become disclosable.

There is value in a consistent approach across Dorset and many Parish and Town Councils followed Dorset Council’s lead by adopting our current code. It is suggested that if Dorset Council does adopt the LGA Model Code then Towns and Parishes should be invited to consider adopting the same code.

Part 2 – Arrangements for dealing with Code of Conduct complaints against Councillors:

Dorset Council has operated arrangements for the assessment and investigation of complaints for almost two years.

Based upon our experience to date this report recommends what are thought to be more proportionate arrangements, ones designed to ensure that complaints are addressed formally and that councillors and complainants are treated fairly.

As at present, the proposed arrangements make no distinction between Dorset Council Councillors and Parish and Town Councillors - the procedure to be followed, the assessment criteria and hearing arrangements.

The main differences between the current and proposed new arrangements concern:

- Greater clarity: The proposed new procedure includes a straightforward flow chart illustrating at a glance how the procedure operates. It also describes in a more structured way than the previous procedure:
 - Who can be complained about
 - What can be complained about
 - What cannot be complained about and
 - How to complain
- Anonymity and confidentiality: As at present, any complaint should be in writing and anonymous complaints would not be accepted. As under the current arrangements there is the ability for a complaint to be made confidentially so that only the Monitoring Officer and the Independent Person know the identity of the complainant but this is now exceptional. In fairness to the councillor complained about the expectation is that the councillor should know who has complained about them.
- Emphasis on local resolution: Experience has shown that people move too quickly to escalate complaints about Parish and Town Councillors to Dorset Council without attempting a local or informal resolution. The proposed new arrangements place greater emphasis upon local resolution, giving examples of where this might be appropriate.
- How complaints are assessed: At present complaints are assessed by the Monitoring Officer in consultation with an Independent Person and three Dorset Council Councillors. The arrangements can be cumbersome and time consuming and there is no opportunity for a councillor to provide initial comments on a complaint. The proposed new arrangements would see complaints assessed by the Monitoring Officer in consultation with an Independent Person. The new arrangements are linked to stricter timescales for informing complainants and councillors about complaints and include an opportunity for the councillor complained about to respond at the assessment stage.
- A single stage approach to hearings: At present the Hearings Sub-Committee conducts a two stage hearing, the arrangement for which can give an impression of unnecessary duplication. The proposed arrangements provide for a single stage hearing.
- How complaints are monitored: At present there are no monitoring arrangements and there is no formal learning from complaints. It is

proposed that the Audit and Governance Committee will be updated at each of its meetings and that the May meeting will receive an annual report.

2. Financial Implications

No new financial implications for the purposes of this report.

3. Well-being and Health Implications

No well-being and health implications have been identified in preparing this report.

4. Climate implications

No climate implications have been identified in preparing this report.

5. Other Implications

None.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

This report raises no equalities implications, providing a common code of conduct and framework applicable to all councillors.

8. Appendices

Appendix 1 – the current Dorset Council Councillor Code of Conduct

Appendix 2 – [the proposed LGA Model Code of Conduct](#)

Appendix 3 – the current procedure for the Assessment and Hearing of Complaints

Appendix 4 – the proposed new Arrangements for dealing with Code of Conduct complaints against Councillors

9. Background Papers

None.

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Part 4 – Codes and Protocols

MEMBERS' CODE OF CONDUCT

The Code of Conduct, as set out below, was adopted by Shadow Dorset Council with effect from 1 April 2019.

1. Introduction

1.1 Dorset Council has a duty to promote and maintain high standards of conduct by its councillors. This Code of Conduct sets out the conduct that is expected of councillors when carrying out Council business or representing the Council.

1.2 The Code of Conduct is to be interpreted in a way that is consistent with the following principles:

Selflessness Councillors should act solely in terms of the public interest.

Integrity Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty Councillors should be truthful.

Leadership Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. General Obligations

2.1. A Councillor must

- (a) comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of councillors;

- (b) treat others with respect;
 - (c) when using or authorising the use by others of the Council resources act in accordance with the Council's reasonable requirements;
 - (d) take into account any relevant advice provided by the Chief Finance Officer; or Interim/Appointed Monitoring Officer, when reaching decisions on any matter
 - (e) inform the Interim/Appointed Monitoring Officer of the receipt of any gifts and hospitality that they estimate has a value of more than £50 and the name of person providing the gift or hospitality.
- 2.2 A Councillor must not –
- (a) do anything which may cause the Council to breach the Equality Act 2010;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
 - (e) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the Council's reasonable requirements;
 - (f) prevent another person from gaining access to information to which that person is entitled by law; or
 - (g) behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute;
 - (h) use or attempt to use their position improperly to confer on or secure for them or any other person, an advantage or disadvantage; or
 - (i) use the Council's resources improperly for political purposes (including party political purposes).

3. **Disclosable Pecuniary Interests**

- 3.1 A Councillor must register any disclosable pecuniary interest (see Appendix A) that they or their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests, when they know about them.
- 3.2 A Councillor must register any disclosable pecuniary interests with the Monitoring Officer within 28 days of:
- (a) being elected or appointed to office;
 - (b) this Code of Conduct being adopted;
 - (c) declaring an unregistered interest at a meeting of the Council; and
 - (d) becoming aware of any new interests or changes in those interests
- 3.3 A Councillor who is aware or ought reasonably to be aware that they have a disclosable pecuniary interest in any business of the Council who attends a meeting of the Council at which that business is discussed, must disclose to the meeting the existence and nature of the interest at the beginning of the meeting or when it becomes apparent that they have such an interest. Where information about an interest has been agreed with the Monitoring Officer to be sensitive, the Councillor need only declare the existence of the interest.
- 3.4 A Councillor who has a disclosable pecuniary interest in any business of the Council must not take part in the consideration of that business and must withdraw from the room where the meeting is being held unless they have been granted a dispensation by the Monitoring Officer

4. **Sensitive interests**

Where you have an interest (whether or not it is a disclosable pecuniary interest) and the nature of the interest is such that you and the Monitoring Officer consider the disclosure could lead to you or a person connected with you being subject to violence or intimidation, special rules apply to registration of the interest. The elements of the Register of Interests that are in the public domain must not include details of the interest but will instead refer to the details being withheld in accordance with section 32 of the Localism Act. You need to disclose the interest at a meeting, but the disclosure is limited to a statement that you have a disclosable pecuniary interest which falls within an exemption in the Act without further details being given.

5. **Gifts and Hospitality**

The Council will maintain a public Register of Gifts and Hospitality to you and your party. This is for Gifts and Hospitality which exceed an estimated £50 in value at any one time. You are asked to keep this Register up to date by notifying (in writing) the Monitoring Officer within 28 days of any receipt of such a gift or hospitality so that this can be entered in the Register. Such matters are

not included in the Regulations for disclosable pecuniary interests and therefore will not require a disclosure and withdrawal at a business meeting.

6. **Monitoring and review**

This Code will be kept under review by the Council.

APPENDIX A

Disclosable Pecuniary Interests

1. For the purposes of this Appendix

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act; and

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

2. The following are disclosable pecuniary interests.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or; (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

MEMBER COMPLAINT PROCESS (Article 9.02(a))

1. INTRODUCTION

- 1.1 The Localism Act 2011 requires the Council to adopt its own Code of Conduct and to agree procedures for dealing with alleged breaches of that Code of Conduct. The Code of Conduct sets out the general standards of behaviour that are expected of Councillors and also the arrangements for the registration and declaration of financial and other interests
- 1.2 Parish and Town Councils within the Council's area are also required to adopt their own Code of Conduct. The Localism Act 2011 requires any complaints about breaches of those Codes by Parish or Town Councillors to be dealt with under the Council's arrangements.
- 1.3 References to 'councillors' include elected members and co-opted members of the Council and Town and Parish Councils in its area.

2. MAKING A COMPLAINT

- 2.1 Complaints should be made in writing to the Monitoring Officer, using a form provided by him/her if possible.
- 2.2 Anonymous complaints will not be considered.
- 2.3 In the interests of fairness and natural justice, the Councillor who is the subject of the complaint will normally be told who has complained about them and the details of the complaint. There may be occasions where the complainant requests that their identity is withheld. Such a request will only be agreed in exceptional circumstances.

3. WHO WILL DEAL WITH THE COMPLAINT?

- 3.1 The Initial Assessment of any complaint will be dealt with, in the first instance, by the Monitoring Officer or in the event of a conflict of interest, by a deputy Monitoring Officer.

- 3.2 Any investigation under Stage 2, will be conducted by the Monitoring Officer or a person appointed by him. His/her investigation report will be considered by the Council's Standards (Hearing) Sub-Committee, who will also conduct any hearing under Stage 3.
- 3.3 The Independent Person will be able to attend any meetings held under stages 2 and 3 of the process.

4. **HOW WILL ANY COMPLAINT BE DEALT WITH?**

4.1 **Stage 1 – Initial Assessment**

The Monitoring Officer will consider the complaint, in consultation with the Independent Person. The Monitoring Officer will consider whether:

- (a) The complaint is about the conduct of a councillor or lay or co-opted member of the Council or a town or parish council within the Council's area;
 - (b) the Councillor was a councillor at the time of the incident giving rise to the complaint;
 - (c) the Councillor was a councillor at the time of the complaint;
 - (d) the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.
- 4.2 If the complaint fails one or more of these tests, or if the Monitoring Officer in consultation with the Independent Person is satisfied that the complaint is immaterial, no further action will be taken.
- 4.3 Unless the complaint is about a failure to disclose a Disclosable Pecuniary Interest or other criminal behaviour, if the complaint satisfies the tests in paragraphs 5.1 or 5.2 the Monitoring Officer will prepare a report for the Standards (Assessment) Sub-Committee to consider. The Councillor, and if they are a Town or Parish Councillor, the relevant Town or Parish Clerk, will be informed of the receipt of the complaint and that a report is being prepared for the Standards (Assessment) Sub-Committee.
- 4.4 In considering the Monitoring Officer's report and assessing the complaint the Standards (Assessment) Sub-Committee will have regard to the criteria set out in Appendix A.
- 4.5 The Standards (Assessment) Sub-Committee may:
- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;
 - (b) seek an informal resolution (including, for example, an apology, or mediation); or

- (c) ask the Monitoring Officer to investigate the complaint.
- 4.6 A copy of the complaint and a summary of the Standards (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer.
- 4.7 **Stage 2 – Investigation**
- The person appointed by the Monitoring Officer will examine any available evidence of the alleged breach. They will usually interview the complainant, the councillor and, if appropriate any witnesses. They will prepare a report setting out:
- (a) the agreed facts;
 - (b) any facts which are not agreed and the conflicting evidence; and
 - (c) their conclusion on whether or not there has been a breach of the Code of Conduct.
- 4.8 **Stage 3 – Hearing**
- The Standards (Hearing) Sub-Committee will consider the report. It will reach a view on disputed facts and decide whether or not to accept the conclusion of the Investigating Officer on the alleged breach of the Code of Conduct. The Sub-Committee may:
- (a) dismiss the complaint;
 - (b) refer the complaint to the Monitoring Officer to seek an informal resolution;
 - (c) hold a hearing of the Committee.
- 4.9 The hearing will be to make a final decision on whether or not a Councillor has breached the Code of Conduct and, if so, to decide whether any sanction should be imposed.
- 4.10 The hearing will normally be held in public, in order to promote public confidence and ensure fairness and transparency. The Sub-Committee may resolve to exclude the public and press for any part of the hearing where confidential or exempt information is considered and will usually do so when coming to its decision. The Sub-Committee may decide:
- (a) to take no further action;
 - (b) to seek an informal resolution between the complainant and the subject councillor (if agreed by both parties);
 - (c) to censure the Councillor;

- (d) to recommend to the Councillor's Group Leader (or in the case of an ungrouped councillor recommend to Council) that the Councillor is removed from any Committees or Sub-Committees of the Council, either for a specified period or until the next Annual Meeting of the Council, when seats on Committees will next be allocated;
- (e) to instruct the Monitoring Officer to request the Councillor to attend training;
- (f) to recommend the Group Leader to remove the Councillor from all outside appointments to which they have been appointed or nominated by the Council;
- (g) to withdraw facilities provided to the Councillor by the Council, such as a computer and/or e-mail and internet access for a specified time;
- (h) to exclude, for a specified period of time, the Councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

APPENDIX A – ASSESSMENT CRITERIA

1 Initial Tests

- 1.1 The complaint is about the conduct of a councillor or lay or co-opted member of a council within the Council's area;
- 1.2 the Councillor was a councillor at the time of the incident giving rise to the complaint;
- 1.3 the Councillor was a councillor at the time of the complaint;
- 1.4 the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.

2 Sufficiency of information

- 2.1 Has the complainant provided sufficient information to allow the Sub-Committee assessing the complaint to understand the issues complained of? If insufficient information is provided, the Sub-Committee will not normally proceed with assessment of the complaint.

3 Seriousness of the Complaint

- 3.1 Does the complaint appear, on the available information, to be trivial, vexatious, malicious, politically motivated or 'tit for tat'?
- 3.2 Other than in particularly serious cases a complaint will not generally be referred for investigation if the Councillor has offered an apology, or if the Sub-Committee takes the view that the complaint can reasonably be addressed by other means.
- 3.3 Given the public interest in financial and other resources being used efficiently referral for investigation is generally reserved for serious complaints where alternative options for resolution are not considered by the Sub-Committee to be appropriate.

4 Length of Time Elapsed

- 4.1 Except in exceptional circumstances a complaint will not be referred for investigation when it is made more than 20 working days from the date upon which the event giving rise to the complaint took place.

5 Multiple Complaints

- 5.1 A single event may give rise to similar complaints from a number of complainants. These will generally be treated as a single complaint with multiple complainants.

MEMBERS AND OFFICERS PROTOCOL

1. Introduction

- 1.1 The conduct of both Members and officers is governed by the Codes of Conduct detailed in Part 5 of the Council's Constitution. The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way that ensures that the Council runs smoothly.
- 1.2 The relationship between Members and Officers is based on the following principles:
- (a) the Council is a democratically-elected local authority delivering a range of services to the people of Dorset;
 - (b) the Council is a single entity;
 - (c) the separate functions of the Council are part of the Council as a corporate body;
 - (d) in everything they do, Members and officers of the Council must act within the law and comply with relevant codes of conduct;
 - (e) dealings between Members and officers are based on mutual trust and respect;
 - (f) the relationship must exist on a professional basis only so that the ability of an officer to deal impartially with Members or political groups cannot be questioned;
 - (g) officers should not approach Members on matters to do with employment matters except as agreed by the Head of Paid Service.
- 1.3 Officers and Members each have their own roles to play in the work of the Council and care should be taken to avoid one encroaching upon the other.

The role of Members

- (a) To provide the political direction and leadership of the Council. Members are accountable through the ballot box for their actions as Members.
- (b) As part of the controlling group to see that services are delivered by officers in accordance with the policies and plans approved by the Council.
- (c) To receive appropriate professional advice from officers and to have that advice recorded, so that all Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law.
- (d) To make reasonable comment and ask questions about the Council's decisions and performance both at formal meetings and informally. An officer's seniority and area of responsibility will determine what are reasonable comments and questions.

The role of Officers

- (a) To serve the whole Council as a single corporate body while recognising the differences between the Council's functions.
- (b) To provide wherever practicable, support to all Members in their representational role and act to uphold the rights of Members in law and under this Constitution.
- (c) To take decisions within their area of responsibility which have been delegated and/or nominated to them but recognising that, where functions have not been delegated/nominated to officers, it is the right of Members to take the final decisions in the light of officers' advice.
- (d) To provide factual, honest and objective advice. The advice and the actions officers take should be politically neutral and should serve the interests of the Council as a whole. Officers do not give advice on party political matters.

2. Officer advice to Members and Party Groups

- 2.1 For the proper functioning of the Council as a whole, officers will normally be permitted to share information freely between them.
- 2.2 Where the information has been given on the basis of party political confidentiality:
 - (a) officers will respect that confidentiality unless they believe that any action appears to be in conflict with the law, or would amount to an abuse of the processes of the Council and in those circumstances may share that information with other officers where they believe it to be necessary to check the legality, financial probity or procedural regularity of any action disclosed by that information.
 - (b) The request for party political confidentiality will be honoured by any officers with whom the information is shared.
- 2.3 Where party political confidentiality has been requested, officers may invite those Members requesting confidentiality to agree to the information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Council; however, in the absence of any such agreement to waive confidentiality, officers will continue to respect it.
- 2.4 Where there is a change in the controlling party, officers will act in relation to the new controlling party and opposition parties in the same way as they did for the old and will continue to respect any continuing party political confidentiality.
- 2.5 Officers are not required to attend political party group meetings. They will only do so by invitation, with the express authority of the Chief Executive, an Executive Director and/or a Corporate Director. The Chief Executive, Executive Director and/or Corporate Director will have the right to nominate other officers to attend at his sole discretion.

- 2.6 Where it is possible that persons other than Members will be present at a political party group meeting to which an officer has been invited, the Chief Executive, Executive Director and/or Corporate Director will be informed before the meeting, and s/he will take this into account in arriving at his/her decision.

3. **Support services to Members and Party Groups**

- 3.1 Support services and resources must only be used on Council business and should never be used in connection with any political or campaigning activity or for private purposes.

4. **Members' access to information and to Council documents**

- 4.1 Members have various statutory and common law rights to access information.

Members may ask the Chief Executive, an Executive Director and/or any Corporate Director or other officers nominated by them for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

- 4.2 A Member does not have a right to "a roving commission" to examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by Officer holding the document in question. In the event of dispute, the matter shall be determined by the Head of Paid Service, an Executive Director or a Corporate Director,

- 4.3 In addition to the above a Member may request information under the Freedom of Information Act 2000, and various other legislative provisions including the Local Government Acts of 1972 and 2000 provide a statutory right of access to documents. Any document which is in the Council's possession and contains material relating to any business to be transacted at a meeting of the Council, a Committee or Sub Committee is to be open to inspection by any Member. However, there is no right of inspection where it appears to the Chief Executive that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rules.

- 4.4 The Code of Conduct limits the ability of a Member to disclose confidential information. Further information of rights of access can be found in the Access to Information Procedure Rules – Part 2 of the Constitution.

5. **Correspondence**

- 5.1 Openness and transparency should underpin the work of the Council. Accordingly, blind copies ie correspondence where some of the intended recipients are deliberately hidden from others, should not be sent.
- 5.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (eg, representations to a Government Minister) for a

letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

6. Involvement of Ward Members

- 6.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should normally, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be normally be notified at the outset of the exercise.

OFFICER CODE OF CONDUCT

1. Introduction

- 1.1 This Code together with the policies described in paragraph 3 set out the standards of conduct expected of all council employees (“Officers”).
- 1.2 Officers should be aware that a failure to comply with this Code could result in disciplinary action in accordance with the Council's disciplinary policy

2. Officers' obligations

- 2.1 All Officers have a general obligation to maintain the Council's reputation and should not do anything to adversely affect this – whether in work or outside of work.
- 2.2 Officers are expected to:
 - (a) give the highest possible standard of service to the people of Dorset and to provide appropriate impartial advice. This applies whether the service is provided in person, over the phone, via email or any other method.
 - (b) be responsible for their own actions and behaviour and should seek to avoid any conduct that would lead any reasonable person to question their motivation or intentions.
 - (c) raise any concerns about service provision or practice which affect the integrity of the Council, including any fraud, bribery, corruption or other malpractice. Where appropriate, and where raising the concern is in the public interest, the Council's Whistle-blowing Policy should be followed.
 - (d) be politically neutral when advising Members or the Council.
 - (e) avoid inappropriate relationships with Members, Contractors or other Officers.
 - (f) treat everyone with the same professional standards regardless of gender, gender identity, age, marital or civil partnership status, colour, race, nationality or other ethnic or national origin, religion or belief, disability, sexual orientation, pregnancy or maternity, criminal background, trade union activity or political belief.
 - (g) in accordance with arrangements determined by the Council, declare any interest, outside employment or receipt of gifts or hospitality that would have to be declared by Members.
 - (h) avoid conflicts of interest between work for the Council and other employment and interests outside of work. This includes the not using of

Council information, resources and intellectual property for personal gain or for the benefit others who might use it in such a way.

- (i) use public funds in a responsible and lawful manner.
- (j) to comply with the Supporting Policies where applicable.

3. **FRAUD, CORRUPTION AND BRIBERY**

- 3.1 The Council, the Head of Paid Service, Executive Directors and all Corporate Directors have a zero-tolerance commitment to issues of bribery and corruption.
- 3.2 Officers should report to their line manager or any Executive Director any corrupt offer that is made to them. Officers should also inform their line manager of any situation that they identify which they consider could result in the Council, its Members or Officer being vulnerable to fraud, corruption or bribery.

4. **SUPPORTING POLICIES AND PROCEDURES**

List relevant policies

PROTOCOL FOR MEMBERS AND OFFICERS ON PLANNING PROCEDURES

1. Introduction

- 1.1. Public confidence in the planning system, whether that is determining planning applications or taking enforcement action against breaches of planning control, is essential to the acceptance of the restrictions which it imposes upon individuals, and that confidence can only be achieved if Members and officers not only act, but are seen to act in a manner which is fair, impartial and in the general public interest of the area as a whole.
- 1.2. Determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that decision makers will act reasonably and fairly. Procedural unfairness can leave planning decisions vulnerable to legal challenge in the High Court.
- 1.3. This Code applies to every Member irrespective of whether or not he or she is a member of the Planning Committee and to all Officers. It is supplemental to the Members' Code of Conduct.

2. Pre-determination

- 2.1. Since any planning matter must be determined on its merits, taking into account all material planning considerations, Members must not make up their minds on a planning issue before they all have all the relevant information. Decisions can only be taken after full consideration of the officer's report and information and discussion at the Planning Committee meeting. This does not mean that Members cannot hold strong views about an application.
- 2.2. However, if a Councillor fully commits him- or her-self to a particular view on a planning application, such that their mind is no longer open to the consideration of the merits of the case, that Councillor should not take part in the debate or vote on an application.

3 Pre-application discussions

- 3.1 Members have an important part to play in community engagement. Members who take part in pre-application discussions either with applicants or objectors need to be aware of the:
 - (a) need to remain impartial;
 - (b) danger of giving inconsistent or inappropriate advice particularly when not all the facts are known so advice should be limited to matters of process;
 - (c) need for an officer to be present during any such discussions where practicable; and
 - (d) the fact that they are not negotiators.

- 3.2 On the basis of “no surprises” where potential issues are brought to Members’ attention during any pre-application discussion at which it was not practicable for an Officer to be present they should alert Officers to the issue as soon as possible and not leave it to the Planning Committee meeting.

4 Lobbying of Members

- 4.1 Lobbying, whether by applicants, objectors or those in support of an application, is a normal part of the political process and can take the form of meetings, both private and public, formal presentations or correspondence. It is an essential part of the process that local concerns can be expressed. However, care must be taken to ensure that lobbying does not call into question the integrity and fairness of the planning process or an individual Councillor. When lobbied, members of the Planning Committee should take care about expressing an opinion which could be taken as an indication that they have already made up their mind on the issue and are no longer open to consideration of the merits of the application. Instead they should give procedural advice including suggesting that contact is made with the case officer.
- 4.2 If Members do express an opinion, care should be taken to state that this is a preliminary view only and the final decision will be reached when all the facts are available at the Planning Committee meeting.
- 4.3 Any written or electronic correspondence received should be passed by the Member who is main addressee (if the e-mail is addressed to all members of the Planning Committee, this will be the Chairman of the Planning Committee) immediately to the case officer for recording on the file and for communication to all Planning Committee members.
- 4.4 Members of the Planning Committee should take care when attending meetings in connection with development proposals or submitted planning applications unless such meetings have been arranged as Councillor briefings as part of the formal process. Members should take advice from the Monitoring Officer before deciding whether to attend meetings that appear to have been organised for lobbying purposes.
- 4.5 Members of the Planning Committee consider whether any contact with an applicant, objector or landowner is significant, and if so, disclose such contact prior to any decision being taken on the application. This should be formally recorded in the record of the Planning Committee meeting.

5 Lobbying by Members

- 5.1 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 Planning Committee. Officers should make a note on the file of any such discussions.

- 5.2 Ward Members who are not members of the Planning Committee can make representations on planning applications in their Ward and may attend meetings of the Planning Committee and, with the Chairman of Planning Committee's agreement, can address the Planning Committee on such applications in accordance with the protocol on public speaking at Planning Committee meetings. Any representations or address should relate to the planning merits of a planning application. This will not apply if the Councillor is also a Parish/Town Councillor and the Parish/Town Council is the applicant.
- 5.3 When making representations on behalf of their constituents, Members should make it clear that it is their constituents' views and not their own that are being expressed. Furthermore, any representations on behalf of constituents must be expressed in such a way that no individual or group feels that they have been unfairly represented.
- 5.4 Members should avoid lobbying Planning Committee Members and exerting of undue pressure on planning officers for a particular recommendation.

6 Membership of another local authority

- 6.1. A Councillor who is also a member of another tier of local government should have regard to the guidance on interests in this Code. If in doubt about the nature of their interest, Members are recommended to seek further advice from the Monitoring Officer.
- 6.2. Members of the Planning Committee who are also members of another tier of local government should adopt the practice of making it clear, when they participate in a debate on development proposals at a Parish/Town meeting, that the views they express are based upon information before them at that time, and might change in the light of further information at the Council's Planning Committee Meeting.

7 Political group meetings

- 7.1 Given that the point at which a decision on a planning application is made cannot be before the Planning Committee meeting when all available information will be to hand and has been duly considered, any political group meeting prior to the meeting of the Planning Committee should not be used to decide how Members should vote. Furthermore, the Ombudsman takes the view that the use of political whips at group meetings in this way may be considered as maladministration.

8 Scheme of delegation

- 8.1 The detail of the Scheme of Delegation is set out in Part 3 of the Constitution.

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

- 8.2 Applications submitted by the Council or made by any person in respect of Council-owned land will be determined by the Planning Committee.

Applications by Members and Officers

- 8.3 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:
- (a) all such applications will be reported to and determined by the Planning Committee.
 - (b) while any application from a Member or Officer should usually be identified as part of the registration process, Members and Officers are encouraged to draw the fact that such an application has been submitted to the attention to both the Head of Service for Planning (or any other Officer nominated by him/her) in writing and also the relevant case officer within 21 days of the date of the application being submitted to help ensure its identification.
 - (c) where an application is submitted by someone other than a Member, but in relation to land or a building in which the Member has a registered legal interest (which for the purpose of this code means a legal interest registered at HM Land Registry in the name of the Member), the Member is also encouraged to provide such notification as identified above. Note that this is in addition to any duty the Member may have regarding the disclosure of any interest including any Disclosable Pecuniary Interest for the purposes of the Member Code of Conduct.
 - (d) any Member or Officer who submits a planning application must not take part in or seek to influence the decision-making process relating to that application.
 - (e) any Member or Officer who acts as an agent for people pursuing a planning matter with the Council must not take part in the decision-making process for that proposal, nor seek in any way to influence it.

Reports to the Planning Committee

- 8.6 All planning applications to be determined by the Planning Committee will be the subject of a written report from the case officer. The report should aim to be as accurate as possible and include a summary of the substance of representations received, the relevant policies, identify any other material considerations, 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 will identify this and provide reasoned justification.

- 8.7 Officers may report additional information received after the publication of the Planning Committee report at the meeting.

9 **Decision-making**

The legal framework

- 9.1 The Town and Country Planning Act 1990 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 provisions of the development plan unless material considerations suggest otherwise.

Determination of applications contrary to Officer's advice

- 9.2 Decisions should be based on any written report prepared by Officers. However, Members are not obliged 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 and convincing planning-based reasons for doing so, with evidence to support those reasons whether they are reasons to refuse an application, or to grant planning permission as a departure from the development plan.
- 9.3 The mover of the motion must set out their reasons as part of the motion and if seconded, it may be appropriate for the Planning Committee to adjourn for a few minutes to allow Officers to consider the reasons. Where officers have doubts about the validity of the reasons given, then consideration should normally be given to the deferral of the application to the next meeting so that the reasons may be considered and tested further.
- 9.4 Before a vote is taken or consideration is given to deferral, the Chairman of the Planning Committee should ensure that the Officer is given the opportunity to explain the likely implications of any subsequent decision.
- 9.5 When Members decide to determine an application contrary to the Officer's recommendation, the minute will state the reasons for the decision and if those reasons are to be based on development plan policies, identifying the relevant policies and stating in what way the application supports or infringes those policies. A copy of the minute will be placed on the application file.

10 **Site visits**

- 10.1 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. Exceptionally, where the impact of the proposed development is difficult to visualise both from the submitted plans and other supporting material a committee site visit may be agreed. The site visit will be carried out in accordance with arrangements that will ensure that it is conducted fairly and without risk of bias or predetermination.

11 Interests

Fundamental principle

- 11.1 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.

Declaration

- 11.2 Members should declare and register those interests identified in the Code of Conduct for Members. Members with a Disclosable Pecuniary Interest in a planning application or enforcement matter should not take part in any discussions about the application or matter and leave the room during any discussions.
- 11.3 Where a Councillor has a personal interest e.g. the applicant is a relative, friend or close associate or there has been previous personal dealings acrimonious or otherwise, they should think whether their involvement in the decision-making process would compromise the General Principles set out the Code of Conduct for Members. If it would they should not take part.
- 11.4 Officers who discover that they have an interest in a planning matter should, in addition to any requirement of the Officers' Code of Conduct, 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 application.

Monitoring Officer to advise.

- 11.5 Members and Officers who are unsure whether to declare an interest should seek advice from the Monitoring Officer, before the Planning Committee meeting, although the final decision whether to make a declaration and/or to withdraw from the meeting will always be one for the individual.

12 Councillor training

- 12.1 Town and Country Planning is a specialised 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. The Council will provide training that all members of the Planning Committee must undertake before taking part in any Planning Committee meetings. Members have a responsibility to ensure that they understand the fundamental principles and keep up-to-date with developments.
- 12.2 Training will be arranged for Members when there is a change in the composition of the Planning Committee or when there are material changes in legislation, policy guidance or practice.

13 **Officers' professional obligations**

- 13.1 Many Planning Officers are Chartered Town Planners and are bound by the Code of Professional Conduct of the Royal Town Planning Institute (RTPI) which imposes certain professional obligations including conflicts of interest and continuing training. Breaches of that Code may be subject to disciplinary action by the RTPI.

14 **Breach of this code**

- 14.1 If anybody wishes to make an allegation that a Councillor has breached this Code, such allegation should be made to the Monitoring Officer.

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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MEMBER COMPLAINT PROCESS (Article 9.02(a))

1. INTRODUCTION

- 1.1 The Localism Act 2011 requires the Council to adopt its own Code of Conduct and to agree procedures for dealing with alleged breaches of that Code of Conduct. The Code of Conduct sets out the general standards of behaviour that are expected of Councillors and also the arrangements for the registration and declaration of financial and other interests
- 1.2 Parish and Town Councils within the Council's area are also required to adopt their own Code of Conduct. The Localism Act 2011 requires any complaints about breaches of those Codes by Parish or Town Councillors to be dealt with under the Council's arrangements.
- 1.3 References to 'councillors' include elected members and co-opted members of the Council and Town and Parish Councils in its area.

2. MAKING A COMPLAINT

- 2.1 Complaints should be made in writing to the Monitoring Officer, using a form provided by him/her if possible.
- 2.2 Anonymous complaints will not be considered.
- 2.3 In order for it to be considered a complaint must also:
- Identify the member(s) complained about
 - Identify the provisions of the code of conduct said to have been breached
 - Provide sufficient information for an initial assessment of the complaint to be made
 - Be clear about what remedy is being sought.
- 2.3 In the interests of fairness and natural justice, the Councillor who is the subject of the complaint will normally be told who has complained about them and the details of the complaint. There may be occasions where the complainant requests that their identity is withheld. Such a request will only be agreed in exceptional circumstances.

3. WHO WILL DEAL WITH THE COMPLAINT?

- 3.1 The Initial Assessment of any complaint will be dealt with by the Monitoring Officer or by a deputy Monitoring Officer.
- 3.2 Any investigation under Stage 2, will be conducted by the Monitoring Officer, a deputy Monitoring Officer or a person appointed by the Monitoring Officer

("the Investigating Officer"). His/her investigation report will be considered by the Council's Audit and Governance (Hearing) Sub-Committee, who will also conduct any hearing under Stage 3.

- 3.3 The Independent Person will be able to attend any meetings held under stages 2 and 3 of the process.

4. HOW WILL ANY COMPLAINT BE DEALT WITH?

5.1 Stage 1 – Initial Assessment

The Monitoring Officer or a deputy Monitoring Officer will consider the complaint and in particular will consider whether:

- (a) the complaint is about the conduct of a councillor or lay or co-opted member of the Council or a town or parish council within the Council's area;
 - (b) the Councillor was a councillor at the time of the incident giving rise to the complaint;
 - (c) the Councillor was a councillor at the time of the complaint; and
 - (d) the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.
- 4.2 If the complaint fails one or more of these tests, or if the Monitoring Officer or a deputy Monitoring Officer in consultation with the Independent Person is satisfied that it would be disproportionate to investigate the complaint, no further action will be taken.
- 4.3 Unless the complaint is about a failure to disclose a Disclosable Pecuniary Interest or other criminal behaviour (see paragraph 4.7 below), if the complaint satisfies the tests in paragraphs 4.1 or 4.2 the Monitoring Officer or a deputy Monitoring Officer will prepare a report for the Audit and Governance (Assessment) Sub-Committee to consider. The Councillor, and if they are a Town or Parish Councillor, the relevant Town or Parish Clerk, will be informed of the receipt of the complaint and that a report is being prepared for the Audit and Governance (Assessment) Sub-Committee.
- 4.4 In considering the report and assessing the complaint the Audit and Governance (Assessment) Sub-Committee will have regard to the criteria set out in Appendix A.
- 4.5 The Audit and Governance (Assessment) Sub-Committee may:
- (a) reject the complaint or to decide to take no action – in which case the Sub-Committee will give their reasons for doing so;

- (b) seek an informal resolution (including, for example, an apology, or mediation); or
- (c) require the complaint to be investigated.

4.6 A copy of the complaint and a summary of the Audit and Governance (Assessment) Sub-Committee will be sent to the Councillor and to the complainant by the Monitoring Officer or the deputy Monitoring Officer.

4.7 A complaint that involves an allegation of a breach of a Disclosable Pecuniary Interest will be referred to the Police and will not at that stage be subject to any further investigation by the Council. Where a complaint involves allegations in addition to one relating to a Disclosable Pecuniary Interest, those additional allegations will not usually be investigated following the completion of any police investigation.

4.8 **Stage 2 – Investigation**

The Investigating Officer will examine any available evidence of the alleged breach. He/she will usually interview the complainant, the councillor and, if appropriate any witnesses. The Investigating Officer will prepare a report setting out:

- (a) the agreed facts;
- (b) any facts which are not agreed and the conflicting evidence; and
- (c) their conclusion on whether or not there has been a breach of the Code of Conduct.

4.9 **Stage 3 – Hearing**

The Investigating Officer's report will be circulated with the agenda as an exempt item. Having resolved to exclude the press and public from the meeting, the Audit and Governance (Hearing) Sub-Committee will consider whether the press and public should continue to be excluded further from all or any part of the hearing. Before making its decision the Sub-Committee may ask the Investigating Officer and the councillor complained about (if present) for their views.

NOTE: To promote public confidence and ensure fairness and transparency, the hearing will normally be held in public. However, the Sub-Committee may resolve to exclude the public and press for any part of the hearing where confidential or exempt information is considered and will usually do so when coming to its decision (see Appendix B).

4.10 The Audit and Governance (Hearing) Sub-Committee will reach a view on disputed facts and decide whether or not to accept the conclusion of the Investigating Officer on the alleged breach of the Code of Conduct. The Sub-Committee may:

- (a) dismiss the complaint;
- (b) refer the complaint to the Monitoring Officer to seek an informal resolution;
- (c) hold a hearing of the Sub-Committee (which depending on the circumstances may or may not be held on the same day as the initial consideration of the Investigating Officer's report).

4.11 The hearing will be to make a final decision on whether or not a Councillor has breached the Code of Conduct and, if so, to decide whether any sanction should be imposed.

4.12 The Sub-Committee may decide:

- (a) to take no further action;
- (b) to seek an informal resolution between the complainant and the subject councillor (if agreed by both parties);
- (c) to censure the Councillor;
- (d) to request the Councillor to give an unequivocal apology ;
- (e) to instruct the Monitoring Officer to request the Councillor to attend training;
- (f) to refer the matter to the full Council (in the case of a Town and Parish Councillor refer the matter to the relevant Town or Parish Council).

5. IS THERE A RIGHT OF APPEAL?

5.1 There is no right of appeal against the decision of the Audit and Governance (Hearing) Sub-Committee.

6. HOW WILL THE DECISION BE PUBLICISED?

6.1 A summary of complaint, the Audit and Governance (Hearing) Sub-Committee's findings and decisions shall be sent to the Councillor and in the case of a Town and Parish Councillor to the clerk of the relevant Town or Parish Council, and unless the Sub-Committee agrees otherwise due to exceptional circumstances, be published on the Council's website.

APPENDIX A – ASSESSMENT CRITERIA

1 Initial Tests

- 1.1 The complaint is about the conduct of a councillor or lay or co-opted member of a council within the Council's area;
- 1.2 The Councillor was a councillor at the time of the incident giving rise to the complaint;
- 1.3 The Councillor was a councillor at the time of the complaint;
- 1.4 the matters giving rise to the complaint would, if proven, be capable of breaching the Code of the relevant local authority.

2 Sufficiency of information

- 2.1 Has the complainant provided sufficient information to allow the Sub-Committee assessing the complaint to understand the issues complained of? If insufficient information is provided, the Sub-Committee will not normally proceed with assessment of the complaint.

3 Seriousness of the Complaint and proportionality

- 3.1 Does the complaint appear, on the available information, to be trivial, vexatious, malicious, politically motivated or 'tit for tat'?
- 3.2 Other than in particularly serious cases a complaint will not generally be referred for investigation if the Councillor has offered an apology, or if the view is taken that the complaint can reasonably be addressed by other means.
- 3.3 Given the public interest in financial and other resources being used efficiently referral for investigation is generally reserved for more serious complaints where alternative options for resolution are not considered by the Sub-Committee to be appropriate. A complaint may be regarded as serious in its own right or when considered in conjunction with a serious of incidents/complaints.

4 Length of Time Elapsed

- 4.1 Except in exceptional circumstances a complaint will not be referred for investigation when it is made more than 20 working days from the date upon which the event giving rise to the complaint took place.

5 Multiple Complaints

- 5.1 A single event may give rise to similar complaints from a number of complainants. These will generally be treated as a single complaint with multiple complainants.

APPENDIX B – GUIDANCE ON THE EXCLUSION OF THE PRESS AND PUBLIC AT HEARINGS

1 Initial Considerations

- 1.1 The purpose of publicity in the determination of complaints that a councillor has breached the code of conduct is to:
- (a) promote the public interest;
 - (b) maintain public confidence in local government;
 - (c) maintain proper standards of conduct; and
 - (d) is consistent with the proper discharge of the Council's functions in accordance with the Human Rights Act 1998 which provide for a public hearing .

2 Presumption in favour of openness

- 2.1 Given the purpose of publicity, there is a presumption that the Audit and Governance (Hearings) Sub-Committee will proceed with the hearing in public.

3 Exceptional circumstances

- 3.1 The Sub-Committee may however override the presumption in favour of openness if it is satisfied that there are exceptional circumstances which outweigh the public interest in the hearing being open to the public before excluding the press and public and proceeding in private for all or part of the hearing. Common examples of exceptional circumstances include the following (the list is not exhaustive):
- (a) health;
 - (b) sexual allegations;
 - (c) vulnerable third parties;
 - (d) public order;
 - (e) the protection of the private life of the parties requires; or
 - (f) where the complainant is an employee of the authority to which the councillor complained about is a member.

4 Announcement of decision

- 4.1 Even if the whole or part of a hearing has been held in the absence of the press and public, the Sub-Committee will normally announce its decision in

public. If necessary, there may be a public and a private record of the decision made.

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Arrangements for dealing with Code of Conduct complaints against Councillors

**Note: Add foreword by the Chairman of the Audit and Governance Committee
Councillor Matt Hall**

What is a Code of Conduct complaint?

Dorset Council has adopted a code of conduct for its Councillors (also known as Members) and Co-opted Members, which is available for inspection on the council's website [\[LINK\]](#) and on request from the Monitoring Officer.

Each of the parish and town councils in Dorset have adopted a Code of Conduct for their Councillors and Co-opted Members which they publish on their own website.

A Code of Conduct complaint is one that alleges that a Dorset Council or Dorset parish or town Councillor or Co-opted Member has failed to comply with their council's code of conduct.

Dorset Council is required to have arrangements in place to investigate and reach decisions about Code of Conduct complaints.

These arrangements set out:

1. who you can complain about
2. what you can complain about
3. what cannot be complained about
4. how to make a complaint
5. how Dorset Council will deal with such complaints

1. Who you can complain about?

You can complain about Councillors and Co-opted Members of Dorset Council or any Town or Parish Council in the area of Dorset Council. A co-opted Member is a voting member of a council or one of its committees, who was appointed to their position rather than being elected.

2. What can you complain about?

You can complain about the conduct of current, individual Councillors or Co-opted Members.

The conduct complained of must be covered by the Code of Conduct and must have occurred during the Councillor or Co-opted Members time in office.

The conduct complained of must have happened in the last 20 working days. It could be a one-off incident or the last incident in a series of connected events (if a series of connected events is complained of all the connected events may be considered as part of the complaint even if some of the events are older than 20 working days). Only

in exceptional circumstances will a complaint received outside the timeframe be considered.

Types of complaint alleging breach of Code of Conduct may include:

- unlawfully discriminating against someone
- failing to treat people with respect
- bullying any person
- intimidating any person involved in any investigation or proceedings about someone's misconduct
- doing something to prevent those who work for the authority from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing their authority's resources
- allowing their authority's resources to be misused for the activities of a registered political party
- failing to register an appropriate interest correctly
- failing to register any gifts or hospitality (including its source) that they have received in their role as a member worth over £50.00.

3. What cannot be complained about under these arrangements?

The following types of complaint cannot be considered under these arrangements:

- Complaints about a Councillor or Co-opted Member who is no longer in office cannot be considered.
- Complaints about the conduct which happened before a Councillor or Co-opted member were elected, co-opted or appointed to their council, or after they have resigned or otherwise ceased to be in office cannot be considered.
- Complaints about a council as a whole or people employed by it cannot be considered under these arrangements.
- Complaints about dissatisfaction with a decision or action of a Council, one of its committees or employees, a service provided by a Council or a Council's procedures, cannot be considered under these arrangements.
- Complaints which relate to conduct (one-off incident or the last in a series of connected events) which happened over 20 working days ago, unless there are exceptional circumstances.
- Where the complaint alleges criminal conduct (including failure to register or declare a Disclosable Pecuniary Interest or voting at a council meeting where such an interest exists), this is a matter for the police and cannot be dealt with under the Code of Conduct. The Monitoring Officer will consider whether it is appropriate to refer to the Police. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded. Complainants may refer criminal allegations directly to the Police.

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4. How to make a complaint

Complaints must be submitted in writing to Dorset Council's Monitoring Officer using the Code of Conduct complaint form [\[LINK\]](#). Please remember to send any documents that support your complaint, with your form.

You will need to set out details of your complaint including:

- Identify the Councillor(s) or Co-Opted Member(s) complained about
- The conduct that caused you to complain
- What part of the code of conduct do you think has been breached
- when the incident complained of took place
- what remedy you are asking for

It is very important that you set your complaint out fully and clearly and provide all the information at the outset.

For complaints concerning the conduct of a parish or town councillor you will also be asked if you have raised your complaint with the clerk of the council and what attempts have been made to resolve your complaint before submission of a complaint to the Monitoring Officer.

When complete, your form should be sent to the Monitoring Officer:

On line: [website?]

E-mail: jonathan.mair@dorsetcouncil.gov.uk

By Post: Monitoring Officer, Dorset Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ

The Monitoring Officer will not normally consider a complaint unless it is in writing and a complaint form has been received. This is to ensure that all of the relevant information is provided and, where necessary, consent to share information has been obtained so that the complaint can be processed.

If you do not have access to the internet or have difficulty completing the form, please contact [\[NUMBER\]](#) for assistance.

Where a complaint is made against more than one councillor, a separate complaint form must be completed in respect of each councillor.

If you are making the complaint on behalf of a number of individuals, please nominate one person as the single point of contact to whom all correspondence will be addressed.

Before you complain

Before you send us your complaint, you should be aware that anonymous complaints will not normally be investigated.

You may request that your identity is withheld but this will only be agreed by the Monitoring Officer in exceptional circumstances. The Monitoring Officer has to balance the right of the Councillor complained of to properly understand the complaint against them and respond to it, with your rights as Complainant. This normally means that the Councillor will need to be told who is making the complaint. You will be informed if your complaint cannot be investigated without disclosing your identity and be provided with the opportunity to proceed or withdraw your complaint.

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5. How Dorset Council will deal with complaints

Initial Check

The Monitoring Officer will check that your complaint is covered by these arrangements and consult with an Independent Person before making a decision.

(An Independent Person is someone appointed by the Council to give an independent view on complaints about councillors and co-opted members. They are not employed by the council and act voluntarily. An independent person must be consulted by the Council before it makes its decision on an allegation that it has decided to investigate. The Independent person is also available to be consulted by a councillor or co-opted member if their behaviour is the subject of a complaint.)

The initial checks are:

- Is the complaint about a current, individual Councillor or Co-opted Member
- Is the conduct complained of is covered by the council's Code of Conduct?
- Did the conduct complained of occur during the Councillor or Co-opted Members time in office?

Did the conduct complained of happened in the last 20 working days (one-off incident or the last incident in a series of connected events even if some of them are older than 20 working days) and/or whether there are any exceptional circumstances for considering a complaint received outside this timeframe.

- Is the complaint about criminal conduct.

Within 5 working days of receiving your complaint the Monitoring Officer will write to you to acknowledge receipt of your complaint and confirm if it is covered by the complaint process or not.

If the complaint is covered by the complaint process, then within 5 working days of receiving your complaint the Monitoring Officer will also write to the Councillor or Co-opted Member with details of the complaint. In exceptional circumstances, the Monitoring Officer may keep your identity confidential if considered necessary or may delay notifying the Councillor or Co-opted Member of the investigation where this may prejudice the investigation.

The Councillor or Co-Opted Member will be invited to respond within 5 working days, or longer at the discretion of the Monitoring Officer, including providing details of witnesses and relevant information and documents.

The Councillor or Co-Opted Member will be advised of their right to seek the views of the Independent Person throughout the process and contact details will be provided.

Monitoring Officer Assessment

At this stage the complaint is confidential. You and the Councillor or Co-Opted Member complained of are asked not to disclose information about the complaint to anyone else.

The Monitoring Officer will consider the complaint and after consultation with an Independent Person (either in person or electronically), take a decision:

1. That no further action should be taken, and the complaint is dismissed.

Where a complaint is dismissed the case is closed and a letter will be sent to you and the Councillor or Co-opted Member complained of with an explanation for the decision. (Where the complaint relates to a town or parish Councillor or Co-opted Member the Monitoring Officer will also write to the town or parish clerk with the decision). The Councillor or Co-Opted Member has the option to request that details of the complaint and outcome be published. If not, details of the complaint remain confidential. The decision is final and there is no right of appeal.

Below are some examples of circumstances where no further action may be appropriate:

- The complaint is the same or substantially the same as a complaint previously dealt with and there is nothing further to be gained;
- The complaint is trivial or discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
- The complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration
- The councillor has provided a satisfactory remedy to the complaint
- There is evidence to suggest a potential breach of the Code, but the circumstances do not warrant further action.

2. Refer the complaint for local resolution (which might involve an apology or training or some other form of mediation)

Where the Monitoring Officer considers a potential breach has occurred, they can decide to refer your complaint for informal resolution. This might include councillor training or referral to the political group leaders or the town or parish council or an apology.

Where the Monitoring Officer decides on local resolution you and the Councillor or Co-opted Member complained of will be sent the decision with an explanation. (Where the complaint relates to a town or parish Councillor or Co-opted Member the Monitoring Officer will also write to the town or parish clerk with the decision).

The Councillor or Co-opted Member has the option to request that details of the complaint and outcome be published on the council's website. If not, details of the complaint remain confidential.

If the Councillor or Co-opted Member agrees with the local resolution and carries it out, the decision will be final, will conclude the complaint and there is no right of appeal.

If the Councillor or Co-opted Member does not agree with local resolution or fails to carry it out the Monitoring Officer will refer the complaint for investigation and inform you and the Councillor or Co-opted Member.

Below are some examples where local resolution may be appropriate:

- Less serious complaints where the Councillor or Co-opted Member wishes to put their actions right;
- A general breakdown in relationships at the Council where other action such as mediation might help;
- Complaints where the public interest in conducting an investigation does not justify the costs of such an investigation;
- Where there is a lack of experience or the Councillor or Co-opted Member may benefit from training or mentoring;
- Where the issue appears to be in the political arena and therefore appropriate for referral to a leader(s) of a political group to deal with;
- Where it appears that the town or parish council would be best placed to resolve the issue;
- Where there is the same alleged breach of the Code by many of the council's Councillors or Co-opted Members, indicating a poor understanding of the Code and authority's procedures;

3. Refer the complaint for investigation

Where the complaint has raised a potential breach, that the Monitoring Officer, in consultation with the Independent Person, decides:

- cannot be resolved by local settlement and / or
- is serious enough to warrant investigation,
- or where a Councillor or Co-opted Member has failed to agree or carry out local resolution,

the Monitoring Officer will appoint an investigator.

This could be an appropriately skilled council officer from this or another council, or an external investigator. The investigation will be proportionate and include interviews with everyone the investigator decides will help them assess the complaint and reach a conclusion on whether there has been a breach of the Code of Conduct.

The Monitoring Officer will write to notify you of the decision to refer your complaint for investigation, with an explanation. (Where the complaint relates to a town or parish Councillor or Co-opted Member the Monitoring Officer will also write to the town or parish clerk with the decision).

In exceptional circumstances, we may keep the identity of the complainant confidential if we agree it is necessary, or we may delay notifying the Councillor or Co-opted Member of the investigation where this may prejudice the investigation.

Investigation Report

The Investigating Officer will prepare a report setting out:

- (a) the agreed facts;
- (b) any facts which are not agreed and the conflicting evidence; and
- (c) their conclusion on whether or not there has been a breach of the Code of Conduct.

The report will be supplied to you, the Independent Person and the Councillor or Co-opted Member for any comments to be provided to the Investigating Officer within 10 working days.

The report will then be finalised and sent to the Monitoring Officer, Independent Person, you and the Councillor or Co-opted Member.

The Monitoring Officer will arrange a meeting of the Audit and Governance (Hearing) Sub-Committee.

Meeting of the Audit and Governance (Hearing) Sub-Committee

This will be a public meeting unless the Councillor or Co-opted Member request the hearing takes place in confidential session and the Committee agrees. The Investigating Officer will be invited to present their report. You and the Councillor or Co-opted Member, any representative or witnesses may be asked to attend and be questioned by the Committee. The Independent Person will be invited to attend for the Committee to seek their view before making a decision.

The Committee will decide whether there has been a breach of the Code of Conduct and, if so, what action is appropriate.

Within 5 working days of the hearing the Monitoring Officer will write to notify you and the Councillor or Co-opted Member of the Committee decision with reasons.

Where the Council makes a decision on an allegation of misconduct following a formal investigation, a decision notice will be published as soon as possible on our website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied

The decision of the Hearings Sub-Committee is final and there is no right of appeal.

6. How Dorset Council will Learn from Complaints

Things do not always happen in the way they should and councillors and co-opted members do not always behave as they should, in accordance with their Code of Conduct.

Dorset Council is a learning organisation. Sometimes a hearing might result in sanctions being imposed upon a councillor but it is also important for all councillors to be able to learn from complaints.

In addition to acting upon individual complaints the Council will, through the Audit and Governance Committee, receive monitoring information about complaints and an annual report on councillor and co-opted member conduct. The focus in doing so will be upon helping individual councillors, Dorset Council as a whole and the 163 Parish and Town Councils in Dorset to maintain high standards of conduct.

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Notification of Urgent Decision Full Council 15 April 2021

Procurement over £500k - Notification of urgent decision taken by the Executive Director (Corporate Development S151) in accordance with the Council's procedural rules, relating to the Gigabit Hub Programme

For Review and Consultation

Portfolio Holder: Cllr P Wharf, Corporate Development and Change

Local Councillor(s): All

Executive Director: A Dunn, Executive Director, Corporate Development

Report Author: A Dunn

Title: Executive Director Corporate Development (S151 Officer)

Report Status: Public

Notification of Urgent Decision

1. Full Council are requested to note that in late March 2021 Dorset Council received £2.7m of grant funding from Building Digital UK (BDUK), which is part of the Department for Digital, Culture, Media & Sport (DCMS).
2. The purpose of the funding was to improve digital connectivity for 114 sites (45 Dorset Council and 69 school sites) associated with the Gigabit Hub Connectivity in Rural Dorset (GHCiRD) project. The project requires a procurement process to select a commercial partner to undertake the work.
3. Procurements over £500k are classified as a key decision and usually require Cabinet approval. However, a requirement of the funding was that the procurement was required to commence on or by 31 March 2021 and this did not allow sufficient time for the formal Cabinet decision making process.
4. In these exceptional circumstances, and in accordance with Part 3 of the Scheme of Delegation within the Council's Constitution, the Section 151 officer authorised the commencement of the procurement.
5. Paragraph 32 of the scheme of delegation explains the circumstances in which the delegation can be used:

'In any cases which s/he considers to be urgent, to discharge any function and deliver any service within the Chief Officers responsibility, other than those functions which can only be discharged by the Council or a specific Committee.

This delegation is subject to the following conditions:

- prior consultation with the Monitoring Officer and the Section 151 Officer;
 - consultation with the appropriate Executive Member or the Chairman of the appropriate Committee; and,
 - to the extent it will incur expenditure from working balances and/or reserves, the prior approval of the Section 151 Officer.'
6. In taking the decision, the Section 151 officer consulted with the Cabinet Member for Corporate Development and Change, who endorsed the approach.
 7. In addition the Monitoring Officer advised of the need to comply with Overview and Scrutiny Procedure Rule 27 relating to a decision that is so urgent that consideration should be given to excluding it from the scope of "call-in". Such decisions require the approval of the relevant Scrutiny Chairman and must be reported to the next available meeting of the Full Council.
 8. Recognising the urgency and the benefit of securing the grant funding the Chairman of the Place & Resources Scrutiny Committee supported the exercise of delegated powers as reasonable and that the decision should be excluded from call-in.
 9. The officer delegated decision notice has been published on the Councils website: [Decision - Gigabit Hub Connectivity in Rural Dorset - Dorset Council](#)

Recommendation to Full Council

From Harbours Committee – 17 March 2021

Sale of Freehold of the Old Fish Market, Custom House Quay, Weymouth

Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment

Local Councillor(s): Cllr Mark Roberts, Chairman - Harbours Committee

Executive Director: John Sellgren, Executive Director of Place

Report Status: Exempt/Confidential

The appended report is not for publication by virtue of paragraph 3 of Schedule 12A, Part 1 of the Local Government Act 1972, as amended. The public interest in maintaining the exemption, outweighs the public interest in disclosing it.

Recommendation:

That the sale of the freehold of the Old Fish Market, Custom House Quay, Weymouth be agreed on the terms as set out in the exempt report.

Appendices

Appendix 1 – Report to Harbours Committee 17 March 2021 - Exempt

Background Papers

None

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