Dorset Council Constitution

Chief Executive: Catherine Howe

For more information about the constitution please telephone Democratic Services on 01305 252234.

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Subject to update – to follow

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Part 1 – Summary and Articles

Summary and explanation

On 1 April 2019 a new Dorset Council took on responsibility for local government services previously delivered in Dorset through five district councils and a county council.

Dorset Council and its counterpart the Bournemouth Christchurch and Poole Council are the first new councils to be formed in England in a decade.

The Local Government Act 2000 requires a council to set out in a constitution how the council operates. Forming a new Dorset Council has provided an opportunity to start afresh. With a minimum of bureaucracy the purpose of this constitution is to provide an efficient and effective framework for:

- How the Dorset Council operates
- How its decisions are made and
- The procedures and rules which will be followed.

Some of the rules and procedures explained in this constitution are required by the law and are needed to ensure that those responsible for important public services are accountable and make their decisions in the public interest.

Wherever possible though the constitution uses plain English because the intention is to provide a clear and accessible explanation of how the council operates.

The first major review of the Constitution took place at the beginning of 2020 so that changes could be introduced with effect from the annual council meeting.

Dorset Council is a learning organisation and is committed to improving the arrangements described in this constitution. If you have suggestions for how the constitution of Dorset Council can be improved then please contact Jonathan Mair, Monitoring Officer.

CONSTITUTION OF THE COUNCIL

This Constitution sets out how Dorset Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles, which set out the basic rules governing the Council's business. More detailed procedures and some of the Council's codes of practice are provided in separate rules and protocols at the end of the document.

What is in the Constitution?

Article 1 of the Constitution commits the Council to ensure that decisions are taken in an effective and efficient manner and that those responsible for decision-making are clearly identifiable to the public. Articles 2 – 16 explain the rights of members of the public and how the key parts of the Council operate.

- Members of the Council (Article 2)
- Members of the Public and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Executive (Article 6)
- Overview Committees and Scrutiny Committees (Article 7)
- Committees and Boards (Article 8)
- Standards (Article 9)
- Community Engagement (Article 10)
- Other arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 82 councillors (referred to as Members) normally elected every four years. The first two terms will each be of five years, commencing in 2019. Members are democratically accountable to residents of their ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Members meet together as the Council. Formal meetings of the Council are open to the public except in relation to certain exempt or confidential matters. Here Members decide the main policies of the Council and set the budget each year. The Council approves the creation of Committees and Committee membership from nominations by political groups (unless in any year the Council dis-applies political balance rules). The Council also appoints one Member to be its Leader.

Strategic decisions

The Council operates a Cabinet and Leader governance model by which all executive powers vest in the Leader. The Leader then makes arrangements for others to be able to exercise executive powers on his or her behalf.

The Executive (also sometimes referred to as the Cabinet) is made up of the Leader plus a membership of between 2 to 9 (inclusive) other Members appointed by the Leader. Political balance requirements do not apply to the Executive.

When executive Key Decisions are to be made, these will normally be published on a Forward Plan, in so far as they can be anticipated.

The Executive usually takes the lead in deciding a number of strategic matters. Formal meetings of the Executive are open for the public to attend except where certain exempt, confidential or private matters are being discussed.

Certain types of decision which have been identified as being of particular importance and are expressly reserved to Full Council to decide (see - Article 4 Full Council – Part 1 of the Constitution). Such matters will often be considered by the Executive in advance who will then make recommendations for Full Council to consider.

Overview and Scrutiny

The Council has 2 Overview Committees and 2 Scrutiny Committees that support the Council. The Overview Committees and the Scrutiny Committees each have themes to which they give specific focus and each play an important role in reviewing and scrutinising the Council's policies, budget and service delivery. The Overview Committees and the Scrutiny Committees operate on their own initiative but the Overview Committees may also be consulted by Leader/Executive or the Council on forthcoming decisions and the development of policy.

The Council operates a 'call-in' procedure in respect of executive decisions. Call-in enables certain decisions that have been made but not yet implemented to be called in for review by a Scrutiny Committee which can then make recommendations to the Leader/Executive.

Other arrangements

In addition to its Overview Committees and its Scrutiny Committees, the Council has a number of other committees which make decisions, for instance deciding planning applications. The Council also has a Health and Well-Being Board through which the Council works with external partners.

The Council has also entered into arrangements with other Councils to create joint/shared opportunities for the delivery of some of its functions and activities. These arrangements take a variety of forms including Joint Committees; further details of these other arrangements can be found in Article 11 – Other Arrangements – Part 1 of the Constitution.

The Council will look to remove barriers between it and town/parish councils and our shared communities so that issues are addressed together. To that end the Leader may enter into protocols and concordats or establish area consultative forums with a focus on local issues.

The Council's Staff

The Council has people working directly and indirectly for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources

wisely. A code of practice governs the relationships between Officers and Members of the Council – see Codes and Protocols – Part 4 of the Constitution.

Rights of members of the public

Members of the public have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 - Members of the Public and the Council – Part 1 of the Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they may have additional rights. These are not covered in this Constitution.

Members of the public have the right to:

- vote at local elections if they are registered and eligible;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- attend formal meetings of the Council and its Committees, Boards and Sub-Committees except where exempt or, confidential matters are being discussed or the meeting is being held in private;
- normally find out from the Forward Plan what key decisions are to be discussed by the Executive or decided by the Leader, Executive or Officers, and when;
- ask questions, make statements, attend as a deputation and submit petitions at Full Council meetings to the extent identified in the Council and Committee Procedure Rules – Part 2 of the Constitution;
- see publicly accessible reports and background papers, and any record of decisions made by the Council, its Committees and Sub-Committees;
- complain to the Council about something the Council has done wrong, something that the Council should have done or if the Council has not treated a citizen in a professional or civil manner;
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process; and
- Inspect the Council's accounts and make their views known to the external auditor.

ARTICLE 1 – THE CONSTITUTION

1.1 **Powers of the Council**

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

1.2 **The Constitution**

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

1.3 **Purpose of the Constitution**

The purpose of the Constitution includes, to:

(a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

(b) support the active involvement of citizens in the process of local authority decision-making;

(c) help Members represent their constituents more effectively;

(d) enable decisions to be taken efficiently and effectively;

(e) create means for holding decision-makers to public account;

(f) seek to ensure that no one will review or scrutinise a decision in which they were directly involved;

(g) seek to ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and

(h) provide a means of improving the delivery of services to the community.

1.4 **Interpretation and review of the Constitution**

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15 – Review and Revision of the Constitution – Part 1 of the Constitution.

The Audit and Governance Committee has particular responsibility for those parts of the Constitution which relate to internal controls, including Financial Regulations.

The Monitoring Officer has responsibility for keeping the Constitution corrected and up to date and has delegated authority to make changes.

Rules of Procedure

1.5 Any provision of this Constitution that fulfils a statutory requirement for the provision of Standing Orders shall be construed as being a Standing Order for that purpose. Unless the context otherwise requires the remaining provisions of Parts 1, 2 and 4 shall also be construed as Standing Orders.

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ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 **Composition and eligibility**

(a) **Composition**. The Council consists of 82 Members. One or more Members will be elected by the voters of each ward into which the Council is divided.

(b) **Eligibility**. Generally only registered voters of the Council area or those living or working in that area for an appropriate period of time will be eligible to hold office as a Member. The law disqualifies some people from holding office as councillors.

2.2 **Election and terms of Members**

Election and terms of office. Following elections in 2024 and 2029, the regular election of Members will be held on the first Thursday in May every four years afterwards. The term of office for Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 **Roles and functions of all Members**

Key roles.

Based upon "21st Century Councillor Principles", all Members will:

Lead

(a) balance different interests identified within his/her ward, acting as a community leader and facilitator;

(b) identify key stakeholders for local issues and build relationships between different groups, organisations and individuals to achieve solutions to these issues;

(c) contribute to the good governance of the area, actively encouraging and enabling the community to participate, be involved in decision making and deliver its own solutions;

(d) help in the management of limited public resource and collaborate with others to best deliver the resources that are available;

Advocate

(e) advocate for all citizens within their wards representing their views through the Council's decision-making process and helping in the resolution of particular grievances;

(f) act as a communication channel between the Council and its citizens, promoting citizens interests and needs to the council and assisting the public to better understand the issues being addressed by local government and the services it provides;

External

(g) undertake individual casework, including working with others, to support individuals within their ward as effectively as possible;

(h) represent the Council on other bodies and work with different groups to help develop strong working relationships;

Internal

(i) foster professional working relationships with Officers;

(j) ensure the Council identifies a range of equality and diversity issues associated with its services and reasonable adjustments are made to address these;

(k) actively participate in overseeing the successful, lawful and effective management of the Council's public resources and delivery of public services;

Personal development and innovation

(l) continue to develop and enhance their personal skills and knowledge and encourage others to develop;

(m) ensure the highest standards of conduct and ethics;

(n) identify and embrace the development of new and innovative ways of doing things including new technologies, processes and working practices; and

(o) oversee trends and developments, both at county and national level, and ensure that these are taken into account through the Council's decision making process.

Rights and Duties

(p) Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(q) Members will not make public information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.

For these purposes the terms "confidential" and "exempt" shall have the meanings given to them in Local Government Act 1972.

2.4 **Conduct**

Members will at all times observe the codes and protocols for Members as set out in Part 4 of the Constitution.

2.5 **Allowances**

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme – Part 5 of the Constitution.

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ARTICLE 3 – MEMBERS OF THE PUBLIC AND THE COUNCIL

3.1 **Rights of members of the public**

A member of the public has the following rights in relation to the Council. His/her rights to information and to participate are explained in more detail in the Access to Information Rules - Part 2 of the Constitution:

(a) **Information.** A member of the public has the right to:

(i) attend formal meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and the public and press are excluded or to maintain orderly conduct or prevent misbehaviour at a meeting;

(ii) access the forward plan (if any) to identify potential key decisions that have been incorporated in it;

(iii) see publicly accessible reports, background papers and retained records of decisions made by the Council, Executive and Officers; and

(iv) inspect the Council's accounts and make their views known to the external auditor.

(b) **Participation**. A member of the public has the right to:

(i) ask questions, make statements, participate in deputations and submit petitions to the Council,

(ii) make representations in relation to certain regulatory matters;

(iii) film, audio record, take photographs and use social media to report on public meetings of the Council and its Executive; and

(iv) to contribute when asked to investigations by an Overview and Scrutiny Committee,

all to the extent as provided for in the Constitution and any other relevant protocols of the Council.

(c) **Complaints.** A member of the public has the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the relevant Ombudsman after using the Council's own complaints scheme;

(iii) the Monitoring Officer about an alleged breach of the Members' Code of Conduct – see Codes and Protocols – Part 4 of this Constitution.

3.2 **Responsibilities of members of the public**

A member of the public must not be violent, abusing or threatening to any Member or Officer and must not wilfully harm or damage things owned by the Council, any Member or Officer.

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ARTICLE 4 – THE FULL COUNCIL

MATTERS TO BE DETERMINED BY COUNCIL

4.1 **General**

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

Meanings

4.2 **Policy Framework**

For the purposes of this Constitution, "Policy Framework" shall unless the context otherwise expressly requires mean the following plans and strategies:

(a) those policies and strategies required by the Local Authorities **(**Functions and Responsibilities) (England**)** Regulations 2000 (as amended) not to be the sole responsibility of the Executive:

(i) Children and Young People's Plan;

(ii) Crime and Disorder Reduction Strategy;

(iii) Development plan documents;

(iv) Licensing Authority Policy Statement (Gambling Act 2005);

(v) The Housing Strategy and the Housing Allocation Policy;

(vi) Local Transport Plan; and

(vii) Youth Justice Plan,

(b) those required by any other relevant legislation to be determined by Full Council, and/or that the Council identifies (from time to time) should be adopted by Full Council (whether expressly required by legislation or otherwise), including:

(i) Pay Policy Statement;

(ii) Statement of Licensing Policy (Licensing Act 2003); and

(iii) Corporate Plan.

4.3 **Budgetary Framework**

For the purposes of this Constitution, "Budgetary Framework" shall unless the context otherwise expressly requires means:

(a) the Revenue Budget;

(b) the Capital Programme;

(c) the Capital Strategy;

(d) Medium Term Financial Plan;

(e) the Budget which means the annual allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and the setting of virement limits; and

(f) to the extent it is not covered by (a) to (e) above:

(i) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; and

(ii) any other financial requirements that legislation expressly requires to be determined by Full Council.

4.4 **Housing Land Transfer**

For the purposes of this Article, "Housing Land Transfer" means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for consent to dispose of land held or used for residential purposes (as the case may be) where approval is required under sections 32 or 43 of the Housing Act 1985.

4.5 **Other Miscellaneous provisions**

For the purposes of this Article, "Other Miscellaneous Provisions" shall unless the context otherwise expressly requires means:

(a) making a request to the Local Government Boundary Commission for England under section 57 Local Democracy, Economic Development and Construction Act 2009 in relation to single-member electoral areas;

(b) a resolution to change a scheme for elections under sections 32, 37 or 39 Local Government and Public Involvement in Health Act 2007; and

(c) functions relating to a community governance review under Local Government and Public Involvement in Health Act 2007.

4. 6 **Functions of Full Council**

Only Full Council will exercise the following functions:

(a) the approval / undertaking of those matters identified as falling within the express meaning of:

(i) the Policy Framework;

(ii) the Budgetary Framework;

(iii) a Housing Land Transfer; and

(iv) Other Miscellaneous Provisions; and

in the case of any of those matters identified as being excluded from the responsibility of the Executive in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) includes any final determination to amend, modify, vary, replace or revoke such matters unless such amendment, modification, variation, replacement or revocation (as the case may be):

(i) is necessary for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or

(ii) is authorised by a determination of Full Council to be dealt with by another Committee/Sub-Committee/Board/person at the time when Full Council approves or adopts the plan or strategy (as the case may be);

(b) adoption and changes to the Constitution (other than changes which are expressly delegated to any other Committee / Officer elsewhere within the Constitution or pursuant to the law);

(c) in relation to each Committee, Board (other than as otherwise provided for in the Constitution):

(i) agreeing its terms of reference;

(ii) deciding upon its composition; and

(iii) appointing Members to it (subject as provided for in the Constitution to any right of a Committee to appoint a co-optee and / or for a Member to have a substitute);

(d) appointing and removing the Leader;

(e) appointing the Chair and Vice-Chair of each Committee of the Council where provided for in the Articles/Council Procedure Rules of this Constitution;

(f) confirming the appointment of the Head of Paid Service;

(g) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(h) adopting the local Code of Conduct for Members;

(i) the hearing of deputations and acceptance of petitions referred to Full Council as provided for in Part 2 of this Constitution;

(j) appointing of the Monitoring Officer and Section 151 Officer;

(k) so far as the law requires appointment of a local auditor at least once every five years;

(l) the appointment of independent person(s) to the extent required for the purposes of issues arising in relation to any Members' Code of Conduct (including in respect of Parish and Town Councils) and/or arrangements

relating to the dismissal of the Head of Paid Service, Monitoring Officer and/or Section 151 Officer;

(m) conferring the title of Honorary Alderman/Alderwoman and/or admitting an Honorary Freeman/Freewoman;

(n) adopting the Scheme of Members' Allowances - Part 5 of the Constitution;

(o) changing the name of the area;

(p) appointment of Electoral Registration Officer;

(q) appointment of Returning Officer;

(r) those local choice functions as set out in Part 3 of the Constitution as being for determination by Full Council; and

(s) all other matters which by law must be reserved to Council.

4.5 **Council meetings**

(a) There are three types of Council meeting:

(i) the annual meeting;

(ii) ordinary meetings;

(iii) extraordinary meetings,

which will be conducted in accordance with the Council and Committee Procedure Rules - Part 2 of the Constitution.

(b) Full Council will normally have 5 ordinary meetings a year plus the annual meeting unless it determines otherwise.

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ARTICLE 5 – CHAIRING THE COUNCIL

5.1 **Appointment of Chair and Vice Chair**

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

5.2 **Responsibilities**

The Chair of Council and in his/her absence the Vice-Chair of Council, will have the following responsibilities:

(a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

(b) to preside over meetings of the Council so that its business can be carried out efficiently with regard to the rights of Members and the interests of the community;

(c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members are able to hold the Executive and Cabinet Members (if any) to account;

(d) to promote public involvement in the Council's activities; and

(e) to attend such civic and ceremonial functions (or in his/her absence the Vice-Chair of Council) as the Council and s/he determines appropriate.

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ARTICLE 6 – THE EXECUTIVE

6.1 **Role/Terms of Reference**

(a) The Executive is responsible for the discharge of those executive functions allocated to it by the Leader.

(b) It will take the lead on recommending to Full Council matters as identified in the Policy Framework and Budgetary Framework – Part 2 of the Constitution.

6.2 **Membership**

(a) The Executive will consist of the Leader together with at least 2, but not more than 9, Members appointed to the Executive by the Leader.

(b) The following Members shall not be appointed to the Executive:

(i) the Chair and Vice-Chair of Full Council; and

(ii) any Member appointed for the time being to any Overview and Scrutiny Committee.

(c) The quorum of the Executive is 3.

6.3 **Appointment of Chair and Vice-Chair**

The Leader shall be the Chair of the Executive. The Deputy Leader shall be the Vice-Chair of the Executive.

6.4 **Meetings**

(a) The number of ordinary meetings of the Executive each year will normally be determined by the Executive.

(b) The Leader shall have the power to call one or more special meeting(s) of the Executive.

(c) The Leader may determine that a meeting should be cancelled for insufficient business.

6.5 **Proceedings of the Executive**

Proceedings of the Executive shall take place in accordance with the relevant parts of the Council and Committee Procedural Rules and the Executive Procedural Rules - Part 2 of this Constitution.

6.6 **Substitutes and Lead Members**

(a) There shall be no power to appoint substitutes to the Executive.

(b) The Leader shall be entitled to appoint up to six members of the controlling group as lead members.

(c) Lead members are not members of the Executive but are appointed to work alongside the Executive, providing additional leadership capacity and support for Executive members.

(d) Lead members may also be members of an overview committee but shall not be appointed to a scrutiny committee.

6.7 **The Leader**

(a) An election to the office of Leader will usually be held by the Council at the post-election annual meeting but may be held at an earlier meeting of Council if at such an earlier meeting Members expressly resolve otherwise.

(b) The Leader will be elected by a simple majority of Members present at the Full Council meeting at which the election takes place. In the event of a tie, the Member chairing the meeting will have a casting vote.

(c) The Leader's term of office starts on her/his day of election as Leader.

(d) Unless Full Council resolve otherwise, the Leader's term of office will normally be annual, expiring at the start of the next annual meeting of the Council following his/her previous election.

(e) Full Council can resolve to remove the Leader by a simple majority vote at any time. In this case, the Leader's term of office ends on the day of his/her removal. In the event that Council by resolution removes the Leader, the Council will normally seek to elect a new Leader at the same meeting at which the Leader is removed but may do so at a subsequent meeting.

(f) The Leader remains a member of the Council during his/her term of office as Leader however the Leader may cease to be a councillor in certain circumstances including disqualification and resignation.

(g) The Leader has the powers as set out in Part 3 – Functions of the Council, of the Constitution.

6.8 **The Deputy Leader**

(a) The Deputy Leader's key role is to deputise for the Leader when s/he is unable to act and/or to act as the Leader if the post of Leader is vacant.

(b) The Leader shall at all times ensure that one of the Members appointed by him/her to the Executive is appointed as Deputy Leader.

(c) The Leader may at any time (and from time to time) remove the appointed Deputy Leader from office. Upon the removal of a Deputy Leader the Leader must appoint another person in her/his place.

(d) The Leader shall ensure that the Head of Paid Service is notified in writing without delay as to the identity of the Deputy Leader upon her/his appointment or replacement (as the case may be).

(e) Unless the Deputy Leader resigns, is removed by the Leader or ceases to be a Member, the Deputy Leader shall hold office until the end of the term of office of the Leader.

(f) If, for any reason, the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in her/his place.

(g) The Deputy Leader has the powers as set out in Part 3 – Functions of the Council of this Constitution.

6.9 **Other Executive Members**

(a) Every other member of the Executive shall remain in office until s/he:-

(i) resigns from office;

(ii) is suspended from being a Member;

(iii) ceases to be a Member; or

(iv) is removed from office by decision of the Leader. Such removal should be notified in writing to the Head of Paid Service. The removal will be assumed to be effective upon receipt of such notice by the Head of Paid Service unless the Leader specifies otherwise in such notification.

(b) The Leader shall be responsible for identifying from the Executive any Member who will perform a Cabinet Member role. The number of Cabinet Member posts shall be determined by the Leader and may be varied by him/her at any time and from time to time.

(c) A Cabinet Member will have responsibility for one or more areas of the Council's work. The specific responsibilities for each Cabinet Member will be decided by the Leader.

(d) In the event that a Cabinet Member is absent or otherwise unavailable to act then the Leader may act in their place, exercising all of the powers and responsibilities of the Cabinet Member.

6.10 Executive Member Advisory Panels

(a) The Leader and/or any other Executive Member may from time to time arrange for the appointment of one or more Advisory Panels with whom s/he may consult for the purposes of helping to inform him/her in relation to the discharge of his/her portfolio responsibilities.

(b) In particular, this may include:

(i) a planning advisory panel to provide advice in relation to issues arising in connection with the formulation and review of local plans;

(ii) other policy advisory panels which may involve members of the relevant overview and scrutiny committee and other non-Executive Members to assist in relevant policy formulation.

(c) The membership of any Advisory Panel may include Members, Officers and/or any other persons. The Executive Member creating the Advisory Panel shall have absolute discretion in determining the size of any Advisory Panel and its membership (including whether Members are drawn from one or more political groups). However, in considering such membership, the Executive Member should have regard to the potential benefits associated with involving a range of representation. The Executive Member or his/her nominee shall chair the Advisory Panel. An Advisory Panel shall be informal, have no decision-making power and shall not constitute a Committee or Sub-Committee of the Council. The Executive Member can determine whether the

public and/or other Members shall be allowed to attend a meeting of the Advisory Panel s/he has arranged and/or be part of any circulation list for documents prepared in relation to it.

(d) The Executive Member shall notify the Head of Paid Service and the Monitoring Officer of any Advisory Panel and its membership. The Monitoring Officer shall maintain a list of such Advisory Panels which shall be open to public inspection.

6.11 Member rights to attend at and request items to be considered by the Executive

The Executive Procedure Rules in conjunction with the Council and Committee Procedure Rules - Part 2 of this Constitution contains rules relating to the rights of individual Members to:

(a) attend and speak at the Executive; and

(b) request an item be considered by the Executive.

6.12 **Delegated powers and powers to recommend**

(a) The Leader will maintain an up to date list setting out the responsibilities of the following for the purpose of exercising and/or having the power to delegate or the power to make recommendations on the exercise of any executive powers:

(i) the Deputy Leader;

(ii) an Executive Member;

(iii) the Executive;

(iv) any Executive Committee; and

(v) any Area Committee.

This list shall form part of the Constitution and the Leader shall make arrangements to ensure that at all times an up to date version is provided to the Head of Paid Service and to the Monitoring Officer.

(b) Arrangements agreed by the Leader for the general discharge of executive functions by Officers are normally incorporated within The Officer Scheme of Delegations - Part 3(2) of the Constitution. The Leader shall ensure that the Head of Paid Service and Monitoring Officer are notified of any change to such arrangements. Any general executive delegation to an Officer for a period in excess of 6 months shall normally be recorded in the Officer Scheme of Delegations. However, where an executive delegation to an Officer relates to a specific task or matter, then to the extent this delegation forms part of a recorded resolution relating to that task or matter and is not recorded in the Officer Scheme of Delegations then the record of resolution shall be deemed to form part of the Officer Scheme of Delegations and the Constitution.

6.13 Executive Committees

(a) The Leader and/or the Executive (unless the Leader otherwise directs) may appoint one or more Executive Committees and may arrange for the discharge of any of its functions/powers by any Executive Committee appointed by it.

(b) An Executive Committee shall not discharge any functions other than those conferred on it by the Executive.

(c) The Chair and Vice-Chair of an Executive Committee shall be appointed by the Executive Committee unless the Executive expressly determines otherwise.

(d) The Executive shall normally determine the:

(i) terms of reference;

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

(iii) size of membership; and

(iv) quorum,

of any Executive Committee but in the absence of such determination such matters may be determined by the Executive Committee itself provided that in no circumstance shall a quorum be less than three (3) Executive Members.

(e) The Executive has appointed the following Executive Committees, and the terms of reference are set out in Articles 6a:

(i) The Shareholder Committee for the Dorset Centre of Excellence.
(ii) The Shareholder Committee for Care Dorset Holdings Limited.
(iii) The Shareholder Committee for Dorset Innovation Park Ltd.

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ARTICLE 6(a) - SHAREHOLDER COMMITTEES

6a. Overview

The Shareholder Committees listed in the article below have been established by the Executive specifically to discharge the shareholder functions of the Council, in relation to those companies of which the Council is a shareholder.

The shareholder committees do not have day-to-day operational control over any of the companies of which the Council is a shareholder. The decisions that the shareholder committees are required to make in relation to a company are set out in the terms of reference in the article and detailed in the reserved matters (appendices 1 to 3) for each company.

THE SHAREHOLDER COMMITTEE FOR THE DORSET CENTRE OF EXCELLENCE

6a.1 Role/Terms of Reference and Membership

(a) The Dorset Centre of Excellence Shareholder Committee shall be primarily responsible for the following delegated functions except where specific functions have been delegated to an Officer:

- monitoring the performance of the DCOE (including in relation to Business Plans and associated budgets);
- monitor the business affairs, finances, and accounts of the DCOE;
- overseeing the strategic direction of the DCOE or proposed and adopted business plans and budgets for future years to be presented in draft as they are developed or the review of future service developments and opportunities;
- considering the risks and opportunities faced by the DCOE and impact on the Council (including, for example, in relation to commercial factors, governance issues, and health and safety records);
- monitoring DCOE compliance with relevant legislation;
- assuring that DCOE status as a ‘Teckal’ company is maintained;
- taking decisions that relate to any matter identified as being reserved to be taken by the Shareholder (“Council Consent” matters) listed within Appendix 1, within the Articles of Associations and/or the Shareholder Agreement for the DCOE.
- Provided that where a decision affects the Council budgetary framework the Shareholder Committee will consider the decision and provide a recommendation to Full Council.
- exercising the Shareholders reserve power by Special Resolution (in accordance with item 5 of the Articles of Association).
- reporting and making recommendations to the Cabinet on areas outside of the Shareholder Committee's delegated authority.
- reporting to Cabinet annually on the performance of the trading activities of the DCOE.
- reviewing these Terms of Reference annually and make any necessary recommendations to Cabinet.

(b) The Shareholder Committee will not have operational control over the DCOE. All decisions regarding the day-to-day operation and management of DCOE rests the DCOE board of directors, which must ensure that DCOE business is conducted in accordance with the terms of the Shareholders' Agreement entered into between the Council and DCOE (Shareholders' Agreement) and in accordance with DCOE articles of association.

(c) The Shareholder Committee shall comprise of 5 Members drawn from the Cabinet to be appointed by the Leader of the Council/Cabinet.

(d) The quorum of the Shareholder Committee shall be 3 Members.

(e) There shall be no power to appoint substitutes to the Shareholder Committee.

(f) The Chief Executive, Section 151 Officer, Monitoring officer and Executive Director, Children Services (or their nominees) will be advisors to the Shareholder Committee. Additional advisors and DCOE officers and directors may be invited to attend the Shareholder Committee as required.

6a.1.2 Appointment of Chair and Vice-Chair

The Leader of the Council/Cabinet will appoint the Chair and Vice-Chair of the Shareholder Committee.

6a.1.3 Meetings

(a) The number of ordinary meetings of the Shareholder Committee each year will normally be quarterly unless otherwise determined by the Leader of the Council.

(b) The Chair of the Shareholder Committee shall have the power to call one or more special meeting(s) of the Shareholder Committee.

(c) The Chair of the Shareholder Committee may determine that a meeting should be cancelled for insufficient business.

6a.1.4 Delegated Powers and powers of recommendation of the Shareholder Committee

(a) The Shareholder Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Shareholder Committee can delegate any of their powers to any Officer.

6a.1.5 Council Consent Matters (Shareholder Agreement Schedule 1) Set out in appendix 1 below.

THE SHAREHOLDER COMMITTEE FOR CARE DORSET HOLDINGS LIMITED

6a.2 Role/Terms of Reference and Membership

(a) The Shareholder Committee for Care Dorset Holdings Limited shall be primarily responsible for the following delegated functions except where specific functions have been delegated to an Officer:

- monitoring the performance of Care Dorset Holdings Limited (including in relation to Business Plans and associated budgets);
- monitor the business affairs, finances, and accounts of Care Dorset Holdings Limited;
- overseeing the strategic direction of Care Dorset Holdings Limited or proposed and adopted business plans and budgets for future years to be presented in draft as they are developed or the review of future service developments and opportunities;
- considering the risks and opportunities faced by Care Dorset Holdings Limited and impact on the Council (including, for example, in relation to commercial factors, governance issues, and health and safety records);
- monitoring Care Dorset Holdings Limited compliance with relevant legislation;
- assuring that Care Dorset Holdings Limited status as a 'Teckal' company is maintained;
- taking decisions that relate to any matter identified as being reserved to be taken by the Shareholder ("Reserved Matters") listed within Appendix 1, within the Articles of Associations and/or the Shareholder Agreement for Care Dorset Holdings Limited. Provided that where a decision affects the Council budgetary framework the Shareholder Committee will consider the decision and provide a recommendation to Full Council.
- exercising the Shareholders reserve power by Special Resolution (in accordance with the Articles of Association).
- reporting and making recommendations to the Cabinet on areas outside of the Shareholder Committee's delegated authority.
- reporting to Cabinet annually on the performance of the trading activities of Care Dorset Holdings Limited.
- reviewing these Terms of Reference annually and make any necessary recommendations to Cabinet.

(b) The Shareholder Committee will not have operational control over Care Dorset Holdings Limited. All decisions regarding the day-to-day operation and management of Care Dorset Holdings Limited rests with the Care Dorset Holdings Limited board of directors, which must ensure that Care Dorset Holdings Limited business is conducted in accordance with the terms of the Shareholders' Agreement entered into between the Council and Care Dorset Holdings Limited (Shareholders' Agreement) and in accordance with Care Dorset Holdings Limited Articles of Association.

(c) The Shareholder Committee shall comprise of 5 Members drawn from the Cabinet to be appointed by the Leader of the Council/Cabinet.

(d) The quorum of the Shareholder Committee shall be 3 Members.

(e) There shall be no power to appoint substitutes to the Shareholder Committee.

(f) The Chief Executive, Section 151 Officer, Monitoring officer and Director of Adult Social Services (or their nominees) will be advisors to the Shareholder Committee. Additional advisors and Care Dorset Holdings Limited officers and directors may be invited to attend the Shareholder Committee as required.

6a.2.1 Appointment of Chair and Vice-Chair

The Leader of the Council/Cabinet will appoint the Chair and Vice-Chair of the Shareholder Committee.

6a.2.2 Meetings

(a) The number of ordinary meetings of the Shareholder Committee each year will normally be quarterly unless otherwise determined by the Leader of the Council.

(b) The Chair of the Shareholder Committee shall have the power to call one or more special meeting(s) of the Shareholder Committee.

(c) The Chair of the Shareholder Committee may determine that a meeting should be cancelled for insufficient business.

6a.2.3 Delegated powers and powers of recommendation of the Shareholder Committee

(a) The Shareholder Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Shareholder Committee can delegate any of their powers to any Officer.

6a.2.4 Reserved Matters (Shareholder Agreement Schedule 1) as set out in appendix 2 below.

THE SHAREHOLDER COMMITTEE FOR DORSET INNOVATION PARK LIMITED

6a.3 Role/Terms of Reference and Membership

(a) The Shareholder Committee for Dorset Innovation Park Limited shall be primarily responsible for the following delegated functions except where specific functions have been delegated to an Officer:

- monitoring the performance of Dorset Innovation Park Limited (including in relation to Business Plans and associated budgets);
- monitor the business affairs, finances, and accounts of Dorset Innovation Park Limited;

- overseeing the strategic direction of Dorset Innovation Park Limited or proposed and adopted business plans and budgets for future years to be presented in draft as they are developed or the review of future service developments and opportunities;
- considering the risks and opportunities faced by Dorset Innovation Park Limited and impact on the Council (including, for example, in relation to commercial factors, governance issues, and health and safety records);
- monitoring Dorset Innovation Park Limited compliance with relevant legislation;
- assuring that Dorset Innovation Park Limited status as a 'Teckal' company is maintained;
- taking decisions that relate to any matter identified as being reserved to be taken by the Shareholder ("Reserved Matters") listed within Appendix 1, within the Articles of Associations and/or the Shareholder Agreement for Dorset Innovation Park Limited.
- Provided that where a decision affects the Council budgetary framework the Shareholder Committee will consider the decision and provide a recommendation to Full Council.
- exercising the Shareholders reserve power by Special Resolution (in accordance with the Articles of Association).
- reporting and making recommendations to the Cabinet on areas outside of the Shareholder Committee's delegated authority.
- reporting to Cabinet annually on the performance of the trading activities of Dorset Innovation Park Limited
- reviewing these Terms of Reference annually and make any necessary recommendations to Cabinet.

(b) The Shareholder Committee will not have operational control over Dorset Innovation Park Limited. All decisions regarding the day to day operation and management of Dorset Innovation Park Limited rests with the Dorset Innovation Park Limited board of directors, which must ensure that Dorset Innovation Park Limited business is conducted in accordance with the terms of the Shareholders' Agreement entered into between the Council and Dorset Innovation Park Limited (Shareholders' Agreement) and in accordance with Dorset Innovation Park Limited Articles of Association.

(c) The Shareholder Committee shall comprise of 5 Members drawn from the Cabinet to be appointed by the Leader of the Council/Cabinet.

(d) The quorum of the Shareholder Committee shall be 3 Members.

(e) There shall be no power to appoint substitutes to the Shareholder Committee.

(f) The Chief Executive, Section 151 Officer, Monitoring Officer and Executive Director – Economy and Environment (or their nominees) will be advisors to the Shareholder Committee. Additional advisors and Dorset Innovation Park Limited officers and directors may be invited to attend the Shareholder Committee as required.

6a.3.1 Appointment of Chairman and Vice-Chairman

The Leader of the Council/Cabinet will appoint the Chairman and Vice-Chairman of the Shareholder Committee.

6a.3.2 Meetings

(a) The number of ordinary meetings of the Shareholder Committee each year will normally be quarterly unless otherwise determined by the Leader of the Council.

(b) The Chairman of the Shareholder Committee shall have the power to call one or more special meeting(s) of the Shareholder Committee.

(c) The Chairman of the Shareholder Committee may determine that a meeting should be cancelled for insufficient business.

6a.3.3 Delegated powers and powers of recommendation of the Shareholder Committee

(a) The Shareholder Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Shareholder Committee can delegate any of their powers to any Officer.

6a.3.4 Reserved Matters (Shareholder Agreement Schedule 1) as set out in appendix 3 below (to follow).

Appendix 1

THE SHAREHOLDER COMMITTEE FOR THE DORSET CENTRE OF EXCELLENCE

Council Consent Matters (Shareholder Agreement Schedule 1)

1 No Company shall, unless it has Council Consent:

1.1 vary in any respect its articles of association or the rights attaching to any of its shares/ members; or

1.2 appoint any person as a director of the Company; or

1.3 permit the registration of any person as a member/ shareholder of the Company; or

1.4 issue any loan capital or enter into any commitment with any person with respect to the issue of any loan capital; or

1.5 make any borrowing; or

1.6 propose that its members pass any resolution for its winding up or present any petition for its administration (unless the Company has become insolvent); or

1.7 engage in any business other than as set out in the Company's Business Plan or defraying any monies other than in good faith for the purposes of or in connection with the carrying on of such business; or

1.8 form any Subsidiary or acquire shares in any other company or participate in any partnership or joint venture (incorporated or not); or

1.9 amalgamate or merge with any other company or business undertaking; or

1.10 alter its name or registered office; or

1.11 enter into any transaction or arrangement of any nature whatsoever with any of the Company's members or directors or any person who is connected (within the meaning of sections 1122 and 1123 of the Corporation Tax Act 2010) to any of its members or directors whether or not any other person shall be party to such transaction or arrangement; or

1.12 enter into any arrangement, contract, or transaction outside the normal course of the Company's Business or otherwise than on arm's length terms; or

1.13 create or permit to be created any mortgage, charge, encumbrance, or other security interest whatsoever on any asset or its business in whole or in part; or

1.14 adopt or amend its annual Business Plan save in accordance with clause 2.4 of the Shareholder Agreement, or enter into any contract or commitment not provided for in the Business Plan under which it may incur costs in excess of £100,000; or

1.15 change its financial year end; or

1.16 make any loan (otherwise than by way of deposit with a bank or other institution the normal business of which includes the acceptance of deposits) or grant any credit (other than in the normal course of trading); or

1.17 give any guarantee, suretyship, or indemnity to secure the liability of any person or assume the obligations of any person; or

1.18 factor or assign any of the book debts of the Company; or 1.19 establish or amend any profit-sharing, share option, bonus, or other incentive scheme of any nature for directors, officers, or employees; or

1.20 establish or amend any pension scheme or grant any pension rights to any director, officer, employee, former director, officer or employee, or any member of any such person's family other than in accordance with the Remuneration Policy; or

1.21 dismiss any director, officer, or employee in circumstances in which it incurs or agrees to bear redundancy or other costs in excess of £10,000; or

1.22 agree to remunerate (by payment of fees, the provision of benefits-in-kind or otherwise) any director, employee or consultant to the Company save in accordance with the Remuneration Policy; or

1.23 make any agreement with any revenue or tax authorities or make any claim, disclaimer, election, or consent exceeding £25,000 for tax purposes in relation to the Company or its business; or

1.24 breach the terms of the Company's Code of Conduct; or

1.25 issue or allot any share capital; or

1.26 amend, in any material respect, the terms and conditions on which any employee of the Company is employed, save in accordance with the Remuneration Policy; or

1.27 change the nature of the Business or commence any new business by any Group Member which is not ancillary or incidental to the Business; or

1.28 make or permit to be made any change in the accounting policies and principles adopted in the preparation of its audited or management accounts except as may be required to ensure compliance with relevant accounting standards under the Companies Act 2006 or any other generally accepted accounting principles in the United Kingdom; or

1.29 appoint or remove the Chair; or

1.30 institute, settle or compromise any material legal proceedings instituted or threatened against it or submitting any dispute to arbitration or alternative dispute resolution, save in relation to any legal proceedings, arbitration or alternative dispute resolution between the Company and the Council; or

1.31 make any acquisition, disposal, or structural modifications of any material asset(s), leases, or land interests; or

1.32 allow any of its employees, agents, or officers to reside within the premises unless specified within the service contract between the Council and the Parent Company; or

1.33 give notice of termination of any arrangements, contracts, or transactions in excess of £50,000 in value, or materially vary any such arrangements, contracts, or transactions; or

1.34 consent to proceed with capital development of any material asset(s) such as on the land it operates; or

1.35 enter into an agreement to do any of the above.

Appendix 2

THE SHAREHOLDER COMMITTEE FOR CARE DORSET HOLDINGS LIMITED

Reserved Matters (Shareholder Agreement Schedule 1) as set out below

Matters requiring Shareholder Consent (Reserved Matters)

1 The following matters must be determined by the Shareholder for the Company:

1.1 issue or allot any share capital;

1.2 alter or amend the articles of association

1.3 issue or amend any share or shareholder rights

1.4 appoint the Director to act as Chair; (and provide any written objections to the appointment of Chair of Care Dorset)

1.5 make any commercial loan or grant any credit or giving any guarantee or indemnity other than in accordance with the Business Plan or in the normal course of business; or

1.6 make any borrowing (other than normal trade credit);

1.7 change its financial year end;

1.8 create or permit to be created any mortgage, charge, encumbrance or other security interest whatsoever on any asset or its business in whole or in part;

1.9 adopt or amend save in accordance with clause 8 (Business Plan), or engage in activity outside of its annual Business Plan or enter into any contract or commitment not provided for in the Business Plan under which it may incur costs in excess of £100,000 (one hundred thousand pounds);

1.10 form any Subsidiary or acquire shares in any other company or participate in any partnership or joint venture (incorporated or not);

1.11 amalgamate or merge with any other company or business undertaking;

1.12 alter its name;

1.13 relocate its principal place of business or head office outside of the Dorset Council area;

1.14 approval of the Remuneration Policy and any subsequent variations (save any minor or technical changes that would be reported to the next shareholder committee meeting) to the Remuneration Policy. Remuneration Policy to include:

1.14.1 any profit-sharing, share option, bonus or other incentive scheme of any nature for directors, officers or employees;

1.14.2 amending in any material respect the terms and condition on which any employee of the Company is employed;

1.14.3 except where the restructure is approved in the Business Plan, dismiss any director, officer or employee in circumstances in which it incurs or agrees to bear redundancy or other costs in excess of £40,000 (forty thousand pounds);

1.15 agree to amend remuneration (by payment of fees, the provision of benefits-in-kind or otherwise) any director, employee or consultant to the Company save in accordance with the Remuneration Policy;

1.16 make any agreement with any revenue or tax authorities or make any claim, disclaimer, election or consent exceeding £25,000 for tax purposes in relation to the Company or its business;

1.17 change the nature of the Business or commence any new business except where the new business is included in the Business Plan;

1.18 make or permit to be made any change in the accounting policies and principles adopted in the preparation of its audited or management accounts except as may be required to ensure compliance with relevant accounting standards under the Companies Act 2006 or any other generally accepted accounting principles in the United Kingdom;

1.19 Subject to 1.19.1 and 1.19.2, institute, settle or compromise any material legal proceedings instituted or threatened against it or submitting any dispute to arbitration or alternative dispute resolution exceeding £20,000 (twenty thousand pounds).

1.19.1 This provision shall not apply to any legal proceedings, arbitration or alternative dispute resolution between the Company and the Council;

1.19.2 This provision shall not prevent or restrict the Company pursuing the collection of debts due to the Company

1.20 make any acquisition, disposal, or structural modifications of any property asset(s), leases or land interests except where these are set out in the Business Plan or creating a liability of less than £100,000 (one hundred thousand pounds);

1.21 enter into an agreement to do any of the above.

Appendix 3

THE SHAREHOLDER COMMITTEE FOR DORSET INNOVATION PARK LIMITED

SCHEDULE 1 - MATTERS REQUIRING SHAREHOLDER CONSENT (RESERVED MATTERS)

The following matters must be determined by the Shareholder:

1.1 issue or allot any share capital;

1.2 alter or amend the articles of association;

1.3 issue or amend any share or shareholder rights;

1.4 appoint and dismiss of Managing Director and Chair, plus other directors in accordance with the Articles;

1.5 make any commercial loan or grant any credit or giving any guarantee or indemnity other than in the normal course of trading;

1.6 make any borrowing (other than normal trade credit);

1.7 change its financial year end;

1.8 create or permit to be created any mortgage, charge, encumbrance or other security interest whatsoever on any asset or its business in whole or in part;

1.9 form any Subsidiary or acquire shares in any other company or participate in any partnership or joint venture (incorporated or not);

1.10 amalgamate or merge with any other company or business undertaking;

1.11 alter its name;

1.12 relocate its principal place of business or head office outside of the Dorset Council administrative area;

1.13 approval of the Remuneration Policy and any subsequent material variations (save any minor or technical changes that would be reported to the next shareholder committee meeting) to the Remuneration Policy;

1.14 approval of any arrangements resulting in:

1.14.1 any profit-sharing, share option, bonus or other incentive scheme of any nature for directors, officers or employees;

1.14.2 the dismissal of any director or employee (having given reasonable weight to the views of the directors of the Company) except:

a) where the restructure is approved in the Business Plan or
b) which would result in the Company incurring redundancy or other costs of less than £50,000 (fifty thousand pounds);

1.15 where the Company may act without Shareholder Consent;

1.16 amending in any material respect the terms and condition on which any employee of the Company is employed;

1.17 make any agreement with any revenue or tax authorities or make any claim, disclaimer, election, or consent exceeding £25,000 for tax purposes in relation to the Company or its business;

1.18 change the nature of the Business or commence any new business which is not ancillary or incidental to the Business;

1.19 make or permit to be made any change in the accounting policies and principles adopted in the preparation of its audited or management accounts except as may be required to ensure compliance with relevant accounting standards under the Companies Act 2006 or any other generally accepted accounting principles in the United Kingdom;

1.20 institute, settle or compromise any material legal proceedings instituted or threatened against it or submitting any dispute to arbitration or alternative dispute resolution exceeding £20,000 (twenty thousand pounds):

a) this provision shall not apply to any legal proceedings, arbitration or alternative dispute resolution between the Company and the Shareholder;
b) this provision shall not prevent or restrict the Company pursuing the collection of debts due to the Company;

1.21 make any acquisition, disposal, or structural modifications of any property asset(s), leases, or land interests except where these are set out in the Business Plan or creating a liability of less than £100,000 (one hundred thousand pounds);

1.22 enter into an agreement to do any of the above.

Annex to Article 6:

Schedule of the Delegation of Executive functions by the Leader:

Article 6 of the Constitution describes how Executive arrangements operate within Dorset Council.

Article 6.13 requires that as Executive Leader I must maintain an up-to-date list setting out the responsibilities of others for exercising executive powers on my behalf.

As Executive Leader I have designated the following areas of responsibility to Cabinet members:

- Cllr Nick Ireland – Leader and Cabinet Member for Climate, communications, Performance and Safeguarding.

- Cllr Richard Biggs– Deputy Leader and Cabinet Member for Regeneration, Economic Growth & Strategic Assets.

- Cllr Simon Clifford – Cabinet Member for Resources & Finance.

- Cllr Ben Wilson – Cabinet Member for Transformation, Customer & Workforce.

- Cllr Jack Jeanes – Cabinet Member for Place Services.

- Cllr Clare Sutton – Cabinet Member Children, Families & Education.

- Cllr Steve Robinson – Cabinet Member for Adult Social Care & Health.

- Cllr M Bell – Cabinet Member for Public Health, Prevention & Communities.

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- Cllr Shane Bartlett – Cabinet Member for Planning and Planning Enforcement
-
- Cllr G Taylor – Cabinet Member for Housing and Homelessness.

The Council's Constitution defines a key decision as an executive decision, which is likely:

(a) to result in the Council incurring expenditure which is, or the making savings which are, significant having regard to the council's budget for the service or function to which the decision relates, or
(b) to be significant in terms of its effects on communities living or working in an area comprising two or more one or two-member wards in the area of the Council or any one or more three-member wards.

For the purpose of this definition savings or expenditure will not normally be considered to be significant if less than £500,000.

I have delegated to individual Cabinet Members the ability to make executive decisions within the areas for which they are responsible.

In making any individual executive decision the Cabinet Member must:

- follow the principles for good decision making in Article 13.2 and
- consult with the relevant local member(s).

A decision which is significant must, unless I have made a specific delegation to an individual Cabinet member or a senior officer, be made collectively by the Cabinet as a whole.

Decisions which cross areas of responsibility are likely to be significant and therefore require a collective decision by the Cabinet.

Table of significant decisions delegated to individual Cabinet members.

Date of delegation	Cabinet Member	Description of delegation	Any limitation on the exercise of delegated powers
May 2024	Cllr Shane Bartlett, Cabinet Member for Planning & Planning Enforcement	To agree all steps in connection with the completion of neighbourhood plans	Final making of a neighbourhood plan is reserved to the Cabinet.

I have approved a series of delegations of executive powers to officers. These are set out in the Officer Scheme of Delegations - Part 3 of the Constitution.

From time to time the Cabinet as a whole may as part of a specific resolution delegate executive authority to a Cabinet Member or officer to act on behalf of the Executive. In such a case the minute recording the resolution shall be deemed to form part of this Schedule and/or the Officer Scheme of Delegations and the Constitution.

Nick Ireland
Leader

Date: 6 June 2026

ARTICLE 7 – OVERVIEW COMMITTEES AND SCRUTINY COMMITTEES

7.1 **Role/Terms of Reference**

(a) The Council will appoint 2 Overview Committee and 2 Scrutiny Committees.

(b) Each of the Overview Committees and each of the Scrutiny Committees are member led and will be responsible for setting their own agendas and priorities.

(c) The Overview Committees shall:
- (i) Review and develop policy at their own initiative and at the request of the Cabinet.
- (ii) Oversee major consultations and make recommendations to Cabinet and full Council.
- (iii) Provide a clear focus on finding efficiency savings in accordance with requirements in the Council's financial strategy.
- (iv) Monitor expenditure against available budgets and make recommendations to the Cabinet
- (v) Make reports and recommendations to the full Council or the Cabinet on matters which affect the authority's area or its inhabitants

(d) The Scrutiny Committees shall:
- (i) Challenge, review or scrutinise the decisions or actions taken by the Cabinet.
- (ii) Through the Call to Account process:-
  - Scrutinize and review decisions made or actions taken in connection with the discharge of any of the executive functions of the Council.
  - Consider petitions made in accordance with the Council's Petitions Scheme requiring senior officers to be called to account at a public meeting of the Council.
- (iii) Through the Call-In process consider executive decisions.
- (iv) Monitor performance of services in accordance with the targets in the Corporate Plan.
- (v) Provide clear focus upon the scrutiny of matters in relation to:-
  - The Council's strategic approach to Dorset-wide objectives and the Corporate Plan
  - Budget plans
  - Transformation plans
  - The effectiveness of partnership arrangements
- (vi) Consider matters referred through the Councillor Call for Action

(e) The combined role of these Overview Committees and Scrutiny Committees will be to perform all those functions conferred on Overview and Scrutiny Committees by the Local Government Act 2000. To the extent that the law allows or requires, other functions may also be performed by one or more of the Overview Committees and Scrutiny Committees. Further details of functions performed by the Overview and Scrutiny Committees can be found in Functions of the Council – Part 3(1) of the Constitution.

(f) Each of the Overview Committees and each of the Scrutiny Committees shall have primary responsibility for different theme areas, namely:

(i) People and Health Overview

(ii) Place and Resources Overview

(iii) People and Health Scrutiny

(iv) Place and Resources Scrutiny

(g) Save in relation to the consideration of education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive, the identification of a primary responsibility for a theme in relation to an Overview Committee shall not prevent either of the Overview Committees from considering any matter that may cut across different theme areas. Similarly primary responsibility for a theme in relation to scrutiny shall not prevent either scrutiny committee from considering any matter cutting across different theme areas.

(h) No Overview Committee and no Scrutiny Committee may discharge any functions other than those permitted by legislation.

(i) In exercising or deciding whether to exercise its functions each Overview Committee and each Scrutiny Committee should have regard to any guidance for the time being issued by the relevant Secretary of State.

(j) In the absence of any alternative joint arrangements having been entered into, the Overview Committee and the Scrutiny Committee with primary responsibilities for:

(i) "People and Health" shall be the Council's Overview Committee and the Council's Scrutiny Committee for the purposes of fulfilling the Council's statutory duties in relation to crime and disorder;

(ii) "People and Health" shall be the Council's Scrutiny Committee for the purposes of fulfilling the Council's statutory powers in relation to health scrutiny; and

(iii) "People and Health" shall be the Council's Overview Committee and its Scrutiny Committee for the performance of the Council's statutory functions in relation to education matters.

(k) In order to undertake work of a cross cutting nature within the terms of reference of both overview committees they may meet together as a Joint Overview Committee:

(i) The proper officer shall make arrangements for a Joint Overview Committee meeting where both overview committee chairmen are in agreement that better outcomes are likely to be achieved through the two committees working together on a task and finish basis on an item of relevance to both.

(ii) A Joint Overview Committee shall comprise either the entire membership of the two overview committees (a total membership of 20) or such number drawn from the two overview committees as the chairmen shall agree and appointed by the proper officer on a politically proportionate basis after consultation with group leaders

(iii) A Joint Overview Committee shall elect a Chair and Vice-Chair for the meeting.

(l) In order to undertake work of a cross cutting nature within the terms of reference of both scrutiny committees they may meet together as a Joint Scrutiny Committee:

(i) The proper officer shall make arrangements for a Joint Scrutiny Committee meeting where both scrutiny committee chairmen are in agreement that better outcomes are likely to be achieved through the two committees working together on a task and finish basis on an item of relevance to both.

(ii) A Joint Scrutiny Committee may call a cabinet member or chief officer to give account (Overview and Scrutiny Procedure Rule 23) but shall not exercise the power of call-in (Overview and Scrutiny Procedure Rule 25)

(iii) A Joint Scrutiny Committee shall comprise either the entire membership of the two scrutiny committees (a total membership of 20) or such number drawn from the two scrutiny committees as the chairmen shall agree and appointed by the proper officer on a politically proportionate basis after consultation with group leaders

(iv) A Joint Scrutiny Committee shall elect a Chair and Vice-Chair for the meeting.

7.2 **Membership**

(a) Each Overview Committee and each Scrutiny Committee shall consist of 10 Members including its appointed Chair and Vice Chair.

(b) The quorum of each Committee is 3.

(c) To the extent that the law requires an Overview and Scrutiny Committee to include a person who is not a Member, then the membership shall be made up of 10 Members plus the number of additional persons required, provided that for the avoidance of doubt this provision does not apply to any joint arrangements entered into by the Council.

(d) In relation to the exercise of overview and scrutiny functions relating to education matters, the membership of “People and Health” Overview Committee and “People and Health” Scrutiny Committee shall in particular include:

(i) a person nominated by a Diocesan Board of Education for a Church of England diocese falling wholly or partly with the area of the Council;

(ii) a person nominated by the Bishop of any Roman Catholic diocese falling wholly or partly with the area of the Council; and

(iii) two parent governors from maintained schools within the area of the Council

(e) No Overview Committee and no Scrutiny Committee shall include any Member of the Executive whilst so appointed.

(f) No member of the People and Health Overview Committee and no member of the Place and Resources Overview Committee shall be a member of the corresponding Scrutiny Committee.

(g) Subject, where appropriate, to relevant provisions set out in a scheme made by the Council for such purposes and to any other relevant legislative limitations an Overview Committee and a Scrutiny Committee may include persons who are not Members. Arrangements shall include such persons as part of an Overview and Scrutiny Committee where the law requires. Unless the law or a relevant scheme otherwise requires each Overview Committee and each Scrutiny Committee may determine the appointment of its non-Members.

(h) There shall be no power to appoint substitutes to any Overview and Scrutiny Committee.

7.3 **Appointment of Chair and Vice Chair**

(a) The Chair and Vice-Chair of each Overview Committee and each Scrutiny Committee shall be appointed annually by Full Council unless Full Council determines otherwise.

(b) The Chair of each Scrutiny Committee shall be a member of the largest political group that is different to that of the Leader. The Vice Chairmen shall not be members of the same political group as the Leader.

7.4 **Sub-Committees**

(a) An Overview Committee and a Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of any of its functions/powers by a Sub-Committee appointed by it.

(b) A Sub-Committee of an Overview Committee or a Scrutiny Committee may not discharge any functions other than those conferred on it by the Committee that appointed it.

(c) The Chair and Vice-Chair of an Overview Committee Sub-Committee and a Scrutiny Committee Sub-Committee shall be appointed by the Sub-Committee unless the appointing Committee expressly determines otherwise.

(d) Subject to any limitations that may apply an Overview Committee and a Scrutiny Committee shall normally determine the:

(i) terms of reference;

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

(iii) size of membership; and

(iv) quorum,

of each of its Sub-Committees but in the absence of such determination and unless the law otherwise requires such matters may be determined by the Sub-Committee itself provided that in no circumstance shall a quorum be less than 3 Members.

(e) The Proper Officer shall maintain a list of all Sub-Committees, including:

(i) membership;

(ii) terms of reference;

(iii) any function; and

(iv) any rule governing a Sub-Committee's conduct and proceedings not otherwise provided for elsewhere in this Constitution,

created pursuant to this Article. That list shall form part of the Constitution.

a. Meetings

(a) The number of ordinary meetings of each Overview Committee and each Scrutiny Committee in a year will normally be determined by Full Council.

(b) The Chair of each Overview Committee and each Scrutiny Committee shall have the power to call one or more special meeting(s) of the Committee of which s/he is the Chair.

(c) The Chair of an Overview Committee or a Scrutiny Committee may determine that any of its meetings should be cancelled for insufficient business.

b. Proceedings and Reporting

Each Overview Committee and each Scrutiny Committee will generally conduct its business as set out in various Procedure Rules – Part 2 of this Constitution.

c. Call-in

(a) Each of the Scrutiny Committees has the authority to review individual decisions and seek their Call In for reconsideration as described in article 7.1 (d) above and as provided for in the Overview and Scrutiny Procedure Rules – Part 2 of this Constitution.

(b) A Chair of one of the Scrutiny Committees will normally be consulted before implementation of various urgent executive decisions or in connection with the urgency process relating to Call-in decisions (see Overview and Scrutiny Procedure Rules - Part 2 of this Constitution).

d. Delegated powers and powers to recommend

(a) The Overview Committee and the Scrutiny Committees shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

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

(i) each of the Overview Committees and the Scrutiny Committees; and

(ii) unless limited by the creating Committee, any Sub-Committee of an Overview Committee or a and Scrutiny Committee,

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

e. Member Interests

These arrangements have been designed to avoid situations where members involved in developing policy proposals have the opportunity to scrutinise their own proposals. Where circumstances mean that a member might nonetheless be involved in scrutinising their own proposal they should seek advice from the Monitoring Officer with a view to avoiding any perceived conflict. .

f. Scrutiny Officer

The Council will designate one of its Officers to be a Scrutiny Officer to discharge the functions as prescribed in the Local Government Act 2000.

g. Finance and Resources

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

JOINT HEALTH SCRUTINY PROTOCOL BETWEEN BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL AND DORSET COUNCIL 2021

Purpose: To enable the Councils to establish joint health scrutiny committees on a task and finish basis to scrutinise proposals for changes to the provision of NHS services to residents in both Councils' areas without delay and in a way that provides one consistent response.

1. The Council identified as the lead for the issue to be scrutinised will administer the Joint Health Scrutiny meeting(s) and any associated issues. The Lead Council will be identified by the relevant Directors from each Council in consultation with the relevant Chairs of each Council's Committee with the Health Scrutiny function after determining if a matter needs to be referred to a Joint Health Scrutiny Committee.

2. The Chair for any Joint Health Scrutiny Committee meeting will be provided by the Council administering meeting arrangements. The Vice-Chair will be provided by the other Council.

3. Each Joint Health Scrutiny Committee will comprise between 3 and 5 members (which would include the Chair and Vice-Chair of the Joint Committee) from each Council by agreement with the Chairs. Each Council to bear in mind its own political proportionality. If the Chair is in agreement members can be identified from outside of the Committees with the Statutory Health Scrutiny function. However, Health Scrutiny Committee members would have priority.

4. The quorum for each meeting will be 2 from each council.
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5. The procedural rules for each meeting will be those adopted by the Council administering the meeting.

6. Members will adhere to their own Council's code of conduct and make appropriate declarations at meetings.

7. The Chairs of the two Committees with the Statutory Health Scrutiny function in consultation with the Directors will agree those issues that will be considered by the Joint Scrutiny Committee and the scope of the joint scrutiny will be considered at the first meeting.

8. Joint Health Scrutiny Protocol for the Committee will be considered at the first meeting of any joint committees.

9. The Chairs will work with other relevant local authorities with the Statutory Health Scrutiny function on the extent to which they should be involved with the work of the Joint Committee.

10. A Scrutiny Committee, where members hold a valid concern that a proposed variation to local health services is not in best interest of local residents, have the ability to make a referral to the Secretary of State. This is a very specific power that can be exercised by the Committee. This power can also be delegated to

the JHSC. The Joint Health Scrutiny Protocol states that it would only be in exceptional circumstances that a referral from the JHSC to the Secretary of State could be overturned by one of the constituent Councils. it would then require Full Council support to withdraw the delegated power from the JHSC and reconsider the decision made. Advice from NHS partners and in the spirit of good scrutiny practice, if Joint Health Scrutiny is held and a decision made, it is important that the outcome is validated.

11. A written report of findings and recommendations from a Joint Health Scrutiny Committee to be sent to the relevant NHS organisation(s) identifying a timeframe in which to respond.

12. It is acknowledged that there are NHS organisations outside of the county which may affect the residents of BCP and Dorset Councils and therefore would be taken into consideration when identifying any potential items for joint scrutiny.

13. That consideration be given to the involvement of representatives of Healthwatch and their role in any joint scrutiny work.

14. That a report back is provided to each Council's Committee on the outcome of any joint scrutiny undertaken.

ARTICLE 8 – COMMITTEES AND BOARDS

8.1 **Committees/Boards**

(a) The Council has established the following Committees and Boards. Information relating to arrangements for dealing with certain functions by way of joint arrangements with other organisations can be found in Other Arrangements – Article 11 Part 1 of this Constitution.

(b) In addition to its formal Committees and Boards, the Council has also created and/or assists in the operation of various statutory decision-making bodies and other non-statutory panels, partnerships, forums and boards. Information relating to such statutory decision-making bodies is retained by the Proper Officer.

(c) The Terms of Reference of the Committees and Boards shall be read in conjunction with the functions of those bodies identified in Functions of the Council – Part 3(1) of this Constitution.

8.2 **Sub-committees**

(a) Unless this Article expressly provides otherwise, any Committee or Board may arrange for the discharge of any of its functions powers by a Sub-Committee appointed by it.

(b) A Sub-Committee created by a Committee or Board specified in this Article may not discharge any functions other than those conferred on it by that Committee or Board (as the case may be).

(c) Unless this Article expressly provides otherwise, the Chair and Vice-Chair of a Sub-Committee created by a Committee or Board shall be appointed by the Sub-Committee unless the appointing Committee or Board expressly determines otherwise.

(d) Unless this Article expressly provides otherwise, the appointing Committee shall normally determine the:

(i) terms of reference;

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

(iii) size of membership; and

(iv) quorum,

of each of its Sub-Committees but in the absence of such determination such matters may be determined by the Sub-Committee itself provided that in no circumstance shall a quorum be less than three (3) Members.

(e) The Proper Officer shall maintain a list of all Sub-Committees, including:

(i) membership;

(ii) terms of reference;

(iii) any function; and

(iv) any rule governing a Sub-Committee's conduct and proceedings not otherwise provided for elsewhere in this Constitution,

created pursuant to this Article. That list shall form part of the Constitution.

8.3 **Substitutes**

(a) Unless there is express provision to the contrary and subject to any limitation that may be identified, every Committee, Board and Sub-Committee detailed below in this Article shall have the right to have substitutes appointed to it for the purposes of any meeting.

(b) In relation to Members, arrangements for any substitute shall normally be made:

(i) by the group leader of the Member for whom the substitution is being sought; or

(ii) if the group leader is unavailable / absent or it is not practical for the group leader to do so then by any person appointed as a deputy for that group leader,

by giving notice to the Democratic Services Manager as soon as practicable before the meeting to which the substitution relates. In the event of advance notification not being provided/received from the Leader or Deputy Group Leader concerned then the substitute shall not be treated as a member of the Committee/Sub-Committee for the purposes of being able to speak or vote.

(c) A substitute for a Member may only be from the same political group as the Member for whom the substitution is being made.

(d) In the case of any appointment of a person to a Committee or Board who is not a Member then there shall be no power to appoint a substitute unless expressly provided for below or the law otherwise requires. A substitute for a non-Member shall be notified to the Democratic Services Manager as soon as practicable in advance of the sitting of the Committee or Board (as the case may be) and no later than 4pm on the working day before the meeting to which the substitution relates.

8.4 **Co-optees**

To the extent that any Committee, Sub-Committee or Board identified below has persons who are not Members forming part of it, then unless the provisions identify otherwise, or the law otherwise requires, a Committee may appoint its non-Members.

APPEALS COMMITTEE

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

(a) The Appeals Committee shall be primarily responsible for the determination of:

(i) any review and/or appeal that the Council is required to undertake (excluding any relating to an employee of the Council) including, for the avoidance of doubt, any appeal arising in connection with any educational or discretionary grant / relief function of the Council to the extent that such an appeal can be determined by a body including Members; and

(ii) various other matters requiring a determination of the Council, including

(A) an application for discharge from mental health guardianship;

(B) an application / potential revocation of any parking concession relating to a disabled person whether there is any suggestion of misuse;

(C) certain financial assessment disputes relating to residential or nursing home accommodation being provided to a person; and

(D) the review of certain personal data issues,

that is not determined through the use of any other mechanism.

(b) The Appeals Committee will consist of 15 Members appointed by Full Council but it is expected that no more than 5 members will sit at any one time to hear an appeal.

(c) The quorum of the Appeals Committee shall be 3 Members.

(d) There shall be no power to appoint substitutes to the Appeals Committee.

8.6 **Appointment of Chair and Vice-Chair**

The Chair and Vice-Chair of the Appeals Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.7 **Meetings**

(a) The number of ordinary meetings of the Appeals Committee each year will normally be determined by Full Council.

(b) Additional meetings may be called by the Chair to meet appeals business needs.

(c) The Chair of the Appeals Committee may determine that a meeting should be cancelled for insufficient business.

8.8 **Sub-Committees for the consideration of Appeals Committee**

(a) At its first meeting after each Annual Council the Appeals Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective consideration of matters for which the Appeals Committee has responsibility.

(b) Where more than one Appeals Sub-Committee has been appointed which has the same delegated powers as another Appeals Sub-Committee then those Appeals Sub-Committees with the same powers shall sit in rotation.

(c) Each Appeals Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.

(d) Substitutes may only be appointed to an Appeals Sub-Committee from the membership of the Appeals Committee.

(e) No Member shall sit as a member of an Appeals Sub-Committee unless s/he has received training provided to that Member for the purposes of the matter to be determined by that Appeals Sub-Committee.

(f) For the avoidance of doubt, all Appeals Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.9 **Delegated powers and powers of recommendation of the Appeals Committee**

(a) The Appeals Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Appeals Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

AUDIT AND GOVERNANCE COMMITTEE

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

(a) The Audit and Governance Committee shall be primarily responsible for:

(i) independent assurance on the adequacy of the Council's risk management framework including the internal control environment, integrity of financial reporting and governance arrangements;

(ii) promoting and helping maintain high standards of conduct of Members (including co-optees), Parish and Town Councillors and any other relevant appointed representatives including advising the Council on issues relating to the Members' Code of Conduct;

(iii) recommending training in respect of conduct standards and ensuring appropriate arrangements to consider and determine allegations of any breach concerning the Members' Code of Conduct and any other code / protocol concerning Member Conduct;

(iv) supporting the Monitoring Officer in the discharge of his/her duties;

(v) ensuring arrangements for any necessary consideration of complaints / compliments relating to the Council including to the Local Government Ombudsman, including making any recommendations in relation to compensation payments.

(b) The Audit and Governance Committee will consist of 10 Members and 2 co-opted members all appointed by Full Council.

(c) No Member appointed to the Audit and Governance Committee shall also be appointed to the Executive.

(d) The quorum of the Audit and Governance Committee shall be 3 Members.

(e) There shall be no power to appoint substitutes to the Audit and Governance Committee.

8.11 **Appointment of Chair and Vice-Chair**

(a) The Chair and Vice-Chair of the Audit and Governance Committee shall be appointed by Full Council unless Full Council otherwise determines.

(b) The Chair of the Audit and Governance Committee shall be from the largest political group that is different to that of the Leader.

8.12 **Appointment of Co-opted Members**

The arrangements for the appointment of co-opted members, their length of office and matters specific to co-optees are set out in the Annex (part 2) to Article 8.

8.13 **Meetings**

(a) The number of ordinary meetings of the Audit and Governance Committee each year will normally be determined by Full Council.

(b) The Chair of the Audit and Governance Committee shall have the power to call one or more special meeting(s) of the Audit and Governance Committee.

(c) The Chair of the Audit and Governance Committee may determine that a meeting should be cancelled for insufficient business.

8.14 **Sub-Committees for the consideration of Code of Conduct issues**

(a) The Audit and Governance Committee shall arrange that, to the extent it is called upon to determine any allegation relating to a Member Code of Code (including that of a Town Council or a Parish Council), the determination shall be made by a Sub-Committee of the Audit and Governance Committee. An Audit and Governance Sub-Committee with such responsibility may include non-Members. An Audit and Governance Sub-Committee that has non-Members forming part of it shall not have any power relating to the regulation and/or control of the finances of the Council.

(b) Substitutes may only be appointed to an Audit and Governance Sub-Committee from the membership of the Audit and Governance Committee. There shall be no power to appoint non Member substitutes.

8.15 **Delegated powers and powers of recommendation of the Audit and Governance Committee**

(a) The Audit and Governance Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Audit and Governance Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

HARBOURS ADVISORY COMMITTEE

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

(a) The Harbours Advisory Committee shall be primarily responsible for advising the Cabinet Member for Place Commissioned Services in exercising functions of the Council as a harbour authority as defined in the Harbours Act 1964 and any other functions arising under any local Act and/or byelaw in respect of the operational issues in relation to harbour land of any harbours within the area of the Council not dealt with through any other mechanism.

(b) The Harbours Advisory Committee shall have the power to advise the executive in determining income and expenditure matters relating to the harbours for which it is responsible.

(c) The Harbours Advisory Committee will consist of 10 persons comprising 6 Members and 4 other persons who are not Members all appointed by Full Council.

(d) The quorum of the Harbours Advisory Committee shall be no less than 3 persons appointed to the Harbours Advisory Committee **but must in all cases** be made up of a majority consisting of Members.

(e) There shall be no power to appoint substitutes to the Harbours Advisory Committee.

8.17 **Duty Holder in relation to Harbours**

The Cabinet Member for Place Commissioned Services will be the duty holder for the purposes of the Council's responsibilities under the Port Marine Safety Code for all Harbours in the area of the Council for which the Council is the statutory harbour authority.

8.18 **Appointment of Chair and Vice-Chair**

The Chair and Vice-Chair of the Harbours Advisory Committee shall be appointed by Full Council unless Full Council otherwise determines. No co-optee shall be appointed either Chair or Vice-Chair.

8.19 **Appointment of Co-opted Members**

The arrangements for the appointment of co-opted members, their length of office and matters specific to co-optees are set out in the Annex to Article 8.

8.20 **Meetings**

(a) The number of ordinary meetings of the Harbours Advisory Committee each year will normally be determined by Full Council.

(b) The Chair of the Harbours Advisory Committee shall have the power to call one or more special meeting(s) of the Harbours Advisory Committee.

(c) The Chair of the Harbours Advisory Committee may determine that a meeting should be cancelled for insufficient business.

(d) There shall be no power to appoint substitutes to the Harbours Advisory Committee or to any Harbours Advisory Sub-Committee.

HEALTH AND WELLBEING BOARD

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

(a) The Health and Wellbeing Board shall be primarily responsible for:

(i) the development and updating of a Joint Strategic Needs Assessment, any Pharmaceutical Needs Assessment and the Better Care Fund;

(ii) assisting in the development and overseeing of various other plans and strategies with relevance to health;

(iii) providing a link to and encouraging integration and collaboration with and other key health stakeholders including NHS England and any other health and wellbeing board; and

(iv) ensuring that a patient/service user voice is effectively heard in connection with relevant decisions.

(v) statutory responsibility as Local Outbreak Management Board for Dorset.

(vi) Being the strategic board for the place-based partnership.

(b) The Health and Wellbeing Board will consist of 17 persons made up of:

(i) 3 Members (all of whom shall be nominated by the Leader, of which 1 shall be the Leader or the Leader's nominee);

(ii) 4 Officers made up of the Director responsible for adult social services; the Director responsible for children's services, the Director responsible for public health and 1 other Officer with a responsibility for the economy;

(iii) 6 NHS representatives made up of 3 from Locality Executive Teams (GPs), 1 from the Dorset Integrated Care Board, 1 from NHS England and 1 from the Local NHS Provider Trust; and

(iv) 4 others made up of 1 from the Local Healthwatch organisation, 1 from the voluntary sector, a representative of the Police and a representative of Dorset and Wiltshire Fire Authority.

(c) The quorum of the Health and Wellbeing Board shall be 5 persons at least 3 of whom are Members of the Council and/or Officers of the Council.

(d) There shall be power to appoint substitutes for both Members and non-Members to the Health and Wellbeing Board. A non-Member substitute must be from the same organisation as the non-Member.

8.22 **Appointment of Chair and Vice-Chair**

The Chair and Vice-Chair of the Health and Wellbeing Board shall be appointed by the Board unless Full Council otherwise determines.

8.23 **Meetings**

(a) The number of ordinary meetings of the Health and Wellbeing Board each year will normally be four unless otherwise determined by Full Council.

(b) The Chair of the Health and Wellbeing Board shall have the power to call one or more special meeting(s) of the Health and Wellbeing Board.

(c) The Chair of the Health and Wellbeing Board may determine that a meeting should be cancelled for insufficient business.

(d) There shall be power to appoint substitutes to the Health and Wellbeing Board.

8.24 **Delegated powers and powers of recommendation of the Health and Wellbeing Board**

(a) The Health and Wellbeing Board shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Health and Wellbeing Board and any of its Sub-Committees can delegate any of their powers to any Officer.

LICENSING COMMITTEE AND GAMBLING ACT COMMITTEE

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

(a) The Licensing and Gambling Acts Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by the Licensing Act 2003 and the Gambling Act 2005.

(b) The Licensing and Gambling Acts Committee may also deal with certain other matters which are referred to it having regard to provisions in the Licensing Act 2003 by a person or body possessing the power to make that determination.

(c) The Licensing and Gambling Acts Committee will consist of 15 Members appointed by Full Council and for the avoidance of doubt Members appointed to the Licensing and Gambling Acts Committee may also be appointed to the General Licensing Committee.

(d) The quorum of the Licensing Committee shall be 3.

8.26 **Appointment of Chair and Vice-Chair**

The Chair and Vice-Chair of the Licensing and Gambling Acts Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.27 **Meetings**

(a) The number of ordinary meetings of the Licensing and Gambling Acts Committee each year will normally be determined by Full Council.

(b) The Chair of Licensing and Gambling Acts Committee shall have the power to call one or more special meeting(s) of the Licensing and Gambling Acts Committee.

(c) The Chair of Licensing and Gambling Acts Committee may determine that a meeting should be cancelled for insufficient business.

(d) No Member shall sit as a member of the Licensing and Gambling Acts Committee unless s/he has received licensing training provided to that Member for this purpose.

(e) There shall be no power to appoint substitutes to the Licensing and Gambling Acts Committee.

8.28 **Licensing and Gambling Acts Sub-Committees**

(a) The membership of a Licensing and Gambling Acts Sub-Committee shall be appointed from amongst the whole membership of the Licensing and Gambling Acts Committee.

(b) Each Licensing and Gambling Acts Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.

(c) Substitutes may only be appointed to a Licensing and Gambling Acts Sub-Committee from the membership of the Licensing and Gambling Acts Committee.

(d) For the avoidance of doubt, all Licensing and Gambling Acts Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.29 **Delegated powers and powers to recommend of the Licensing Committee and Gambling Act Committee**

(a) The Licensing and Gambling Acts Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution in respect of the Licensing Act 2003 and the Gambling Act 2005 only.

(b) For the avoidance of doubt the Licensing and Gambling Acts Committee and any of its Sub-Committees can delegate any of its powers to any Officer (subject in particular in the case of the Licensing Act 2003 and the Gambling Act 2005 to any limitations prescribed in that legislation).

GENERAL LICENSING COMMITTEE

8.30 Roles/terms of Reference and Membership

(a) The General Licensing Committee shall have primary responsibility for:

(i) the discharge of the Council's licensing, certification and registration functions; and

(ii) the determination of any application relating to the manufacture and/or storage of explosives; that is not dealt with through the use of any other mechanism.

(b) The General Licensing Committee will consist of 15 Members appointed by Full Council and for the avoidance of doubt Members appointed to the General Licensing Committee may also be appointed to the Licensing and Gambling Acts Committee.

(c) The quorum of the General Licensing Committee shall be 3.

8.31 **Appointment of Chairman and Vice-Chairman**

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

8.32 **Meetings**

(a) The number of ordinary meetings of the General Licensing Committee each year will normally be determined by Full Council.

(b) The Chairman of the General Licensing Committee shall have the power to call one or more special meeting(s) of the General Licensing Committee.

(c) The Chairman of the General Licensing Committee may determine that a meeting should be cancelled for insufficient business.

(d) No Member shall sit as a member of the General Licensing Committee unless s/he has received licensing training provided to that Member for this purpose.

(e) There shall be no power to appoint substitutes to the General Licensing Committee.

8.33 **General Licensing Sub-Committees**

(a) The membership of a General Licensing Sub-Committee shall be appointed from amongst the whole membership of the General Licensing Committee.

(b) Each General Licensing Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.

(c) Substitutes may only be appointed to a General Licensing Sub-Committee from the membership of the General Licensing Committee.

(d) For the avoidance of doubt, all General Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.34 **Delegated powers and powers to recommend of the General Licensing Committee**

(a) The General Licensing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution except in respect of the Licensing Act 2003 and the Gambling Act 2005.

(b) For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of its powers to any Officer.

PENSION FUND COMMITTEE

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

(a) The Pension Fund Committee shall be primarily responsible for exercising all functions of the Council as administering authority of the Dorset Pension Fund.

(b) The Pensions Fund Committee will consist of 9 Members comprising 5 Members appointed by Full Council (not more than 2 being also appointed to the Executive); 3 persons nominated by the Bournemouth Christchurch and Poole Council and 1 person nominated by the unions who have membership that includes Officers.

(c) The quorum of the Pension Fund Committee shall be 3 persons at least 2 of whom must be Members of the Council.

(d) There shall be no power to appoint substitutes to the Pension Fund Committee.

8.36 **Appointment of Chair and Vice-Chair**

The Chair and Vice-Chair of the Pension Fund Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.37 **Meetings**

(a) The number of ordinary meetings of the Pension Fund Committee each year will normally be determined by Full Council.

(b) The Chair of the Pension Fund Committee shall have the power to call one or more special meeting(s) of the Pension Fund Committee.

(c) The Chair of the Pension Fund Committee may determine that a meeting should be cancelled for insufficient business.

(d) There shall be no power to appoint substitutes to the Pension Fund Committee or to any Pension Fund Sub-Committee.

8.38 **Delegated powers and powers of recommendation of the Pension Fund Committee**

(a) The Pension Fund Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

(b) For the avoidance of doubt the Pension Fund Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

STAFFING COMMITTEE

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

(a) The Staffing Committee shall be primarily responsible for:

(i) Undertaking the selection process for the appointment, and formulating recommendations to the Full Council in relation to the appointment and dismissal of the Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with Officer Employment and Disciplinary Procedure Rules (membership 5 Councillors when formulating recommendations concerning the Chief Finance Officer and the Monitoring Officer)

(ii) Undertaking the selection process for the appointment and making the appointment and dismissal of:

(a) An Executive Director (membership 5 Councillors)

(b) A Corporate Director (membership 3 Councillors)

(iii) Undertaking approval of interim arrangements, including the appointment of an Acting Chief Executive and Head of Paid Service.

(iv) Hearing and determining any appeals or grievances by:

(a) The Head of Paid Service, Chief Finance Officer, Monitoring Officer and Executive Directors (5 Councillors)

(b) Corporate Directors (3 Councillors)

(v) Hearing and dealing with disputes registered by recognised Trade Unions (5 Councillors).

(b) The membership of the Staffing Committee shall be appointed from amongst the whole membership of the Council.

(i) The size of the Committee shall vary, and its members shall be nominated by the Group Leaders on a politically proportionate basis as and when a meeting is to be convened. The size of the Committee for each type of business within its terms of reference is set out in brackets in paragraph 8.39 (a), above.

(iii) For decisions concerning the Chief Executive and Head of Paid Service and for the approval of interim arrangements the composition of the Staffing Committee shall be agreed by the Director of Assurance and Democratic, in consultation with all political group leaders.

STRATEGIC AND TECHNICAL PLANNING COMMITTEE AND AREA PLANNING COMMITTEES

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

(a) The Council has 1 Strategic and Technical Planning Committee which is responsible for dealing with matters including any application and/or any enforcement issue in relation to:

(i) certain strategic town and country planning issues including any planning application whose red line crosses the boundaries of more than 1 Area Planning Committee;

(ii) various minerals and waste applications; and

(iii) rights of way including the definitive map

(iv) highways and traffic regulation

(v) relating to the exercise of the functions of the Council as registration authority for commons and town and village greens,

that are not dealt with through the use of any other mechanism.

(b) The Council has 3 Area Planning Committees which are collectively responsible for dealing with all matters in relation to town and country planning including any application and/or any enforcement issue that is not dealt with through any other mechanism.

(c) An Area Planning Committee shall deal with only those matters (and in the case of an application whose red line) which fall wholly within their area. The current boundaries of each of the Area Planning Committees can be found as an appendix to this article.

(d) In the event of any uncertainty/dispute as to whether an application falls to be determined by the Strategic and Technical Planning Committee or an Area Planning Committee the determination of the Proper Officer (or if absent or unavailable the Monitoring Officer) in consultation with the Chair of the Strategic Planning Committee shall be final.

(e) The Strategic and Technical Planning Committee will consist of 12 Members appointed by Full Council. Unless political balance requirements necessitate otherwise, those appointments shall be made up of 4 Members from each of the 3 Planning Area Committees.

(f) Each Area Planning Committee will consist of 12 Members appointed by Full Council. Members appointed to each Area Planning Committee shall be selected from wards wholly or partly falling within the area of responsibility of that Area Planning Committee unless an appointment from outside such an area is necessary for the purposes of political balance requirements.

(g) The quorum of the Strategic and Technical Planning Committee and each Area Planning Committee shall be 6 Members.

8.41 **Appointment of Chair and Vice-Chair**

The Chair and Vice-Chair of the Strategic and Technical Planning Committee and each Area Planning Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.42 **Meetings**

(a) The number of ordinary meetings each year of the Strategic and Technical Planning Committee and every Area Planning Committee will normally be determined by Full Council.

(b) The Chair of the Strategic and Technical Planning Committee and each Area Planning Committee shall have the power to call one or more special meeting(s) of the Committee of which s/he is the Chair.

(c) The Chair of the Strategic and Technical Planning Committee and each Area Planning Committee shall have the power to determine that a meeting of the Committee for which s/he is the Chair should be cancelled for insufficient business.

(d) No Member shall sit as a member of an Area Planning Committee unless s/he has received planning training provided to that Member for this purpose.

(e) Substitutes to the Strategic and Technical Planning Committee and any Area Planning Committee may only be appointed from any of the Area Planning Committees.

8.43 **Delegated powers and powers to recommend of the Strategic and Technical Planning Committee and each Area Planning Committee**

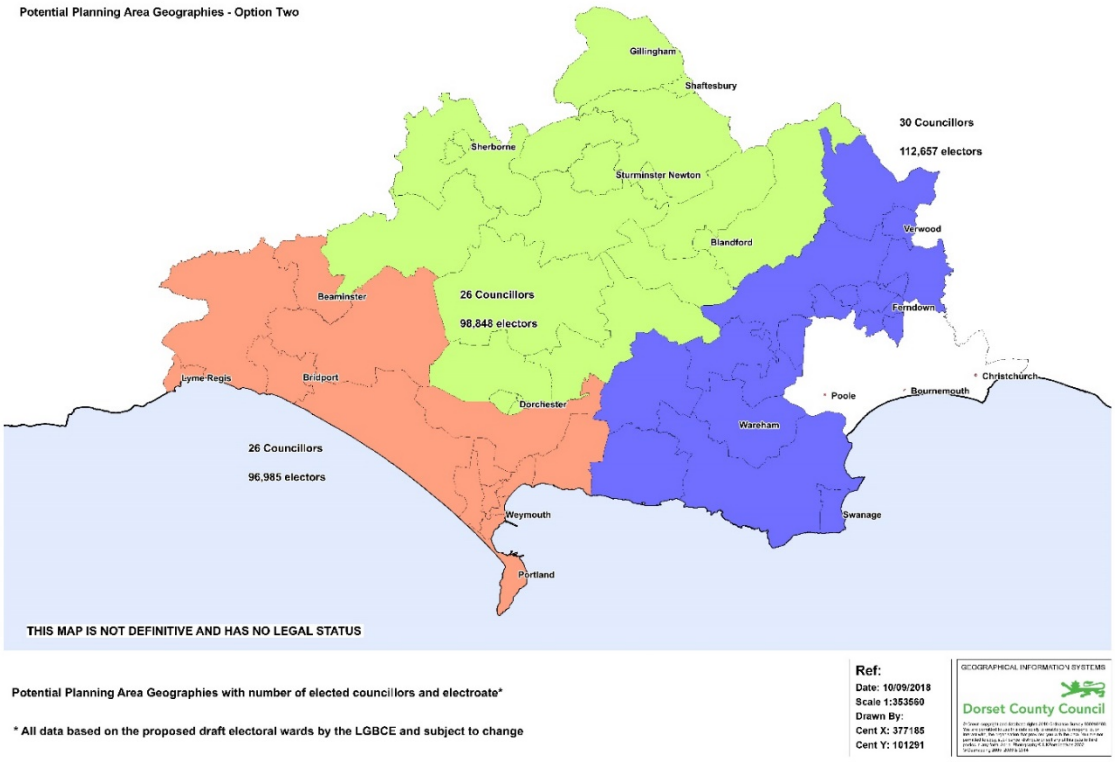
(a) The Strategic and Technical Planning Committee and each Area Planning Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.

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

(i) the Strategic and Technical Planning Committee and each of Area Planning Committees; and

(ii) unless limited by the creating Strategic and Technical Planning Committee or the Area Planning Committee (as the case may be), any Sub-Committee of the Strategic and Technical Planning Committee or any Area Planning Committee, may delegate or refer any of its powers to any Officer(s).

APPENDIX – MAP SHOWING BOUNDARIES OF AREA PLANNING COMMITTEES



Potential Planning Area Geographies with number of elected councillors and electroate*

* All data based on the proposed draft electoral wards by the LGBCE and subject to change

Ref:
Date: 10/09/2018
Scale 1:353560
Drawn By:
Cent X: 377185
Cent Y: 101291

GEOGRAPHICAL INFORMATION SYSTEMS
Dorset County Council

Annex to Article 8

Part 1
Appointment and role of Co-opted Members of the Audit & Governance Committee

1. Code of Conduct and Declaration of Office

Co-opted members will be required to sign a Declaration of Acceptance of Office and are under the same obligations as Councillors to observe the Council's Constitution and Code of Conduct for Members. Training in all audit and governance related skills are provided for all members of the Committee.

2. Voting Rights

All ten Councillors shall have full voting rights. The two co-opted members shall have full voting rights whilst the committee is operating as an advisory committee (i.e. making recommendations rather than setting policy). There will be no voting rights where the Council has delegated decisions to the committee such as, for instance, Code of Conduct matters. Co-opted members will be treated equally to elected members in terms of access to support and information.

3. Missed Attendance at Meetings

In the event that a co-opted member misses two consecutive meetings or is absent from meetings of the Committee for more than 6 months (whichever period is greater) that member will cease to be a Committee Member, unless within the period of absence the Council gives approval for this absence.

4. Appointment of Co-opted Members

(a) Each co-opted member, as far as it is achievable, will be appointed, following advertisement of the vacancy, on a 'fit for purpose basis' through assessment of each nominee's skills. The skills that candidates should be able to demonstrate would include analytical skills, effective communication, scrutiny and challenge, open minded-ness and capable of developing good teamwork and effective relationships with other members of the committee.

(b) It is critical for the success of appointment to ensure that a diverse range of candidates apply for the role, ensuring that exemplary members are recruited providing a diversity of skills and experience.

(c) The Appointments Panel will consist of 3 councillors, 1 should be the Chair of Audit & Governance Committee. The Panel will receive the appropriate human resources and administrative support. Recommendations for appointment should be made on merit and ability judged against a competency-based framework of criteria.

(d) The appointment of co-opted members recommended by the Appointments Panel will require approval by the Full Council.

5. Length of Office

a) A co-opted member's term of appointment shall be four years from the date of confirmation of appointment unless the member shall die, resign or be disqualified.

b) The term of co-opted members should not exceed two-terms, to ensure that fresh ideas, perspectives, and experience are injected into the committee on a semi-regular basis.

6. Resignations

A co-opted member may resign his or her office at any time by notice in writing given to the Council's Democratic Services Manager.

7. Payments to Co-opted members

The Committee may pay to co-opted members expenses for travelling and subsistence allowances in accordance with the recommendations of the Independent Remuneration Panel (approved by Full Council)

Part 2
Appointment and role of Co-opted Members of the Harbours Advisory Committee

1. Code of Conduct and Declaration of Office

Co-opted members will be required to sign a Declaration of Acceptance of Office and are under the same obligations as Councillors to observe the Council's Constitution and Code of Conduct for Members. Training in the Code of Conduct, Port Marine Safety Code and other harbour related skills are mandatory for all members of the Committee.

2. Voting Rights

All six councillors shall have full voting rights on all matters before the Committee. The four co-opted members shall have voting rights on all matters except for financial issues which in their case are confined within the budget delegated to the Committee. The chair of the Harbour Consultative Group will have no voting rights.

3. Missed Attendance at Meetings

In the event that a co-opted member misses two consecutive meetings or is absent from meetings of the Committee for more than 6 months (whichever period is greater) that member will cease to be a Committee Member, unless within the period of absence the Council gives approval for this absence.

a) Each co-opted member, as far as it is achievable, will be appointed, following advertisement of the vacancy, on a 'fit for purpose basis' through assessment of each nominee's skills, knowledge, experience and commitment on these matters:
- Management of harbours, shipping and other forms of transport;
- Local industrial, commercial, business, financial or legal (especially maritime law) matters;
- Management of marine leisure activities
- Safety management;
- Community issues;
- Environmental matters;
- Nautical experience including local area marine knowledge;
- Any other skills and abilities considered from time to time by the Appointments Panel to be relevant to the discharge by the Board of its functions.

b) The Appointments Panel will consist of 3 councillors, 2 of whom are other members of the Committee and the relevant Cabinet Member. The Panel will be supported by an appropriate technical advisor(s), normally the Harbour Master, having a thorough understanding of harbour/port governance issues.

c) The Appointments Panel shall ensure, so far as is reasonably practicable, that the co-opted members appointed by them will, between them, have special

knowledge, experience and ability in a broad and complementary range of matters relevant to the efficient, effective and economic discharge by the Committee of its functions. There may also be a need for co-opted members to fill any skills gap identified.

d) The appointment of co-opted members recommended by the Appointments Panel will require approval by the Full Council.

e) Councillors shall be appointed to the Committee by the Council at its Annual Meeting. Subsequent changes will be ratified by the Council and a Council member's term shall expire on the day prior to the Council's Annual Meeting. Council Members' appointments will be governed by the Council's Constitution.

4. Length of Office

a) A co-opted member's term of appointment shall be three years from the date of confirmation of appointment unless the member shall die, resign or be disqualified. Appointments should ideally be staggered in order to maintain some continuity.

b) A co-opted member may be appointed to a second but no further three year term without recourse to open competition, subject to the agreement of both the Chair and the member and the Cabinet Member for Place Commissioned Services assessment that the member has performed satisfactorily during the first term. All membership of the Committee will be subject to the ratification by the Council.

c) Co-opted members appointed by one of the predecessor councils remaining as members of the Harbours Committee shall be entitled to serve for their remaining term, including any second three-year term to which they might be appointed.

5. Resignations

A co-opted member may resign his or her office at any time by notice in writing given to the Council's Democratic Services Manager.

6. Payments to Co-opted members

The Committee may pay to co-opted members expenses for travelling and subsistence allowances on the same basis as councilors.

ARTICLE 9 – STANDARDS

9.1 **Member Code of Conduct**

The Council recognises and supports the need to have a Code of Conduct that identifies the general principles by which Members of the Council should abide. The latest Code of Conduct adopted by the Council is contained in Part 4 –Codes and Protocols of the Constitution.

9.2 **Complaints against Members**

(a) The Council has adopted a complaint process. This will be followed for complaints against Parish and Town Councillors as well as those against Dorset Council Councillors. The Monitoring Officer has power to vary the process where considered appropriate. Details of this Member Complaint Process can be found in Codes and Protocols – Part 4 of the Constitution.

(b) Complaints that may give rise to criminal investigations including those relating to disclosable pecuniary interests will usually be referred to the Police and will therefore fall outside the complaints process

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ARTICLE 10 – COMMUNITY ENGAGEMENT

10.1 The Council is committed to ensuring effective and efficient engagement with its community and citizens.

10.2 The Council will develop systems and structures which generate community involvement, including in particular through engagement with Town and Parish Councils in its area, helping to identify and introduce solutions to empower communities to do things for themselves and to engage with the Council.

10.3 Recommendations as to how the Council will engage with communities will be made by an Executive Advisory Panel and the Council's decisions will be set out in changes to this part of the Constitution.

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ARTICLE 11 – OTHER ARRANGEMENTS

11.1 Introduction

(a) For the purposes of discharging some of its executive and non-executive functions the Council has various powers to enter into arrangements:

(i) with any person or body to joint discharge such functions; and/or

(ii) for the exercise of those functions on its behalf and/or on behalf of others.

(b) Further details relating to these arrangements are set out in Part 1 of this Article.

(c) In some cases, the Council has a statutory duty to make arrangements for the creation of various bodies that are not actually Committees, but which exercise powers that directly or indirectly relate to some of the Council's functions. Further details relating to such bodies is set out in Part 2 of this Article.

(d) The Council also has / operates various informal partnerships/arrangements with other external bodies. Some of these are identified in Part 3. This list is not intended to be comprehensive.

PART 1 – JOINT ARRANGEMENTS

11.2 Joint Arrangements

(a) The approval of Full Council and/or the Executive will be required for the entering into of Joint Arrangements.

(b) The nature of the joint arrangements made will vary according to the circumstances.

(c) Some arrangements will be contractual in nature and will require the delivery of specified outcomes.

(d) The Council may also establish joint arrangements with one or more local authorities or with the executive of any such authority to exercise functions of any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with any such other local authority.

(e) Details of various joint arrangements including delegated powers and powers of recommendation (where appropriate) appear in the appendix to Part 1 of this Article.

11.3 Access to information

The Access to Information Procedure Rules in Part 2 of this Constitution will generally apply to a Joint Committee to the extent as provided for in that Part.

11.4 **Contracting out**

The Council may contract out to another body or organisation, functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making unless legislation otherwise expressly allows.

Appendix to Part 1
Joint arrangements

11.5 **BOURNEMOUTH, DORSET AND POOLE MINERALS AND WASTE POLICY JOINT ADVISORY COMMITTEE**

(a) Terms of Reference: To oversee the production of minerals and waste development documents relating jointly to Bournemouth, Dorset and Poole and to approve these for consultation, and to recommend the submission and adoption of final documents to the three parent authorities.

(b) Membership: 4 Members of Dorset Council and 4 Members of Bournemouth Christchurch and Poole Council to include in each case at least one Member from the Executive of each Council.

11.8 **DORSET LOCAL ENTERPRISE PARTNERSHIP**

This is a company limited by guarantee and its Articles set out the arrangements for local authority participation.

11.9 **JOINT PUBLIC HEALTH BOARD**

(a) **Role**
The Joint Public Health Board (the Board) is a joint executive body for the delivery of the public health functions carried out by the shared public health service (known as Public Health Dorset) on behalf of Dorset Council and Bournemouth, Christchurch and Poole Council. The Board will continue to be the joint executive for so long as the two councils are working in partnership.

(b) **Membership**
The Board will consist of two voting members drawn from the executives of each of the two partner councils (a total of four members), plus a nominated Director from Dorset Clinical Commissioning Group. Each council may at any time appoint replacement members to serve on the Board provided that any such member must be a member of that authority's executive. Notice of any change should be provided to the Democratic Services Manager of Dorset Council as the host authority for the shared service.

Each authority may also nominate one non-executive member to attend the Board as a non-voting member.

(c) **Chairmanship**

The Chairman shall rotate each meeting and it will be usually an executive from the Council hosting that particular meeting.

(d) **Quorum**

The quorum for meetings of the Board shall be one voting member from each of the two councils.

(e) **Frequency of meetings**

The Board shall meet as a minimum four times a year, usually in July, November, February, and May and subject to room availability the venue for meetings will rotate meeting by meeting around the offices of the two partners.

Additional meetings of the Board shall take place as determined by the Board in order to fulfil its work programme.

Further meetings shall be convened if requested by any two members of the Board.

(f) **Officers**

The lead officer for the Board shall be the Director of Public Health and Prevention. As host authority Dorset Council will convene meetings of the Board and will provide administrative, financial, and legal advice.

(g) **Standing Orders**

The business of the Board shall be regulated by the standing orders and procedure rules of Dorset Council as the host authority except to the extent that they are superseded by the Shared Service Agreement between the two partners councils.

(h) **Terms of Reference**

I. Discharge of the public health functions of the two councils under the Health and Social Care Act 2012 through the shared service.
II. Approve, monitor and provide assurance on the delivery of the functions referred to in I. (above) via an annual Public Health Business Plan.
III. Receive and respond to reports from any subgroups of the Board.
IV. Monitor progress and performance in the delivery of mandated public health programmes across and within the two local authorities. In doing so, draw on local and national indicators and outcome measures.
V. Acting within the requirements of the Code of Practice in Local Government Publicity, seek to influence and advise, local and central government and other agencies on public health issues.
VI. Ensure that the shared service (Public Health Dorset) provides effective and timely public health advice to the NHS and local Councils.
VII. Support the host authority and the Director of Public Health and Prevention in the performance of their functions.
VIII. Receive and approve the annual budget; monitor budget spend in accordance with the Ring-fenced Grant conditions as set out by Public Health England.

PART 2 – STATUTORY BODIES

11.10 **Statutory Arrangements**

(a) The purposes of a statutory body that the Council is required to create are quite diverse and include review panels and scrutiny boards.

(b) Where the Council is required to make arrangements for the creation of, and appointment to, such bodies then powers relating to such arrangements may sometimes be delegated to a Committee, Board and/or Officer. Information relating to such delegations are identified in Functions of the Council – Part 3(1) of the Constitution.

(c) Details of various statutory bodies created by the Council appear in the appendix to Part 2 of this Article.

Appendix to Part 2
Statutory bodies

11.12 **LOCAL PENSION BOARD**

Role/Terms of Reference and Membership

(a) The Local Pension Board shall be responsible for:

(i) securing compliance with all relevant legislation and other requirements relating/imposed in relation to any pension scheme for which the Council is the administering authority; and

(ii) ensuring the effective and efficient governance and administration of any such pension scheme and any connected scheme.

(b) The Local Pension Board shall not have any responsibility for any operational investments of any pension scheme.

(c) The Local Pension Board shall consist of an independent Chair and 8 members and be constituted as follows:

- Independent Chair
- 4 employer representatives; and
- 4 scheme member representatives

Scheme employer representatives shall comprise of 1 member nominated by Dorset Council and 1 member nominated by Bournemouth Christchurch & Poole Council. The 2 further members will be selected from other scheme employers.

Scheme member representatives shall include at least 1 member nominated by a trade union recognised by Dorset Council and Bournemouth, Christchurch, and Poole Council.

(d) The quorum of the Local Pension Board shall be 5 persons made up of an equal number of member representatives and employer representatives, plus the independent Chair. If the independent Chair is not available, a vice-chair can take their place.

(e) Save to the extent that the law expressly allows, the Local Pension Board cannot appoint any Sub-Committee.

11.13 DORSET POLICE AND CRIME PANEL

Terms of Reference

(a) To review and make a report or recommendation on the draft Police and Crime plan or draft variation, given to the Panel by the Police and Crime Commissioner.

(b) To review the performance of the Police and Crime Commissioner against objectives in the Police and Crime Plan, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.

(c) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.

(d) To review and make a report to the Commissioner on the proposed appointment of the Chief Constable.

(e) To review and make a report and recommendation (as necessary) to the Commissioner on the proposed precept.

(f) To review or scrutinise decisions made, or other actions taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.

(g) To fulfil functions in relation to complaints about conduct matters in accordance with the responsibilities placed on the Panel by the Police Reform and Social Responsibility Act 2011.

(a) To appoint an Acting Police and Crime Commissioner if necessary.

Membership (12):

10 members to be drawn from Dorset Council (5) and Bournemouth, Christchurch and Poole Council (5) and independent members (2).

11.14 SHARED LIVES (ADULT PLACEMENT APPROVAL PANEL)

Terms of Reference

(a) To consider assessments for approval of prospective adult placement carers.

(b) To consider reviews of adult placement carers which seek a change in approval e.g. short to long term.

(c) To consider complaints about adult placement carers.

(d) To consider appeals against decisions.

(e) To consider major change in adult placement carers' circumstances.

(f) To receive updates on any breakdown on long-term adult placement.

(g) To contribute to the quality assurance process relating to assessment and approval of adult placement carers.

Membership*:*

(a) The Chairperson will be

(i) senior member of staff with no responsibility for the management of anyone who carries out assessments of prospective carers; or

(ii) a person who is completely independent of the scheme and who has the necessary skills and experience.

(b) The Vice-Chairperson will be a team manager of an adult fieldwork/purchaser team to substitute for the Chairperson.

(c) 1 team manager of an adult fieldwork/purchaser team.

(d) 1 carer either currently using or who has previously used the adult placement scheme.

(e) 1 ex-service user or service user from a neighbouring adult placement scheme.

(f) 1 ex-adult placement carer or carer from a neighbouring adult placement scheme.

(g) 2 elected members.

(h) 2 people with knowledge of vulnerable adults and adult placement.

(i) The Adult Placement Manager and/or Adult Placement workers not involved with the presenting of prospective adult placement carers will act as advisers to the panel.

11.15 **DORSET COMMUNITY SAFETY PARTNERSHIP**

Terms of Reference:

1. Purpose

1.1 The Dorset Community Safety Partnership (CSP) aims to reduce crime and the fear of crime, address risk, threat and harm to victims and local communities and facilitate the strengthening of Dorset's communities in the delivery of local initiatives.

1.2 It is the statutory community safety partnership body required under the Crime and Disorder Act 1998 and subsequent legislation[1], and is accountable for all statutory duties placed on community safety partnerships.

[1] The Dorset CSP is the 'Strategic Group' described in the Crime & Disorder (Formation & Implementation of Strategies) Regulations 2007

1.3 It also acts as the domestic abuse local partnership board required under The Domestic Abuse Act 2021 and is the partnership through which responsible authorities deliver their duties relating to serious violence (under the Police, Crime, Sentencing and Courts Act 2022).

1.4 The Dorset CSP co-ordinates partners' community safety activity in the Dorset Council area.

2. Function

2.1 The CSP fulfils the following functions:

- **Accountability** – acts as the legal body for community safety partnership and domestic abuse local partnership board work in the Dorset Council area, ensuring compliance with statutory duties and addressing community safety issues.
- **Governance** – ensures systems and processes are in place amongst partners to deliver their duties and address issues.
- **Leadership** – sets priorities, determines policy and sets strategic direction. The CSP's leadership role also involves addressing issues and blockages that can't be managed in other parts of the structure.

3. Statutory Duties

3.1 The Dorset CSP is accountable for the statutory duties placed on community safety partnerships and domestic abuse local partnership boards by legislation. It is also the partnership through which responsible authorities deliver their duties relating to serious violence. These duties include:

- Preparing Partnership Strategic Assessments *(Crime & Disorder Act 1998; Crime & Disorder Formation & Implementation of Strategies Regulations 2007)*
- Preparing and implementing Community Safety Plans *(Crime & Disorder Act 1998; Crime & Disorder Formation & Implementation of Strategies Regulations 2007)*
- Preparing and implementing Reducing Reoffending Strategies *(Crime & Disorder Act 1998)*
- Preparing and implementing a strategy for preventing people from becoming involved in serious violence in the area and reducing instances of serious violence in the area *(Crime & Disorder Act 1998)*
- Duties relating to community engagement and consultation *(Crime & Disorder Act 1998; Crime & Disorder Formation & Implementation of Strategies Regulations 2007)*
- Having in place an information sharing protocol *(Crime & Disorder Act 1998; Crime & Disorder Formation & Implementation of Strategies Regulations 2007)*
- Conducting Domestic Homicide Reviews *(Domestic Violence, Crime and Victims Act 2004 as amended)*
- Reviewing the persons who attend the CSP to ensure they have the requisite knowledge and skill to exercise the functions (*Crime & Disorder Formation & Implementation of Strategies Regulations 2007)*

- Reviewing expenditure of any partnership monies (*Crime & Disorder Formation & Implementation of Strategies Regulations 2007)*
- Providing advice to Dorset Council about the exercise of its functions under section 57 of The Domestic Abuse Act 2021 (Domestic Abuse Act 2021)
- Providing advice to Dorset Council about the provision of other local authority support in its area (Domestic Abuse Act 2021)
- Meeting the requirements of the Serious Violence Duty placed on specified authorities to work together to prevent and reduce serious violence *(Police, Crime, Sentencing and Courts Act 2022).*
-

4. Responsibilities

4.1 In addition to the functions and statutory duties set out above the CSP will:

- Determine the wider community safety partnership structure, including any sub or working groups, whilst retaining overall statutory accountability.
- Manage performance and monitor outcomes against the Community Safety Plan and any emerging issues / priorities.
- Develop and maintain strong links with other partnerships with similar objectives including through regular meetings with their Chairs (for example, the Bournemouth, Christchurch and Poole CSP and local Safeguarding Boards).
- Work with the Council's statutory Crime & Disorder Scrutiny Committee including providing the committee with a formal report annually.
- Ensure strong links with leadership groups within partners' individual organisations so the work of the CSP and partners' contributions is understood.

5. Membership

5.1 The membership of the CSP consists of core members who represent the responsible authorities under legislation and have voting rights, and invited members who do not have voting rights.

<u>Core</u> (with voting rights)

- Dorset Council (1 representative – Cabinet Member for Community Safety)
- Dorset Police (1 representative)
- Dorset Clinical Commissioning Group (1 representative)
- Dorset & Wiltshire Fire & Rescue Authority (1 representative)
- Probation Service - Dorset (1 representative)

<u>Invited</u> (without voting rights)

- Police & Crime Commissioner (or their office) (1 representative)
- Dorset Combined Youth Justice Service (1 representative)
- Dorset Domestic Abuse Forum (1 representative – Chair of the Forum)

Representatives will hold a senior position within their organisation.

The membership is supported by relevant officers. Other partners and colleagues will be invited to attend meetings according to items of business.

The quorum of the CSP is two core members.

6. Chairing Arrangements

The Chair of the group will be the Dorset Council representative who is the Cabinet Member for community safety.

The Chair has specific responsibilities in relation to Domestic Homicide Reviews (DHRs) as set out in the relevant statutory guidance.

The Vice Chair will be drawn from the core membership at the first meeting of each financial year.

7. Decisions

Decisions will be taken in a democratic manner with all partners equal. Each core member has one vote. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Invited members, other attendees and observers do not have voting rights.

8. Accountability and Governance

Meetings will be held at least quarterly with meeting dates set a year in advance.

The CSP will provide an annual report to Dorset Council's formal Crime & Disorder Committee, in line with legislation.

Members of the group retain responsibility for meeting their individual statutory duties and responsibilities.

9. Working with the Police and Crime Commissioner for Dorset

There are various duties set out in legislation relating to CSPs and Police and Crime Commissioners (PCCs). As a result of the duties:

- Dorset's PCC must have regard to the priorities of the Dorset CSP.
- The Dorset CSP must have regard to the police and crime objectives set out in the Dorset PCC's police and crime plan.
- The CSP and PCC must act in co-operation with each other in exercising their respective functions.
- The Dorset CSP must send a copy of its Community Safety Plan to the PCC.
- The PCC for Dorset can require core members of the Dorset CSP to attend a meeting to assist in the formulation and implementation of strategies relating to the area.

Dated: June 2023

11.16 CORPORATE PARENTING BOARD

Terms of Reference:

The Corporate Parenting Board (the Board) will assist Dorset Council and its partners to understand and fully comply with legal duties and responsibilities across all services, as they discharge those duties to looked after children and care leavers.

The Corporate Parenting Board will promote member and workforce engagement, commitment and understanding of the Corporate Parenting principles introduced by the Children and Social Work Act 2017. Ensuring the local authority is 'an active, strong and committed corporate parent – in line with the corporate parenting principles'.

The Corporate Parenting Board will hold to account the council and its partners for their role in the delivery of services and statutory responsibilities to looked after children and care leavers as recommended in statutory Corporate Parenting guidance.

The Board will have access to good qualitative and quantitative management information from the council and its partners, in order to monitor performance effectively against outcomes and track delivery of promises and commitments as stated to the Children in Care Council.

The Board will ensure young people know how their voice, insights and lived experiences have impacted decision making and service development and delivery.

Board Management

The Corporate Parenting Board will meet a minimum of seven times a year. Corporate Parenting Board meetings will be attended by members of the Children in Care Council and their representatives, with support from the Children's Participation Service.

The Board will have regular membership from:

(i) Seven elected members of the Council on a politically proportionate basis.
(ii) Children in Care Council (CiCC) representatives.
(iii) Although not a full member of the board the Cabinet Member responsible for Children's services(s) is invited to attend all meetings.

The Board will have regular representation from the Children's Services Directorate in the form of:
(i) The Director of Children's Services
(ii) The Safeguarding and Standards Lead Officer
(iii) The Lead Officer for Looked After Children
(iv) The Corporate Parenting Officer

The Board will request regular representation from:
(i) Relevant Partners
(ii) The Virtual School Head
(iii) Children's Rights, Advocacy and Participation Services

(iv) Children's Health and Mental Health Service
(v) The Police and Youth Offending Service
(vi) Foster Carers representative (or other parent forum)
(vii) Also in non-regular attendance – sufficiently senior representatives from Children's Services Directorate and other directorates and agencies to attend for specific issues in order to offer advice and assistance as requested by the Board.

Membership:

(a) The Board will have regular membership from seven elected members of the Council and will also include named substitute elected members when they are not available to attend.

(b) The Board will have regular representation from the Children's Services Directorate in the form of:

(i) The Executive Director, People (Children's) (or the officer for the time being with such responsibilities)
(ii) The Head of Care and Protection (or the officer for the time being with such responsibilities)
(iii) The Lead Officer for Children in Care
(iv) The Corporate Parenting Officer

(c) The Board will have regular representation from the Children's Rights Service.

(d) The Board will seek representation from the Dorset Parent Carer Council (or other parent forum) with an expectation that the Dorset Parent Carer Council can select when they wish to attend.

(e) The Board will invite through Children's Rights Service regular representation from two young people.

11.17 **DORSET ADOPTION AGENCY'S PANEL (statutory)**

Terms of Reference:

(a) To consider the case of every child referred to it by the Adoption Agency and to make a recommendation to the Agency as to whether the child should be placed for adoption. NB under the Adoption Agencies (Panel and Consequential Amendments Regulations 2012, only those children for whom a Placement Order application is not required (e.g. those where birth parents have given signed consent) will be referred to the Adoption Panel.

(b) In cases where placement for adoption is recommended as above, to consider and, as appropriate, give advice to the Agency about proposed contact arrangements between the child and any person.

(c) To consider the case of every prospective adopter referred to it by the Adoption Agency and make a recommendation to the Agency as to whether the prospective adopter is suitable to adopt a child.

(d) In cases where suitability to adopt is recommended, to consider and give advice, as appropriate, to the Agency about the number of children the

prospective adopter may be suitable to adopt, their age range, sex, likely needs and background.

(e) To consider any case referred to it by the Adoption Agency under Regulation 27(6) (decision not to approve) or regulation 29(4) (decision to terminate approval) of the Adoption Agencies Regulations 2005 and to make a recommendation to the Agency as to whether the prospective adopter is/continues to be suitable to adopt a child.

(f) To consider proposed placements for adoption referred to it by the Adoption Agency and make a recommendation to the Agency as to whether a child should be placed for adoption with particular prospective adopters.

(g) In cases where a proposed placement for adoption is recommended, to consider and, where appropriate, give advice to the Agency about:

(i) the Agency's proposals for the provision of adoption support services;

(ii) the Agency's proposed arrangements for allowing any person contact with the child; and

(iii) whether the parental responsibility of any parent, guardian or prospective adopter should be restricted and, if so, the extent of any such restriction.

(i) Provide a quality assurance feedback to the Agency every six months on the quality of reports being presented to the Panel.

(j) Receive feedback on the progress of children who have been placed with suitable adopters.

Membership:

There is a central list of Adoption Panel members who attend some or all of the Panel meetings. Included in this central list as a minimum requirement are:

(i) the Chairperson who is independent of the Agency and who is considered by the Director for Children's Services (or the officer for the time being with such responsibilities) to have the skills and experience necessary for chairing the Panel and who, as Chairperson, would ensure that the work of the Panel is carried out efficiently and effectively in accordance with the Adoption Agency Regulations.

(ii) one person with the skills and experience to act as Vice-Chair;

(iii) at least one social work member with at least 3 years post-qualifying experience in child care social work, including adoption work. They may or may not be employed by Dorset Council

(iv) one Agency Medical Adviser;

(v) at least one other person who is independent of the Agency and who has relevant professional experience, or personal experience of adoption;

(vi) Dorset Council includes in its central list a number of independent members and social work members, two medical advisers, and one elected member;

(vii) in order to be quorate at least 5 members must be present which must include the Chairperson or Vice-Chair, an independent person (if the Vice-Chair is chairing and is not independent) and a social work member.

11.18 DORSET AGENCY FOSTERING PANEL (statutory)

Terms of Reference:

(a) The Fostering Panel is constituted according to the requirements of the Fostering Services Regulations 2011, with additional reference to the National Minimum Standards for Fostering 2011.

(b) The Panel meets to consider:

(i) each application for approval and to recommend to the Agency whether or not a person is suitable to act as a foster parent;

(ii) where it recommends approval of an application, to recommend the terms on which approval is to be given;

(iii) to recommend whether or not a person remains suitable to act as a foster parent, and whether or not the terms of approval remain appropriate:

- on the first review carried out in accordance with the regulations [28(2)], and
- on the occasion of any other review when requested to do so by the fostering service provider in accordance with the regulations [28(5)], and
- to consider any case referred to it under regulation 27(9) (proposal not to approve) and regulation 28(10) (proposal to remove approval).

(c) The Fostering Panel shall also:

(i) oversee the conduct of assessments carried out by the fostering service provider; and provide quality assurance feedback to the fostering service provider on the quality of reports presented.

(ii) advise on the procedures under which the annual reviews are carried out by the fostering service provider and periodically monitor their effectiveness.

(iii) give advice and make recommendations on such other matters or cases as the fostering service provider may refer to it.

Membership:

There is a central list of Fostering Panel members who attend some or all of the panel meetings. Included in this central list as a minimum requirement are:

(i) the Chairperson who is independent of the Agency and who is considered by the Director for Children's Services (or the officer for the time being with such responsibilities) to have the skills and experience necessary for chairing the Panel and who, as Chairperson, would ensure that the work of the Panel is carried out efficiently and effectively in accordance with the Fostering Agency Regulations.

(ii) one person with the skills and experience to act as Vice-Chair.

(iii) at least one social work member with at least 3 years relevant post-qualifying experience. They may or may not be employed by Dorset Council.

(iv) at least one other person who is independent of the Agency and who has relevant professional or personal experience.

(v) Dorset Council includes in its central list a number of independent members and social work members, and two elected members.

(vii) in order to be quorate at least 5 members must be present which must include the chairperson or Vice-Chairperson, an independent person (if the Vice-Chairperson is chairing and is not independent) and a social work member.

11.19 DORSET LOCAL ACCESS FORUM

Terms of Reference:

(a) To respond to the Draft and Provisional Maps of Open Access Land prepared for Dorset and to advise on the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area, as described in the Countryside and Rights of Way Act 2000.

(b) To contribute in an advisory capacity to the development of Rights of Way Improvement Plans for Dorset Council and Bournemouth, Christchurch and Poole Council areas.

(c) To promote the appropriate use of opportunities to enjoy the countryside.

(d) To advise upon the management and maintenance of access, balancing the provision of access against the needs of biodiversity, wildlife management and of landowners and managers.

(e) To advise on developing additional opportunities for everyone to enjoy the rights of way and access network, in particular for those with disabilities.

(f) The Forum will have no executive functions.

Membership:

(g) 1 member of Dorset Council;

(h) 1 member of Bournemouth, Christchurch and Poole Council;

(i) Up to 19 independent members;

(j) Membership of the Forum is open to all members of the public and is widely advertised. Members will, through consultation, represent an area of interest rather than the views of any specific organisation to which they belong. In this way the Forum will represent a broad spectrum of views within Dorset. Membership of the Forum is required by legislation to be balanced between representatives of user and land management interests.

11.20 **SCHOOLS FORUM (INCLUDING TRANSITIONAL)**

Terms of Reference:

(a) To be consulted on the school funding formula – the Council will consult the Forum on:

(i) any proposed changes in relation to the factors and criteria that were taken into account, or the methods, principles and rules that have been adopted, in their formula made in accordance with Regulations made under section 47 of the School Standards and Framework Act 1998, and

(ii) the financial effect of any such change.

(iii) Consultation under paragraph (a) shall take place in sufficient time to allow the views expressed to be taken into account in the determination of the authority's formula and in the initial determination of schools' budget shares before the beginning of the financial year.

(b) To be consulted on contracts applying to schools – the Council will at least one month prior to the issue of invitations to tender consult the Forum on the terms of any proposed contract for supplies or services being a contract paid or to be paid out of the authority's schools budget where either:

(i) the estimated value of the proposed public services contract is not less than the specific threshold which applies to the Council in pursuance of Regulation [5(1) of the Public Contracts Regulations 2015]; or

(ii) the estimated value of the proposed public supply contract is not less than the specific threshold which applies to the Council in pursuance of Regulation [5(1) of the Public Contracts Regulations 2015].

(c) To be consulted on the following financial issues – the Council shall consult the Forum annually in respect of the Council's functions relating to the schools budget, in connection with the following:

(i) the arrangements to be made for the education of pupils with special educational needs;

(ii) arrangements for the use of pupil referral units and the education of children otherwise than at school;

(iii) arrangements for early years education;

(iv) arrangements for insurance;

(v) prospective revisions to the Council's scheme for the financing of schools;

(vi) administrative arrangements for the allocation of central government grants paid to schools via the Council; and

(vii) arrangements for free school meals.

(d) The Council will consult the Forum on such other matters concerning the funding of schools as it sees fit.

(e) To be consulted on matters of policy which also have a major financial implication.

(f) To assist in the establishment of priorities for decision making purposes where the draft budget strategy indicates either that:

(i) additional monies are expected to be available; or

(ii) there will be a shortfall in monies available compared to the current financial year.

(g) To scrutinise the sources of funding of the Children's Services budget for Education.

(h) To provide a channel of information to those involved in Education in schools on the process, sourcing and decisions taken on the Education budget and, in particular, that delegated to schools.

(i) To act as the principal channel by which those involved in management, leadership or teaching in schools may convey their views on Education Services budget matters to the Council's elected members and officers.

(j) To oversee the work of relevant sub groups set up from time to time such as the Needs-led Group, the Headteachers' Reference Group on Schools Capital and Admissions and the Contracts and Support Services Group.

(k) To decide from time to time on behalf of schools whether any additional such groups should be set up involving school representation with the aim of minimising consultation workload for schools and to review annually the number and need for such groups.

Membership:

(l) Voting

- Headteachers (3 nominated by the Primary Heads Association, 1 nominated by the Dorset Association of Middle Schools); Headteachers*, 2 nominated by the Dorset Association of Secondary Headteachers, 2 nominated by the Special School Headteachers Association of Dorset);
- 3 representatives of the Professional Teacher Associations nominated by the Dorset Teachers' Council;

- school governors nominated by the Association of Dorset School Governors; and
- 1 Member appointed by the Executive*

*or a substitute appointed by them.

(m) Observers
- 2 representatives of voluntary aided schools nominated by the Diocesan Liaison Committee;
- 1 representative nominated by Dorset Association of Middle Schools Headteachers;
- 1 representative nominated by Bournemouth, Dorset and Poole Learning and Skills Council;
- 1 representative nominated by the Early Years Development and Childcare Partnership; and
- Other Members.

11.21 **STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION**

Terms of Reference:

(a) To advise the LEA about Religious Education and Collective Worship;

(b) To require the LEA to review a current Agreed Syllabus (the LEA sub group may not vote on this issue);

(c) To publish an Annual Report;

(d) To advise the LEA on methods of teaching, teaching materials and teacher training; and

(e) To deal with applications from Heads of Council Schools for total or partial exemption from providing Christian worship. Criteria for such a determination relates to family backgrounds, ages and aptitudes of pupils. The determination made by SACRE becomes legally binding until reviewed after five years or after a further application has been received.

Membership:

3 elected members to serve on the Local Education Authority Panel (Committee D).
The other Committees are:
A - Christian and other religious denominations which reflect the principal religious traditions in the area, not including the Church of England;
B - people representative of the Church of England; and
C - people representative of Teacher Associations

PART 3 – NON-STATUTORY BODIES

11.23 **DORCHESTER MARKETS INFORMAL JOINT PANEL**

(a) This Market Panel will conduct its functions subject to the Market Agreement dated [INSERT] between Dorchester Town Council, Dorset Council and the

Dorchester Markets Trustees and any subsequent variation, renewal, or replacement of the agreement.

(b) The Market Panel shall be constituted as follows:

1. Three (3) elected members to be appointed by Dorchester Town Council.
2. Three (3) elected members to be appointed by Dorset Council of whom two (2) should preferably represent wards wholly or predominantly within the Dorchester Town Council area - provided that such appointments do not result in the appointee also being a member of Dorchester Town Council.

If a Dorset Council appointee subsequently becomes a member of Dorchester Town Council, they shall cease to be a member of the Market Panel. Dorset Council shall then consider appointing a replacement who is not a member of Dorchester Town Council.

If it is not possible to appoint two members from wards within the Dorchester Town Council area, Dorset Council may instead appoint members wards wholly or predominantly within a six and two third miles radius of the Fairfield Market reference point as shown on the plan annexed at Schedule 5 of the Concession Agreement. If that is not possible, appointments may be made from the wider Dorset Council area.

(c) Management duties of the Market Panel will be;

1. To ensure that the operator employs suitable and sufficient resources to deliver an appropriate market function.

2. To arrange the settlement of financial matters, review of rents, fees, tolls, and charges relating to the market operation, subject to the budget and other arrangements referred to in the 1984 Agreement relating to Dorchester Market.

3. To determination of the frequency of meetings and meeting arrangements for the Market Panel.

(d) Operational duties of the Market Panel will be;

1. To ensure effective day to day control and management of the markets and tolls at the sites and locations on which the same are existing or entitled at the 1 October 1978.

2. To determine and apply the hours of opening.

3. To ensure effective arrangements for the satisfactory layout of the markets including the arrangement of stalls.

4. To ensure that appropriate and satisfactory agreements and licences are inplace for market tenants.

5. To ensure that adequate insurance is in place for Market days and operations.

(e) Duties of the Market Panel that will be exercised in conjunction with Dorchester Town Council and/or Dorset Council will be;

1. The grant or renewal of leases, tenancies, etc. relating to the operation of the Market on designated days for periods not exceeding 3 years.

2. Ensuring that Market structures and infrastructures are maintained in a good state of repair.

3. Matters affecting food hygiene, food safety and health and safety at work requirements (subject to the powers and duties of Dorset Council under therelevant statutes and at common law).

4. The temporary or permanent extension of days on which markets operate.

5. The arrangements for market vehicle parking and associated car parks on market days.

6. Oversight of the incurring of all items of expenditure and as to income, the fixing of all charges, subject to the provisions and procedures provided in the Financial Regulations.

7. Complying with the requirements of financial and audit regulations and policies.

8. The making of byelaws and regulations governing the use of the market.

9. Prosecution under market byelaws and legal proceedings within the purview of the Market Panel subject to proper legal advice.

11.24 DORSET NATIONAL LANDSCAPE PARTNERSHIP BOARD

Terms of Reference:

(a) To ensure the development and adoption of a statutory management plan for the Dorset National Landscape as required by the Countryside and Rights of Way Act 2000, by April 2004.

(b) To develop and promote a vision for the Dorset National Landscape.

(c) To co-ordinate and endorse the production and implementation of the Dorset National Landscape Management Plan.

(d) To review and monitor the progress towards the development and implementation of the Management Plan and achievement of its objectives.

(e) To consider, debate and recommend courses of action on the main issues relating to the Dorset National Landscape.

(f) To accommodate new requirements resulting from changes in national legislation and policy relevant to the Dorset National Landscape.

(g) To consider and review the management structure to enable the future implementation of the Management Plan.

(h) To receive, review and approve the work programmes of the National Landscape Core Team, and Annual Business Plans and Annual Reports, giving consideration to financial and resources issues.

Membership*:*

Representatives of relevant local authorities, agencies and other organisations (one representative each).

2 members of Dorset Council (plus the Cabinet Member responsible for the Environment)

11.25 **DORSET COAST FORUM**

Terms of Reference:

(a) To encourage co-operation and dialogue between the different interests and users of the Dorset coast.

(b) To encourage the gathering and dissemination of knowledge and the carrying out of the necessary research in relation to the physical processes, natural environment and human use of the Dorset Coastal Zone.

(c) To develop a greater understanding among authorities, other agencies and interest groups involved with the planning and development of the Dorset coast.

(d) To consider the strategic long term and wide area issues facing the Dorset coast.

(e) To review existing national, regional and local coastal policies and work towards the production of integrated policies specific to the Dorset Coastal Zone.

(f) To promote a sustainable approach to the management, use and development of the Dorset Coastal Zone, to ensure that the inherent natural and cultural qualities of the Dorset coast are maintained or enhanced for the benefit of future generations.

(h) To represent the interests of the Dorset coastal community and seek to influence decision-making bodies at regional, national and European levels.

Membership:

2 members of the Council, plus representatives of a wide range of local authority, industry, environmental and user groups with an interest in Dorset's Coastal Zone.

11.26 **JOINT NEGOTIATING COMMITTEE FOR TEACHERS**

Terms of Reference:

To provide a forum within which:

(a) collective bargaining may be carried out in a reasonable and constructive manner between the employer and Teacher Associations; and

(b) good industrial relations may be promoted by the employer and Teacher Associations in the interests of teachers and pupils in Dorset schools. The JNC will have regard to the implementation of nationally agreed conditions of service and the delegation of responsibilities to Governing Bodies required by the scheme of local management of schools.

(c) Good industrial relations are a joint responsibility and require the continuing co-operation of all concerned – management, Teacher Associations and individual employees. The JNC exists to encourage and assist that co-operation and to ensure there is reasonable and continuing progress in the pursuit of good industrial relations.

(d) The functions of the JNC shall be to provide a regular and recognised means of negotiation between management and teachers in the Education Service of the Children's Services Directorate, to effect close and effective co-operation and consider all matters relating to the terms and conditions of service and to policies which directly affect the individual teacher in the performance of his/her duties.

Membership:

- Director for Children's Services (or the officer for the time being with such responsibilities)
- Appropriate officers of the Children's Services Directorate (normally up to 3)
- One representative from each of the Recognised Teacher Associations, namely ATL, NAHT, NASUWT, NUT, PAT, SHA (6)
- Chairman and Secretary of the Dorset Teachers' Council (2)

Note:
Appropriate advisers on particular items can be brought in by the Director and unions represented on the Committee.

General arrangements:

(i) three meetings per annum, but extra meetings may be arranged as necessary;

(ii) Strategic Services to be responsible for organisation and clerking;

(iii) this Group to have one sub group – the Health and Safety at Work Consultative Group.

11.27 **SEND PARTNERSHIP BOARD**

Terms of Reference:

(a) To implement the actions and targets for adults with learning disabilities set out in the White Paper 'Valuing People'.

(b) To collate information about advocacy services in the area of the Board in order to inform decisions on funding advocacy from the Learning Disability Development Fund or mainstream monies.

(c) To foster the development of support services and schemes so that more people with learning disabilities benefit from Direct Payments.

(d) To recommend, in consultation with service providers and commissioners, policies and procedures for handling decisions to exclude people with learning disabilities from services.

(e) To develop and implement the Joint Investment Plan for delivering the Government's objectives.

(f) To oversee the inter-agency planning and commissioning of comprehensive, integrated and inclusive services that provide a genuine choice of service options to people with learning disabilities in their local community.

(g) To oversee the use of Health Act flexibilities.

(i) To ensure arrangements are in place to achieve a smooth transition to adult life for learning disabled young people.

Membership:

- Senior representatives from Dorset Council's Adult and Community Services and Children's Services Directorates (including the Youth and Community Service), the Dorset and Somerset Strategic Health Authority, Primary Care Trusts, Hospital Trusts, Housing Authorities, Employment Services, the Bournemouth, Dorset and Poole Learning and Skills Council, Local Independent Service Providers and Voluntary Organisations;
- People with learning disabilities and their carers; and
- 2 Dorset Council Councillors (including appropriate Cabinet Member)

11.28 **SPECIAL AND ADDITIONAL NEEDS STRATEGY GROUP**

Terms of Reference:

To act as a consultative body dealing with and acting for individuals and their needs, in particular with:

(i) provision for children with SEN at schools maintained by the authority or provided for outside of school;

(ii) the additional needs of children and access to the authority's services;

(iii) areas of joint provision by Education and other services such as Social Services, Health, the Police and Probation Service;

(iv) looked after children insofar as they are provided with education services.

Membership:

- Head of Pupil and Parent Services;
- Headteachers (2 nominated by the Primary, 1 by the Middle, 2 by the Secondary and 2 by the Special Schools Phase Associations);
- 2 representatives of the recognised Teacher Associations (nominated by Dorset Teachers' Council);
- 1 SENCO;
- 1 representative of the Psychological Service;
- 1 representative of the Education Welfare Service;
- 1 representative of the Special Educational Needs Service;
- 1 representative of the Children's Services Directorate;
- 1 representative of the Dorset Health Authority;
- 1 representative of Dorset Police;
- 1 representative of Dorset Probation Service; and
- 2 school governors, one of whom to be a governor with responsibility for SEN, nominated by ADSG.

General Arrangements:

(a) three meetings per year (termly).

(b) Pupil and Parent Services to be responsible for organisation and clerking.

(c) This Group to have two sub groups:

(i) Inter Agency Moderating Group; and

(ii) Statementing Advisory Group.

11.29 **STANDARDS AND QUALITY CONSULTATIVE GROUP**

Terms of Reference:

To promote and monitor:

(a) The relationship between schools and the lifelong learning agenda;

(b) Collaboration between educational providers;

(c) Educational achievement in schools and the wider community; and

(d) The effective implementation of the Education Development Plan and strategies for social inclusion.

Membership:

- Deputy Director (Quality) (or the officer for the time being with such responsibilities);
- Head of Lifelong Learning (or the officer for the time being with such responsibilities);
- The Cabinet Member with responsibility for Children's Services;
- Chairman of relevant Overview Committee;
- Connexions representative;
- Bournemouth, Dorset and Poole Learning and Skills Council representative;
- 4 School Headteachers representing different phases;
- Head of School Improvement (or the officer for the time being with such responsibilities);
- Head of Statutory Services (or the officer for the time being with such responsibilities);
- Secondary Advisory Headteacher;
- Head of Youth and Community Service (or the officer for the time being with such responsibilities);
- Head of Adult Education (or the officer for the time being with such responsibilities);

11.30 **STRATEGIC PLANNING FORUM**

Purpose

1. The main purposes of the Strategic Planning Forum are to:

(a) guide strategic planning at the 'larger than local' scale through effective policy development across boundaries;
(b) work with the LEP and LNP in the development of strategy to inform and align spatial and investment priorities;
(c). lobby Government on matters of importance to Dorset as whole that effect the delivery of strategic planning.

2. The Strategic Planning Forum will have non-executive advisory powers and will:
(a) consider the strategic planning and transport issues that affect cross boundary matters;
(b) advise and inform the development of an informal pan Dorset planning strategy
(c) consider and advise on common policy approaches to include in Local Plans;
(d) inform the development of both LEP and LNP approaches to growth of the economy and protection and enhancement of biodiversity; and
(e) consider any other planning and other matters of common interest.

3. The Strategic Planning Forum will work on a consensus basis and make recommendations to local authorities that act in the wider interest of a collective approach to strategic planning matters.

Structure and Membership

1. The Strategic Planning Forum will comprise 20 fixed members, including 18 elected members:
• Nine members from each local authority, one of which will ideally be the member with responsibility for the Planning portfolio or equivalent and one other member at the discretion of the local authority;
• One member from each of the Local Enterprise Partnership and Local Nature Partnership;
2. Adjoining local authorities to Dorset will be invited to meetings where there are duty to cooperate matters beyond the boundaries of the Dorset authorities requiring consideration.
3. Each elected local authority member or substitute shall be entitled to remain on the Forum for so long as the local authority appointing them so wishes, but shall cease to be a member or substitute if they cease to be a member of the local authority appointing them to the Forum or if that local authority removes them.
4. One officer in support of an attending local authority member may also attend meetings of the Forum. Further attendees will be at the discretion of the Chairman.
5. The host local authority will provide legal and democratic support (in particular organising and minuting meetings).

Voting Arrangements

1. All reasonable endeavours will be made to settle matters by consensus. Where this is not possible each appointed Forum member shall have one vote and any matter will be decided by a simple majority of those present. In the event that a majority vote cannot be reached on any particular item, the Chairman may have a casting vote or at their discretion defer an item to the next meeting.
2. The member appointed as a substitute shall have the same voting rights as the member for whom he is substituting and who does not attend. Where the appointed member attends, the substitute member shall not have any right to vote after the conclusion of the item of business being discussed when the appointed member arrives, but may remain as an observer.

Chairman of Meeting

1. Meetings of the Strategic Planning Forum will rotate alphabetically between the offices of its constituent local authorities. The Chairmanship will rotate at each meeting, or at a suitable interval otherwise agreed by the Strategic Planning Forum, and will be drawn from amongst the members of the host authority or if there is no attendance from a member of the host authority the Forum may elect a Chairman from those members present.
2. A quorum shall comprise five elected members. Named substitutes may be appointed to the Strategic Planning Forum. During any meeting if the Chairman of the meeting counts the number of members present and declares there is not a quorum present then the meeting will adjourn immediately. Remaining business will be considered at the next meeting.
3. Meetings of the Strategic Planning Forum will be arranged on a ‘needs’ basis. Meetings will also be held where elected members representing at least three

local authorities request the convening of a special meeting which will be arranged within a reasonable period.
4. Draft minutes should be circulated within two weeks to enable member organisations to act as soon as possible if necessary.

Responsibilities

1. To act in the wider Dorset interest and make recommendations back to the local authorities on a Dorset wide approach to strategic planning.
2. To meet when required to receive reports, evidence and findings from officers of the local authorities and others with an interest in strategic planning matters.
3. To ensure all Local authorities remain fully informed and engaged with the Strategic Planning Forum.
4. To engage neighboring authorities in strategic planning matters where there are cross boundary issues and ensuring the legal duty to cooperate is met.

11.31 **JOINT ARCHIVES BOARD**

The Joint Archives Board (JAB) is established between Dorset Council and Bournemouth, Christchurch, and Poole Council.

The Joint Archives Board governance arrangements are set out in Schedule 5 of the Inter-Authority Agreement for the delivery of the Joint Archives Service of 12 July 2022 and as amended.

Membership

Elected Members: (voting)

1. The JAB shall consist of 6 members including both Cabinet members responsible for the relevant service area and two other elected councillors appointed by each Council.

2. Each Council may appoint a substitute.

3. Each Council may remove its appointed elected members and appoint different members by giving written notice to host authority (Dorset Council) Democratic Services.

4. Each member of the JAB shall have one vote. Decisions shall be made by simple majority vote.

   4.1 A decision is only made if there are three ‘yes’ votes.

Officers: (non-voting)

The JAB officer membership shall consist of:

- Executive Director of Corporate Development
- Director of Customer & Business Delivery (Bournemouth, Christchurch, and Poole Council)
- Head of Customer and Libraries (Bournemouth, Christchurch, and Poole
- Corporate Director for Customer and Cultural Services
- Service manager for Archives and Records (Dorset & Bournemouth, Christchurch, and Poole Councils)
- Chairman of Dorset Archives Trust (invited as observer)

5. The JAB may co-opt any other person whom it thinks appropriate to be a non-voting member of the Board / Joint Committee to advise, support or report to as and when required in order to support the business and transformational activities of the Joint Archive Service.

Chair of the Joint Archives Board

6. The role of chairman shall alternate biennially between the Cabinet Member of BCP and Dorset Councils.

Quorum

7. The quorum for a meeting of the JAB shall be one member representative from each of the two Councils.

Proceedings: Time and place of meetings

8. The JAB will meet, as required, which is expected to be three meetings per year with a minimum of two meetings a year in person, hybrid or virtually as appropriate.

9. Additionally, the Chair, may call for additional meetings when considered appropriate.

10. Meetings may be held in either DC or BCP accommodation alternately or at the Chair's discretion via MS Teams.

Terms of Reference for Joint Archives Board

11. Through scrutiny, advice and challenge the board is responsible for overseeing the work of JAS and is responsible for advising and approving strategic and financial planning decisions in respect of the service subject to each authority's overall corporate budget and policy setting requirements.

The JAB is responsible for making the following decisions:

- agreeing policies for the service in accordance with national and local guidelines;
- which bids and programmes the JAS will become involved with determining future strategy
- approve audit reports, recommendations and actions.
- Adopt appropriate accreditation schemes and assure legal compliance of the service.

The JAB is responsible for approving the following:

- Final form bid submissions created by the service.
- JAS five-year service plan

The JAB shall make recommendations to the two participating Councils on:

- the JAS budgets, optimisation and management of reserves, resources and future investments for service development

The JAB is responsible for monitoring:

- the effective operation of the Joint Archive Service within the available budget;
- operational, transformation / project and financial performance of the business
- identification and management of risk

Escalation

12. In the event that the JAB is unable to agree a position on a matter of JAS business, the issue at hand will be escalated via Cabinet Members of both councils to their respective Cabinets for a decision and then to arbitration via the two leaders.

Review

13. The Terms of Reference for the JAB will be reviewed every two years with a potential for amendments to be introduced by one or other of the councils at meetings of the Joint Archive Board. Dorset Council will administer any changes through its Democratic Services and will ensure version control.

11.32 **DORSET (DORSET COUNCIL area) CHANNEL PANEL**

1. Context

(a) **Full guidance on Channel Panels is provided in the *Channel Duty Guidance 2020: Protecting people vulnerable to being drawn into terrorism*[1]. Panel members should read the guidance in full in conjunction with these basic requirements and Terms of Reference.**

(b) Channel forms a key part of the national Prevent strategy. Channel is an identification and intervention safeguarding multi-agency process, providing support to individuals who are at risk of being drawn into terrorism.

(c) Channel became a statutory requirement as part of the Counter Terrorism and Security Act 2015. **In practice, the legislation requires:**

(i) local authorities to ensure that a multi-agency Channel Panel exists in their area;

(ii) the local authority to provide the chair;

(iii) the Panel to develop a support plan for individuals accepted as Channel cases;

(iv) the Panel to consider alternative forms of support, including health and social services, where Channel is not appropriate;

(v) the Panel will ensure accurate records are kept detailing the support plan, agreed actions and decision-making, and outcomes: and

(vi) all partners of a Panel (as specified in Schedule 7), so far as appropriate and reasonably practicable, to cooperate with the police and the Panel in the

carrying out of their functions

2. **Purpose**

(a) Channel seeks to deliver prompt and tailored work in its conduct of assessing an individual's vulnerability to being drawn into terrorism, information gathering, developing, and delivering support packages to meet identified need and reduce vulnerability.

(b) The Channel process is managed by the local authority, who will chair the Panel, in conjunction with the Police, and is the principal decision-making and co-ordinating body for the Channel Programme in Dorset.

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[1] Channel Duty Guidance 2020: Protecting people vulnerable to being drawn into terrorism: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964567/ 6.6271_HO_HMG_Channel_Duty_Guidance_v14_Web.pdf

(c) Decisions made by the Panel will be based on discussions which consider shared information, assessment of vulnerability, risk and support needs and the input of all core members. Decisions will ideally be based on Panel consensus; where consensus cannot be reached, Panel majority will be used, with the chair having the deciding vote where there is no Panel majority. The rationale for all decisions will be clearly recorded in the minutes.

(d) The Panel has the ability to work outside scheduled meetings, in response to urgent or critical incidents.

(e) Channel is a safeguarding and public protection measure that aims to ensure that children and adults of any faith, ethnicity or background receive support before their vulnerabilities are exploited by those that would want them to embrace terrorism, and before they become involved in criminal terrorist related activity.

(f) Success of the programme is very much dependent on the co-operation and coordinated activity of partners. It works best when the individuals and their families fully engage with the programme and are supported in a consistent manner.

3. **Membership and Meeting Frequency**

(a) The Channel Duty Guidance sets out that as a minimum, the membership will consist of the local authority Channel chair and the police.

(b) Other partners (listed in Schedule 7 of CT&S Act and also Annex B of the Channel Duty Guidance) have a duty to cooperate, as far as is appropriate and reasonably practicable, to assist the police and the Panel in carrying out its functions.

(c) It is proposed that the core membership of the Dorset Channel Panel will bethe Corporate Director – Adult Social Care (Commissioning) (Local Authority Chair) and representatives from the following:

- Dorset Police
- Counter Terrorism Police, South West, Dorset

- Dorset Council Adult and Housing Service's
- Dorset Council Children's Service's
- Dorset Combined Youth Justice Service
- National Probation Service
- Dorset, Devon & Cornwall Community Rehabilitation Company
- Dorset Clinical Commissioning Group (CCG)
- Dorset Health Care
- Education Establishments – as appropriate and on request
- Child Care Providers (inc Fostering Agencies) – as appropriate and on request

(d) Other members should be invited where they have input to the cases to be discussed, as determined by the Panel chair and invited each time.

(e) A Council Officer within Dorset Council will chair Panel meetings. There is a named deputy chair who can deputise if the chair is absent from a meeting.

(f) It is expected that Panel members attend regularly or ask a named deputy to take their place if they are unable to attend a meeting.

(g) The Channel Panel will meet at least monthly where there are live cases for discussion, new referrals requiring a decision or cases requiring 6/12-month review. Where necessary, an emergency meeting can be convened if the individual's vulnerabilities require prompt consideration.

(h) Where there are no cases/referrals requiring Panel meetings to be convened, the chair and local authority Prevent Coordinator will convene (a gap of no more than three months) wider Prevent meetings to take abreast of any changes to duties, legislation and/or knowledge, practice updates.

(i) Panel members must also ensure that they keep up to date with any changes in duties and legislation and undertake training as required. Regular updates will be provided at Panel meetings.

(j) Panels will constitute a single Panel, with a single chair, covering the needs of adults and children.

4. **Secretariat**

(a) The local authority will perform all secretarial functions which include:

- Creating an agenda and circulating this to members one week before the meeting;
- Minuting the meeting and circulating these to core members and relevant partners in good time;
- Ensuring key discussions, Panel decisions and the basis for all decisions are clearly recorded.

(b) Channel Case Officers (Dorset Police) will keep a record of all VAFs and Channel minutes on CMIS (Case Management Information System). All other activity is summarised in a running case log.

5. **Scope of the meetings and decision making**

- The Channel chair liaises with the Channel Case Officer before all scheduled Panels.
- The agenda and papers for the Panel are issued to all Panel Members prior to the meeting.
- For cases to be discussed at Channel, the Channel Case Officer contacts all relevant agencies to gather information held to support the writing of the Vulnerability Assessment Framework (VAF). The VAF is circulated to Panel members in advance of the Panel meeting.
- Colleagues who have made the referral may be invited to attend Channel to provide the Panel with more information and background to the referral. Other relevant professionals who could have helpful information or advice will also be invited to Panel at a specified time to join the discussion about the case.
- Meetings will risk assess referrals by using VAFs and any other information available and agree the most appropriate support to meet their needs.
- A decision will be taken by the Panel on the adoption of all referrals presented for consideration.
- Decisions made by the Channel Panel will ideally be based on Panel consensus, or if this cannot be achieved, Panel majority (with the chair having the casting vote). This will be achieved by respectful consideration of the views of partners working cooperatively.
- When deciding whether a referral should be adopted by Panel, the chair will ensure that a full discussion has taken place with the relevant specialist advice and information available. The minutes will reflect the details of each individual Panel member's contribution to the discussion and decision. Minutes will record Panel members' contributions.
- Panel members will ensure an effective support plan is put in place for any cases adopted and that consent is sought from the individual prior to the plan being activated and identify and commission a suitable intervention to offer support in order to reduce the level of vulnerability. This may include the use of a Home Office Intervention Provider. The use of an Intervention Provider will be considered for all adopted cases.
- Cases currently open to Channel will be discussed and reviewed at each Panel to decide whether Channel involvement is still necessary. For cases that are currently open to Channel there will be an updated version of the Support Plan and an updated VAF (at least every 3 months) circulated to Panel members in advance ready for review and discussion at the meeting.
- If an Intervention Provider is still working with the case, then it will automatically remain with Channel. The Intervention Provider will report its recommendations to the Panel, who will then decide if interventions should conclude. If a case has been adopted but there is no Intervention Provider, the police will be asked to review this after 3 months. On occasion, (i.e. where consent for Channel is withdrawn) the risk may not be mitigated or decreased through the Channel process and a case may be moved from Channel to police-led space.

6 **Governance** The Dorset CONTEST Board has overall responsibility for the local overview and monitoring of partners implementation of Channel and the wider Prevent duty. Officers in the council with responsibility for Channel / Prevent will report to councillors through Dorset Council's People and Health Scrutiny Committee. The first report will be taken to the Dorset Council's People and Health Scrutiny Committee in May 2022, and annually thereafter. There are also strong links with the Pan Dorset Prevent Partnership and Dorset Community Safety Partnership (CSP).

(b) Governance arrangements include provision for addressing escalated concerns.

7. Accountability

(a) Members are expected to prepare by reading the agenda, vulnerability assessments and any supporting information in advance of the meeting.

(b) Members are expected to complete their actions in good time and to report outcomes of their actions to the Panel.

(c) The Channel chair should be briefed by the Channel Case Officer in advance of panel to aid agenda setting, meeting preparations and identify the appropriate panel members required to be in attendance. The pre-brief should only be used to provide a summary of referrals for consideration at panel: it should be concise, brief and not treated as a decision-making forum or a filter for consideration of Channel referrals.

(d) Police will own (are responsible for the identification and mitigation of imminent risks of individuals mobilising towards and terrorism offences) the terrorism risk and the Panel will own the terrorism vulnerability associated with all referrals and cases discussed.

(e) It is expected that Panel members attend regularly or ask a named deputy to take their place if they are unable to attend a meeting. The named deputy chair will deputise for the chair if unable to attend the meeting.

(f) Panel members must ensure that they keep up to date with any changes in duties and legislation and develop an improvement plan which includes identification of any training needs, at least annually. Regular updates will be provided at Panel meetings. It is expected that the Dorset Channel chair will attend relevant training, events and disseminate relevant updates or briefings to Panel members as necessary. There is an annual Dorset Channel Development Day.

8. Information Sharing

(a) The Channel Panel will agree arrangements for sharing personal data relating to referrals, live cases and cases subject to review. An information sharing agreement to facilitate the appropriate and efficient sharing of information between partner agencies detailed within this term of reference will be developed and reviewed two yearly or in light of legislative and other changes.

9. Confidentiality

(a) Information discussed by partners within the ambit of this meeting is strictly confidential and must be treated as such during the meeting and in the subsequent handling of any data considered at this meeting; data must not be disclosed to third parties without the prior agreement of the partners of the meeting.

(b) Information shared should be directly or indirectly relevant to cases on a need to know basis. Clear distinctions should be made between fact and opinion.

(c) All agencies should ensure that the minutes are retained in a confidential and appropriately restricted manner. These minutes will aim to reflect that all

individuals who are discussed at these meetings should be treated fairly, with respect and without improper discrimination. All work undertaken at the meetings will be informed by a full commitment to equality considerations.

(d) The responsibility to take appropriate actions rests with individual agencies. The role of the Channel Panel is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety.

(e) Channel Panel members will sign the Confidentiality and Official Secrets Act declaration at the start of each meeting.

10. Discharging Cases

(a) When the Panel agrees that a case no longer presents a Prevent concern, or is no longer appropriate for Channel, the following discharge process should be followed to ensure that all decisions and actions are recorded with reasons.

When discharging cases from Channel other risk factors should be considered and appropriately discharged e.g. risk to self and others

(b) If the panel is satisfied that the terrorism vulnerability has been successfully reduced or managed, they should recommend that the case then exits the process as the intervention is complete. A closing VAF should be completed by the Channel Case Officer as soon as possible setting out the reason for the panel's recommendations. The recommendations will need to be endorsed by the Channel panel chair and the Channel Case Officer

(c) The most appropriate Panel member is identified to liaise with the individual and notify them of the Panel's decision.

(d) Where the Panel has agreed that broader support may be necessary:

- If that support is from an agency/service represented at Channel it is the responsibility of the representative to advise on what support should be considered and ensure that that their agency/service follows through with any agreed actions
- If the support is not from an agency represented at Channel, a discussion will be held, and agreement reached about how the request for support will be progressed

(e) The Channel Panel will review all adopted cases at 6 and 12 months after exiting from Channel. The Case Officer will drive this process, updating the chair on upcoming cases to be reviewed. The review process will include a request for relevant information from Panel members, including their service engagement, police checks, change of circumstances, and contact with theinitial referrer where appropriate. The Case Officer will ensure the Case Management system is updated to reflect the process and any decisions taken.

11. Security Clearance

(a) It is recommended that the Channel Panel chair and deputy chair hold UK National Vetting clearance at 'Security Check' SC level clearance. The Home Office should be contacted to administer these requests.

12. Document Retention

(a) The GDPR provides that personal data shall be '*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed'*. When cases have been formally discharged from Channel Panel, the retention of data shall comply with the data retention policy of each agency.

13. Review of Terms of Reference

(a) Terms of Reference will be reviewed on an annual basis or in light of legislative and other changes.

Dorset (Dorset Council area) Channel Panel

Terms of Reference

Created: April 2021

1.0 Context

1.1 Full guidance on Channel Panels is provided in the *Channel Duty Guidance 2020: Protecting people vulnerable to being drawn into terrorism*[1]. Panel members should read the guidance in full in conjunction with these basic requirements and Terms of Reference.

1.2 Channel forms a key part of the national Prevent strategy. Channel is an identification and intervention safeguarding multi-agency process, providing support to individuals who are at risk of being drawn into terrorism.

1.3 Channel became a statutory requirement as part of the Counter Terrorism and Security Act 2015. **In practice, the legislation requires:**

a) local authorities to ensure that a multi-agency Channel Panel exists in their area;

b) the local authority to provide the chair;

c) the Panel to develop a support plan for individuals accepted as Channel cases;

d) the Panel to consider alternative forms of support, including health and social services, where Channel is not appropriate;

e) the Panel will ensure accurate records are kept detailing the support plan, agreed actions and decision-making, and outcomes: and

f) all partners of a Panel (as specified in Schedule 7), so far as appropriate and reasonably practicable, to cooperate with the police and the Panel in the carrying out of their functions

2.0 Purpose

2.1 Channel seeks to deliver prompt and tailored work in its conduct of assessing an individual's vulnerability to being drawn into terrorism, information gathering, developing, and delivering support packages to meet identified need and reduce vulnerability.

2.2 The Channel process is managed by the local authority, who will chair the Panel, in conjunction with the Police, and is the principal decision-making and co-ordinating body for the Channel Programme in Dorset.

[1] Channel Duty Guidance 2020: Protecting people vulnerable to being drawn into terrorism: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964567/6.6271_HO_HMG_Channel_Duty_Guidance_v14_Web.pdf

2.3 Decisions made by the Panel will be based on discussions which consider shared information, assessment of vulnerability, risk and support needs and the input of all core members. Decisions will ideally be based on Panel consensus; where consensus cannot be reached, Panel majority will be used, with the chair having the deciding vote where there is no Panel majority. The rationale for all decisions will be clearly recorded in the minutes.

2.4 The Panel has the ability to work outside scheduled meetings, in response to urgent or critical incidents.

2.5 Channel is a safeguarding and public protection measure that aims to ensure that children and adults of any faith, ethnicity or background receive support before their vulnerabilities are exploited by those that would want them to embrace terrorism, and before they become involved in criminal terrorist related activity.

2.6 Success of the programme is very much dependent on the co-operation and coordinated activity of partners. It works best when the individuals and their families fully engage with the programme and are supported in a consistent manner.

3.0 Membership and Meeting Frequency

3.1 The Channel Duty Guidance sets out that as a minimum, the membership will consist of the local authority Channel chair and the police.

3.2 Other partners (listed in Schedule 7 of CT&S Act and also Annex B of the Channel Duty Guidance) have a duty to cooperate, as far as is appropriate and reasonably practicable, to assist the police and the Panel in carrying out its functions.

3.3 It is proposed that the core membership of the Dorset Channel Panel will be the Corporate Director – Adult Social Care (Commissioning) (Local Authority Chair) and representatives from the following:

- Dorset Police
- Counter Terrorism Police, South West, Dorset
- Dorset Council Adult and Housing Service's
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- National Probation Service
- Dorset, Devon & Cornwall Community Rehabilitation Company
- Dorset Clinical Commissioning Group (CCG)
- Dorset Health Care
- Education Establishments – as appropriate and on request
- Child Care Providers (inc Fostering Agencies) – as appropriate and on request

3.4 Other members should be invited where they have input to the cases to be discussed, as determined by the Panel chair and invited each time.

3.5 A Council Officer within Dorset Council will chair Panel meetings. There is a named deputy chair who can deputise if the chair is absent from a meeting.

3.6 It is expected that Panel members attend regularly or ask a named deputy to take their place if they are unable to attend a meeting.

3.7 The Channel Panel will meet at least monthly where there are live cases for discussion, new referrals requiring a decision or cases requiring 6/12-month review. Where necessary, an emergency meeting can be convened if the individual's vulnerabilities require prompt consideration.

3.8 Where there are no cases/referrals requiring Panel meetings to be convened, the chair and local authority Prevent Coordinator will convene (a gap of no more than three months) wider Prevent meetings to take abreast of any changes to duties, legislation and/or knowledge, practice updates.

3.9 Panel members must also ensure that they keep up to date with any changes in duties and legislation and undertake training as required. Regular updates will be provided at Panel meetings.

3.10 Panels will constitute a single Panel, with a single chair, covering the needs of adults and children.

4.0 Secretariat

4.1 The local authority will perform all secretarial functions which include:

- Creating an agenda and circulating this to members one week before the meeting;
- Minuting the meeting and circulating these to core members and relevant partners in good time;
- Ensuring key discussions, Panel decisions and the basis for all decisions are clearly recorded.

4.2 Channel Case Officers (Dorset Police) will keep a record of all VAFs and Channel minutes on CMIS (Case Management Information System). All other activity is summarised in a running case log.

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- The agenda and papers for the Panel are issued to all Panel Members prior to the meeting.
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6.0 Governance

6.1 The Dorset CONTEST Board has overall responsibility for the local overview and monitoring of partners implementation of Channel and the wider Prevent duty. Officers in the council with responsibility for Channel / Prevent will report to councillors through Dorset Council's People and Health Scrutiny Committee. The first report will be taken to the Dorset Council's People and Health Scrutiny Committee in May 2022, and annually thereafter. There are also strong links with the Pan Dorset Prevent Partnership and Dorset Community Safety Partnership (CSP).

6.2 Governance arrangements include provision for addressing escalated concerns.

7.0 Accountability

7.1 Members are expected to prepare by reading the agenda, vulnerability assessments and any supporting information in advance of the meeting.

7.2 Members are expected to complete their actions in good time and to report outcomes of their actions to the Panel.

7.3 The Channel chair should be briefed by the Channel Case Officer in advance of panel to aid agenda setting, meeting preparations and identify the appropriate panel members required to be in attendance. The pre-brief should only be used to provide a summary of referrals for consideration at panel: it should be concise, brief and not treated as a decision-making forum or a filter for consideration of Channel referrals.

7.4 Police will own (are responsible for the identification and mitigation of imminent risks of individuals mobilising towards and terrorism offences) the terrorism risk and the Panel will own the terrorism vulnerability associated with all referrals and cases discussed.

7.5 It is expected that Panel members attend regularly or ask a named deputy to take their place if they are unable to attend a meeting. The named deputy chair will deputise for the chair if unable to attend the meeting.

7.6 Panel members must ensure that they keep up to date with any changes in duties and legislation and develop an improvement plan which includes identification of any training needs, at least annually. Regular updates will be provided at Panel meetings. It is expected that the Dorset Channel chair will attend relevant training, events and disseminate relevant updates or briefings to Panel members as necessary. There is an annual Dorset Channel Development Day.

8.0 Information Sharing

8.1 The Channel Panel will agree arrangements for sharing personal data relating to referrals, live cases and cases subject to review. An information sharing agreement to facilitate the appropriate and efficient sharing of information between partner agencies detailed within this term of reference will be developed and reviewed two yearly or in light of legislative and other changes.

9.0 Confidentiality

9.1 Information discussed by partners within the ambit of this meeting is strictly confidential and must be treated as such during the meeting and in the subsequent handling of any data considered at this meeting; data must not be disclosed to third parties without the prior agreement of the partners of the meeting.

9.2 Information shared should be directly or indirectly relevant to cases on a need to know basis. Clear distinctions should be made between fact and opinion.

9.3 All agencies should ensure that the minutes are retained in a confidential and appropriately restricted manner. These minutes will aim to reflect that all individuals who are discussed at these meetings should be treated fairly, with respect and without improper discrimination. All work undertaken at the meetings will be informed by a full commitment to equality considerations.

9.4 The responsibility to take appropriate actions rests with individual agencies. The role of the Channel Panel is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety.

9.5 Channel Panel members will sign the Confidentiality and Official Secrets Act declaration at the start of each meeting.

10.0 Discharging Cases

10.1 When the Panel agrees that a case no longer presents a Prevent concern, or is no longer appropriate for Channel, the following discharge process should be followed to ensure that all decisions and actions are recorded with reasons.

When discharging cases from Channel other risk factors should be considered and appropriately discharged e.g. risk to self and others

10.2 If the panel is satisfied that the terrorism vulnerability has been successfully reduced or managed, they should recommend that the case then exits the process as the intervention is complete. A closing VAF should be completed by the Channel Case Officer as soon as possible setting out the reason for the panel's recommendations. The recommendations will need to be endorsed by the Channel panel chair and the Channel Case Officer

10.3 The most appropriate Panel member is identified to liaise with the individual and notify them of the Panel's decision.

10.4 Where the Panel has agreed that broader support may be necessary:

- If that support is from an agency/service represented at Channel it is the responsibility of the representative to advise on what support should be considered and ensure that that their agency/service follows through with any agreed actions
- If the support is not from an agency represented at Channel, a discussion will be held, and agreement reached about how the request for support will be progressed

10.5 The Channel Panel will review all adopted cases at 6 and 12 months after exiting from Channel. The Case Officer will drive this process, updating the chair on upcoming cases to be reviewed. The review process will include a request for relevant information from Panel members, including their service engagement, police checks, change of circumstances, and contact with the

initial referrer where appropriate. The Case Officer will ensure the Case Management system is updated to reflect the process and any decisions taken.

11.0 Security Clearance

11.1 It is recommended that the Channel Panel chair and deputy chair hold UK National Vetting clearance at 'Security Check' SC level clearance. The Home Office should be contacted to administer these requests.

12.0 Document Retention

12.1 The GDPR provides that personal data shall be '*kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed'*. When cases have been formally discharged from Channel Panel, the retention of data shall comply with the data retention policy of each agency.

13.0 Review of Terms of Reference

13.1 Terms of Reference will be reviewed on an annual basis or in light of legislative and other changes.

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ARTICLE 12 - OFFICERS

12.1 Management Structure

(a) **General**

The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The Council will engage persons for the following posts, who will be designated chief officers:

(i) Head of Paid Service (and Chief Executive);
(ii) Assistant Chief Executive
(iii) Executive Director Children's Services
(iv) Executive Director Housing, Communities and Prevention
(v) Executive Director of Economy and Environment
(vi) Executive Director Modernisation and Customer Delivery
(iii) Director of Adult Social Care
(iv) Director of Assurance and Governance (Monitoring Officer)
(v) Director of Resources (Section 151 Officer)

Arrangements may be entered into for one or more of these posts to be shared with other councils.

(c) The process of selection and recruitment of the above chief officers shall be undertaken in accordance with provisions as set out in the Officer Employment and Dismissal Procedure Rules - Part 2 of the Constitution.

(d) The Council is required by statute to appoint the following statutory posts:

(i) Head of Paid Service;
(ii) Section 151 Officer; and
(iii) Monitoring Officer.

Further details of these statutory posts are set out below and can also be found in the Financial Regulations – Part 2 of the Constitution.

(e) **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. That document shall form part of the Constitution.

12.2 Roles and Functions of the Head of Paid Service

(a) **Discharge of functions by the Council**

The Head of Paid Service will where s/he considers it appropriate report to Full Council on the manner in which the discharge of the Council's functions is

co-ordinated, the number and grade of Officers required for the discharge of functions, the organisation of Officers and to such extent as relevant, the appointment and proper management of Officers.

(b) **Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 **Functions of the Monitoring Officer**

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, Officers and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council, or the Executive in relation to an executive function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

(c) **Standards**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.

(d) **Conducting investigations**

The Monitoring Officer will conduct or arrange for there to be conducted investigations into relevant complaints against Members and Town/Parish councillors and make reports or recommendations in respect of them in accordance with the Member Complaint Process which can be found in Codes and Protocols – Part 4 of the Constitution.

(e) **Proper officer for access to information**

The Monitoring Officer will ensure that Member decisions (including decisions by Committee and individual Executive Member decisions), together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as required by legislation.

(f) **Contributing to corporate management**

The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

(g) **Providing advice**

The Monitoring Officer will provide advice to the Council on the scope of powers and authority to take decisions, maladministration, financial

impropriety, probity and budget and policy framework issues and will support and advise Members and Officers in their respective roles.

(h) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 **Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Monitoring Officer, the Section 151 Officer will report to the Full Council, to the Executive in relation to executive functions and to the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management**

The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to all Members and will support and advise Members and Officers in their respective roles.

(e) **Give financial information**

The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 **Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.6 **Conduct**

Officers will comply with the Protocol on Officer and Member Relations and the Employee Code of Conduct – Codes and Protocols - Part 4 of this Constitution - and where applicable relevant professional codes of conduct.

12.7 **Employment**

The recruitment, selection and dismissal of posts below chief officer and deputy chief officer level will be made in accordance with arrangements prescribed by the Head of Paid Service to the extent not covered by the Officer Employment and Dismissal Procedure Rules – Part 2 of the Constitution.

ARTICLE 13 – DECISION MAKING

13.1 **Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is primarily set out in relevant parts of Part 1 – Summary and Articles and Part 3 – Functions of the Council of the Constitution.

13.2 **Principles of decision making**

All decisions of the Council will be made in accordance with the following principles:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

(b) due consultation and the taking of professional advice from Officers;

(c) respect for human rights;

(d) recognition of the need to address climate and nature implications

(e) a presumption in favour of openness; and

(e) clarity of aims and desired outcomes.

13.3 **Types of decision**

(a) Decisions reserved to Full Council. Article 4 – Full Council – Part 1 of this Constitution contains details of functions reserved to Full Council and which will not therefore be delegated.

(b) A definition of a Key Decision is contained in the Access to Information Procedure Rules contained in Part 2 of the Constitution.

13.4 **Decision making by Full Council**

To the extent they are relevant, meetings of Full Council will accord with the Council Procedures Rules and Budget and Policy Framework Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

13.5 **Decision making by Overview Committees and Scrutiny Committees**

To the extent they are relevant, meetings of the Overview Committees and Scrutiny Committees will accord with the Overview and Scrutiny Procedures Rules and Council and Committee Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

13.6 **Decision making by other Committees and Sub-Committees established by the Council**

To the extent they are relevant, meetings of other Council Committees and Sub-Committees will accord with the Council and Committee Procedures Rules, Executive Procedure Rules and Budget and Policy Framework Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

13.7 **Decision making by Council bodies acting as tribunals**

Full Council, a Committee, Sub-Committee or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which is considered to accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.8 **Decision making by Officers**

Officers shall exercise powers delegated to them as primarily set out in Part 3 – Functions of the Council of the Constitution, recording relevant decisions as appropriate.

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ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 **Financial management**

The management of the Council's affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

14.2 **Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

14.3 **Legal proceedings**

The:

(a) Monitoring Officer, and

(b) Head of Legal Services,

are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he, she or they (as the case may be) considers that such action is necessary to protect the Council's interests together with:

(c) such other Officer as may be provided for in the Officer Scheme of Delegation – Part 3(2) of the Constitution; and

(d) any other person identified in a resolution from a relevant body of the Council for such purposes,

provided that for the avoidance of doubt this includes power to sign any document required to institute, defend or participate in any legal proceedings.

14.4 **Authentication/signing of documents**

Subject as provided for in this Article, any of:

(a) the Head of Paid Service;

(b) the Monitoring Officer;

(c) an Executive Director;

(d) a Corporate Director;

(e) a Head of Service; and

(f) such other Officer as may be provided for pursuant to the Officer Scheme of Delegations – Part 3(2) of the Constitution, or nominated on behalf of an authorised officer

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

14.5 **Common seal of the Council**

The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer or Head of the Legal Services. A decision of Full Council or otherwise pursuant to the exercise of any power identified within the Constitution will be sufficient authority for sealing any document needed to give effect to the decision. The affixing of the common seal can be attested by any of:

(a) the Monitoring Officer,

(b) the Head of Legal Services,

(c) the Head of Paid Service; and

(d) such other Officer as may be provided for in the Officer Scheme of Delegation contained in Part 3(2) of this Constitution or otherwise nominated by one of those officers authorised to attest.

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

15.1 **Duty to monitor and review the Constitution**

(a) The Monitoring Officer will monitor and review the operation of the Constitution. The Monitoring Officer will in any event conduct a review 12 months from 1 April 2019 to monitor the effectiveness of the Constitution.

(b) To the extent that it is not covered by a delegation to an Officer or as otherwise provided for in this Article (or unless Full Council otherwise expressly resolve), any proposed change to the Constitution before it is considered by Full Council shall have had an opportunity to be considered by the Audit and Governance Committee and/or a Sub-Committee appointed by it provided that nothing in this provision shall prevent the Monitoring Officer taking a proposed change of the Constitution to Full Council even if s/he has delegated power to determine such a matter.

(c) Save to the extent as provided for in this Article changes to the Constitution shall be determined by Full Council to the extent as provided for in Article 4 – Full Council – Part 1 of this Constitution.

15.2 **Changes to the Constitution by the Monitoring Officer without referral**

(a) The Monitoring Officer shall have power without referral elsewhere:

(i) to make amendments to the Constitution where s/he considers this is necessary and/or expedient to reflect legislative change, secure consistency, and/or address any legal ambiguity;

(ii) to make amendments to the Constitution to provide alignment with existing or emerging internal practices and procedures, and/or address any uncertainty in interpretation subject to prior consultation with the Leader, an Executive Member and the Chair of the Audit and Governance Committee (or in the absence of the Chair, the Vice-Chair of the Audit and Governance Committee); and

(iii) to take reports direct to Full Council relating to other constitutional changes where s/he considers this appropriate and/or necessary.

(b) Where any other body of the Council makes a decision pursuant to legislative powers specifically given to that body that necessitate a change to the Constitution then provided the Monitoring Officer considers it appropriate so to do, the Constitution can be changed without referral to any other body of the Council.

15.3 **Changes to the Constitution relating to certain Member/Officer decisions**

Changes to the Constitution may be made without further approval by Full Council or the Executive/Leader where in the opinion of the Head of Paid Service and/or the Monitoring Officer it is to reflect a change to executive arrangements determined by the Leader, Executive, the Deputy Leader, Executive Member, a Committee, Sub-Committee, Officer or other body or person where they have the statutory and/or delegated power to so do.

15.4 **Changes to the governance arrangements**

The Council will comply with all legislative requirements regarding consultation with the electorate and otherwise should it wish to change its governance arrangements.

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ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 **Suspension of the Constitution**

(a) **Limit to suspension.**

(i) The articles of this Constitution may not be suspended save to the extent they relate to matters reserved to Full Council and then only by a resolution of Full Council.

(ii) The rules (and any of their appendices) specified in this Article below may be suspended by Full Council subject as may be provided for within those rules and the law.

(b) **Procedure to suspend.**

A motion to suspend any rules must be supported by a majority of Members present at the meeting of Full Council where the suspension is being considered. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension.** The following rules may be suspended in accordance with this Article:

(i) Council and Committee Procedure Rules;

(ii) Budget and Policy Framework Procedure Rules;

(iii) Executive Procedure Rules;

(ii) Overview and Scrutiny Procedure Rules; and

(iii) Financial Regulations including the Contract Procedure Rules.

16.2 **Interpretation**

The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of Full Council shall not be challenged at any meeting of Full Council. Such interpretation will have regard to the purpose of this Constitution contained in Article 1.

16.3 **Publication**

(a) The Monitoring Officer shall arrange for an accessible copy of this Constitution including information as to how to access any updated versions of the Constitution to be available to each Member upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.

(b) To the extent that it is not available on-line or the law otherwise requires, the Proper Officer will ensure that a full copy of the Constitution is available for inspection at the main Council Office and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) To the extent that a full version is not available on-line or the law otherwise requires, the Proper Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.

Part 2 Rules of Procedure

COUNCIL AND COMMITTEE PROCEDURE RULES

(Return to Contents Page)

For the purposes of Article 1 of this Constitution these Council Procedure Rules are Standing Orders of the Council.

1. Annual Meeting of Full Council
2. Ordinary Meetings of Full Council
3 Extraordinary Meetings
4 Time and Place of Meetings and Items on an Agenda
5 Notice and Agenda for Meetings
6 Chairing the Meeting
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10 Petitions and Deputations
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21 Record of Attendance
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25 Appointment of and Disciplinary Action Against Officers
26 Interpretation of Council Procedure
27 Suspension and Amendment of Council Procedure Rules
28 Application of Rules to Committees and Sub-Committees
29 Appointment of Committees and Sub-Committees
30 Election of Chair/Vice-Chair of Committees/Sub-Committees
31 Special Meeting of a Committee/Sub-Committee
32 Quorum of a Committee/Sub-Committee
33 Attendance of Members at a Committee/Sub-Committee
34 Order of Business of a Committee/Sub-Committee
35 Referral of a Question, Statement, Petition, Deputation or Motion to a Committee or Sub-Committee
36 Submission of Questions at Committees/Sub-Committees

PART 1 – MEETINGS OF THE FULL COUNCIL

1. ANNUAL MEETING OF FULL COUNCIL (back to procedure rules contents)

1.1 Date of Annual Meeting

In a year when there is an ordinary election of Members, the Annual Meeting of the Full Council will take place within 21 days of the retirement of the outgoing Members. In any other year, the Annual Meeting will take place in April or May.

1.2 Business

The Annual Meeting of the Full Council will:

(a) elect a person to preside if the Chair and Vice-Chair are not present;

(b) elect the Chair of Council;

(c) elect the Vice-Chair of Council;

(d) receive any declarations of interest from Members;

(e) approve the minutes of the last meeting as a correct record and to authorise the Chair to sign them;

(f) elect the Leader;

(g) receive any announcements from the Chair of Council and/or Head of Paid Service;

(h) note the appointment of the Deputy Leader and any Cabinet Members made by the Leader;

(i) appoint at least one Overview Committee and one Scrutiny Committee, a Licensing Committee, a Health and Wellbeing Board and such other Committees or Boards as the Full Council considers appropriate to deal with matters within its control, their size, terms of reference and powers;

(a) decide the allocation of seats on Committees to political groups in accordance with the rules on political balance;

(b) receive nominations from political groups for Members to serve on committees or any outside body and to make appointments to each committee or outside body, except where the Full Council has delegated the appointment or is exercisable only by the Leader;

(c) appoint the Chair and Vice-Chair of relevant committees;

(l) make any other appointments as may be necessary;

(m) approve a programme of ordinary meetings of the Full Council and its Committees for the year;

(n) receive and reply to any question and/or statement from the public;

(o) receive and reply to any petition and/or deputation from the public;

(p) deal with any questions by Members;

(q) consider any notice of motion;

(r) receive, consider and reply to any report or recommendations formally submitted by any Overview Committee or Scrutiny Committee or any other Committee or Board;

(s) consider item(s) that in the opinion of the Chair of Council should be considered at the meeting as a matter of urgency; and

(t) consider any other business set out in the notice convening the meeting.

2. ORDINARY MEETINGS OF FULL COUNCIL (back to procedure rules contents)

2.1 Date of ordinary meetings

Five ordinary meetings of the Full Council will take place on dates agreed by the Full Council at its Annual Meeting provided that the Chair in consultation with the Head of Paid Service may if s/he considers that it is appropriate to do so, direct that the meeting shall be cancelled or held on another date.

2.2 Business

Ordinary meetings of the Full Council will:

(a) elect a person to preside if the Chair of Council and Vice-Chair of Council are not present;

(b) receive any declarations of interest from Members;

(c) approve the minutes of the last meeting as a correct record and to authorise the Chair to sign them;

(d) receive any announcements from the Chair of Council or Head of Paid Service;

(e) receive any report from the Leader and Cabinet Members and receive any reply from the Leader and Cabinet Members to Members' questions;

(f) receive and reply to any question and/or statement from the public;

(g) receive and reply to any petition and/or deputation from the public;

(h) receive, consider and reply to any report or recommendations formally submitted by any Overview Committee and Scrutiny Committee, other Committee or Board;

(i) deal with any business from the last Council meeting;

(j) deal with any Valid Member Questions;

(k) consider any notices of motion;

(l) consider any item(s) that in the opinion of the Chair of Council should be considered at the meeting as a matter of urgency; and

(m) consider any other business specified in the notice convening the meeting.

3 EXTRAORDINARY MEETINGS (back to procedure rules contents)

3.1 Calling extraordinary meetings

The following may request the Proper Officer to call an extraordinary meeting of the Full Council:

(a) the Full Council by resolution;

(b) the Chair of Council;

(c) the Head of Paid Service;

(d) the Monitoring Officer; or

(e) any five Members if they have signed a requisition presented to the Chair and the Chair has refused to call a meeting or has failed to call a meeting with seven days of the presentation of the requisition.

3.2 Business of extraordinary meetings of the Full Council

Unless the Chair is of the opinion that an item should be considered as a matter of urgency, Full Council will only consider the business which is specified in the notice of the extraordinary meeting. Petitions, questions, deputations and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

4 TIME AND PLACE OF MEETINGS AND ITEMS ON AN AGENDA
(back to procedure rules contents)

4.1 Time and place of meetings

The first Annual Meeting of the Full Council will take place at South Walks House, Dorchester at 10:00am unless the Head of Paid Service decides otherwise. The time and place of subsequent meetings of the Full Council will be decided by the Full Council at its Annual Meeting and notified in the agenda for the meeting.

4.2 Items on an agenda

(a) Unless the law otherwise requires, items will be included on an agenda:

(i) at the request or at the direction of the Chair;

(ii) as required by these Council Procedure Rules, the Petition Scheme or any other provision of the Constitution;

(iii) as required by resolution of the Full Council and/or by way of a requisition;

(iv) at the request of the Head of Paid Service subject to prior consultation with the Chair;

(ii) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chair (unless unavailable or absent);

(iii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and reply to a report or recommendation;

(iv) to consider any recommendation or referral from a Committee or Sub-Committee of the Full Council;

(v) to consider any Officer report identified by any Officer (nominated by the Head of Paid Service for such a purpose) as appropriate to go to Full Council and/ or which refers to any matter which the Constitution or law requires to be considered by Full Council; and/or

(vi) in the case of an extraordinary meeting of Full Council to address the requirements for which the extraordinary meeting has been called.

(b) The Head of Paid Service (or any other person as the Head of Paid Service may nominate) with the agreement of the Chair shall decide the appropriate meeting of the Full Council to which an item should be considered and the order of all such items.

4.3 **Acting in absence**

In the event of the Chair of Council being absent or unavailable at any time when there is a need to make any decision/perform any action identified in these Council Procedure Rules contained in this Constitution as being decided or performed by the Chair of Council then for the avoidance of doubt unless the procedure rules identify otherwise that decision/action can be performed by the Vice-Chair of Council or if both are absent or unavailable then by such other Member as the Head of Paid Service may at his absolute discretion determine (if any).

5 NOTICE AND AGENDA FOR MEETINGS (back to procedure rules contents)

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Normally at least five clear working days before a meeting, the Proper Officer will send (or where a Member has given an email address, e-mail) a copy of the agenda to every Member. The agenda will be authenticated in such manner as the Proper Officer considers appropriate, give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIRING THE MEETING (back to procedure rules contents)

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

7 QUORUM (back to procedure rules contents)

7.1 Full Council

The minimum number of Members required to be present or quorum for a meeting of the Full Council is 21.

7.2 Absence of a quorum

If during any meeting, the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. No further business will be considered. Any remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, any remaining business will be considered at the next ordinary meeting.

8. DURATION OF THE MEETING (back to procedure rules contents)

8.1 Time limit

If the business of the meeting has not been concluded within three hours the Chair will interrupt the meeting and if appropriate call for a vote to be taken immediately on the item under discussion. A vote to either extend the meeting for a further specific period or to adjourn will then be taken on the item in the usual way without any further discussion.

8.2 Agenda items not dealt with

Any unresolved agenda items will be adjourned to a date decided by the Proper Officer in consultation with the Chair.

9. PUBLIC PARTICIPATION TIME (back to procedure rules contents)

9.1 General

As part of every ordinary meeting of the Full Council a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to:

(a) ask a question of the Leader or Cabinet Member
(b) submit a statement or
(c) present a petition.

In the case of an extraordinary meeting of the Full Council, if in the opinion of the Chair a question, statement or petition specifically is about the matter for which the extraordinary meeting has been called, the Chair may allow such question, or petition to be made.

9.2 **Time for public questions, and petitions**

(a) A period of 30 minutes will be set aside at each meeting of the Full Council to receive and reply to any questions from members of the public or appointed representatives.

(b) A further period of up to 15 minutes will be set aside for the Full Council to receive and to reply to any petitions from members of the public or appointed representatives.

(c) The Chair may increase any of the periods for the asking of questions, or receiving petitions if in the Chair's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

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

(a) The Council will accept the first 8 questions and the first 8 statements received from members of the public or organisations for each Full Council meeting on a first come first served basis in accordance with the current deadlines for receipt of questions and statements.

(b) In exceptional circumstances the Chair of Council has discretion to allow more than 8 questions.

(c) Any questions received over the first 8 questions, the resident or organisation will be asked if they wish to receive a written response from the Cabinet Member.

(d) Members of the public or organisation can submit a maximum of 1 question or 1 statement at each Full Council meeting.

(e) At any one meeting of the Full Council no person or organisation may ask more than one question in total during the public participation period, sub-divided questions will not be accepted.

(f) No more than three minutes shall be allowed for any 1 question to be asked and each question will consist of no more than 450 words, including any preamble (A question may include a short pre-amble to set the context of the question which can be read out within the 3-minute period.)

(g) Each statement will consist of no more than 450 words and **will not be read out at the meeting** to allow more time of questions and responses.

(h) All accepted questions and statements will be published before the meeting as a supplement to the agenda and questions/responses and statements will be published as an appendix to the minutes.

9.4 **Notice of questions/statements**

A question may only be asked or a statement received if notice has been given in writing or by email to the Proper Officer at least three clear working days before the Full Council meeting. Each question/statement must include:

(a) The name and address of the person wanting to ask the question or put forward a statement;

(b) The title of the Member to whom the person would prefer it to be directed (if any). A statement may be expressed to be a statement for the Full Council as a whole; and

(c) The complete text of the question or the statement.

9.5 **Scope of questions/statements**

(a) The Chair in consultation with the Proper Officer may reject any question/statement if s/he considers that it:

(i) is not about a matter for which the Council has a responsibility and/or which affects its area;

(ii) is defamatory, frivolous or offensive;

(iii) is substantially the same or is about a subject which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of the Full Council in the past six months;

(iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government Ombudsman;

(v) requires the disclosure of confidential or exempt information;

(vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or

(vii) is otherwise inappropriate for such a question/statement to be asked/submitted.

(b) If the Chair decides that a question/statement cannot be asked/submitted at a meeting of the Full Council, then the reason why not will be sent to the person seeking to raise it.

9.6 **Identification of who will reply**

(a) The Chair in consultation with the Proper Officer shall decide the most appropriate Member to reply to any question where a reply is needed. If this differs from that identified by the person presenting the question then this shall be identified before the question is read.

(b) The Proper Officer will arrange for each question that is to be asked to be given to any Member who is to reply as soon as reasonably practicable following its receipt.

9.7 **Order of questions**

(a) Questions from Town and Parish Councils will be read in the order in which notice of them was received followed by questions from residents/organisations in the order in which they were received.

(b) Where more than one question is submitted on the same topic, the questions will be dealt with in such order as the Chair considers appropriate. The Chair may also decide to group together similar questions.

9.8 **Asking the question/submitting a statement at the meeting**

(a) A copy of the first 8 questions and the first 8 statements received for Full Council will normally:

(i) be circulated to Members at the meeting;

(ii) be made available to the public attending the meeting; and

either recorded verbatim in the minutes or summarised.

(b) The Chair will invite the person presenting the question to ask it.

9.9 **Discussion and referral of questions and statements**

Unless the Chair decides otherwise, no discussion will take place on matters raised by questions and statements by the public. Any Member may suggest however that the matter might be better dealt with by the relevant Committee or Sub-Committee. If the Chair agrees, the Chair may direct that the matter is referred to such Committee or Sub-Committee as s/he considers appropriate.

9.10 **Replying to a question**

(a) A reply to any question shall take such form as the Member replying considers appropriate, including:

(i) An oral reply;
(ii) The response to the question will be a maximum of 300 words.
(iii) Where the desired information is in a publication of the Full Council or other published work, a reference to that publication; A referral of the matter to a Committee or Sub-committee for consideration; or where an oral reply cannot be conveniently be given, a written reply to the person asking the question.

(b) No reply is required to be given to any question if the Member who is to reply considers it appropriate not to reply. A reply will not normally be given to a statement.

9.11 **Supplementary question**

Where a reply has been given to a question no supplementary questions will be permitted.

9.12 **Inability to present a question**

(a) If the person asking the question is unable to attend the meeting, the Chair may indicate that a written reply will be given to the question or that the question will not be dealt with and/or read out.

(b) Any question which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will be dealt with by the sending of a written reply within a reasonable timescale.

(c) Where a written reply is given to a question the Proper Officer will arrange for the question and reply to be copied to all Members.

(d) Written responses will not be provided for statements.

10 **PETITIONS AND DEPUTATIONS** (back to procedure rules contents)

10.1 **Petitions**

(a) Any Members of the public may submit a petition to the Council. However, the Council will not normally accept any petition that does not comply with the Petition Scheme.

(b) Petitions which are accepted for consideration will be dealt with under the Petition Scheme.

10.2 **Deputations**

A deputation may be received at any ordinary meeting of Full Council (and any extraordinary meeting where identified above) provided:

(a) written details containing:

(i) the intended subject matter/reason for the deputation;

(ii) the contact name, address and telephone number of one of the people intending to form part of the deputation ("the Deputation Leader");

(iii) any statement/explanation that the Deputation Leader wants to read out about the deputation;

(iv) the full names of not more than four additional persons who will accompany the Deputation Leader to the meeting; and

(v) the date of the ordinary meeting of Full Council which it would be preferred to attend,

have been received by the Proper Officer, and

(b) the subject matter/reasons for the deputation is about a matter for which the Council is responsible or which affects the area of the Council.

10.3 **Time for deputations**

A period of 15 minutes will be set aside at each Full Council meeting to receive any deputations.

10.4 **Number of deputations**

At any one meeting of Full Council no person or organisation may present or participate in more than one deputation.

10.5 **Scope of deputation**

(a) The Chair in consultation with the Proper Officer may reject any deputation if s/he considers that it:

(i) is not about a matter for which the Council has a responsibility or which affects the district;

(ii) might be construed as defamatory, frivolous or offensive;

(iii) is substantially the same or is about a topic which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of Full Council in the past six months;

(iv) is about a matter that has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints system or the Local Government Ombudsman;

(v) is about confidential or exempt information;

(vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or

(vii) is otherwise inappropriate for such a deputation to be received.

(b) The Proper Officer will make arrangements to enable the future identification of deputations for the purposes of the provisions above.

(c) If the Chair decides that a deputation cannot be received at a meeting of Full Council, then the reason why not will be sent to Deputation Leader.

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

(a) The Chair in consultation with the Proper Officer shall decide the most appropriate person to reply to any deputation (if any). If this differs from that identified by the Deputation Leader then this shall be identified before the deputation is received.

(b) The Proper Officer will arrange for details of the deputation to be given to the Member who is to reply as soon as reasonably practicable following receipt of the notice.

10.7 **Order of deputations**

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

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

Where the Chair in consultation with the Proper Officer considers that a deputation is about a matter within the terms of reference of the Executive or a Committee then the Proper Officer may arrange for the deputation to be included on the next suitable agenda of the Executive or Committee.

10.9 **Meeting to consider deputation**

Unless the details of a deputation have been given to the Proper Officer at least 10 working days before the date of the next ordinary meeting of Full Council, a deputation will normally be considered at the ordinary meeting following the request.

10.10 **Presenting a deputation at the meeting**

(a) The Chair will invite the Deputation Leader to read out any statement/explanation given as part of the details of the deputation or a summary of it. If the Deputation Leader who has submitted the deputation is unable to be present, the Chair may invite another person on the deputation to read it out.

(b) A statement/explanation read out about a deputation shall not exceed five minutes unless the Chair expressly allows.

10.11 **Discussion about a deputation**

Unless the Chair decides otherwise, no discussion will take place about any deputation presented pursuant to these procedure rules.

10.12 **Replying to a deputation**

Any person identified as being the person who will reply to a deputation may reply in such matter as s/he considers appropriate.

10.13 **Inability for deputation to be presented**

(a) Any deputation which cannot be dealt with at a meeting of Full Council, which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will normally be dealt with by the sending a written reply within a reasonable timescale.

(b) Where a written reply is given to a deputation the Proper Officer will arrange for any reply to be copied to all the Members.

11 **NOT USED**

MEMBERS' QUESTIONS AND REQUESTS

12 **REPORTS FROM THE LEADER AND CABINET MEMBERS**
(back to procedure rules contents)

12.1 **Receiving reports from the Leader and Cabinet Members**

Every ordinary meeting of Full Council may normally receive a report, usually in writing with oral updates, but may simply be oral, from:

(a) the Leader on matters affecting the Council which may be verbal or written; and

(b) each Cabinet Member on matters relating to their portfolios.

12.2 **Presentation of report**

(a) The Proper Officer will make arrangements for a copy of any report to be included on the agenda.

(b) Where the report has been included on the agenda, there shall not be a requirement for the report to be read out by the Leader/ Cabinet Member at the meeting.

12.3 **Asking and replying to questions**

(a) Members may ask questions on any oral or written report given by the Leader or Cabinet Member provided that in the opinion of the Chair the questions relate to the report.

(b) The total number of questions that may be asked of the Leader and Cabinet Members and the subjects allowed are at the discretion of the Chair, but each member will normally not be allowed to ask more than one question and one supplemental question on a report.

(c) The Leader or Cabinet Member may reply to any question as s/he sees fit including:

(i) giving an oral answer; or

(ii) indicating that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members.

13 **MEMBERS' QUESTIONS** (back to procedure rules contents)

13.1 **General**

Any Member may ask:

(a) the Leader;

(b) the Chair;

(c) a Cabinet Member; or

(d) the Chair of any Committee;

a Valid Member Question at a meeting (other than an extraordinary meeting) of the Full Council on any matter about which the Council has powers or duties or which affects the district and in either case is within their area of responsibility of the person to who the question is asked.

13.2 **Valid Member Question and number of Valid Member Questions allowed**

(a) A Valid Member Question is a single question, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than three clear working days before the Full Council meeting and which in the opinion of the Chair does not:

(i) relate to the personal affairs or conduct of any individual Member or Officer; and/or

(ii) contain defamatory, inappropriate or inflammatory language.

(b) A question may be a Valid Member Question if written notice has not been given in accordance with paragraph (a) if in the opinion of the Chair the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.

(c) Unless the Chair agrees, a Member may only ask two Valid Member Questions at a meeting of the Full Council.

(d) The Proper Officer will arrange for a copy of each Valid Member Question to be given to the Member who is to reply to it as soon as reasonably practicable.

13.3 **Asking and replying to a Valid Member Question**

(a) Every Valid Member Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Member Question will take longer than two minutes to read out and the Chair will stop the Member asking the question when that time has lapsed.

(b) The Member who has been asked a Valid Member Question may:

(i) decline to answer it;

(ii) provide a direct oral answer;

(iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or

(iv) where the answer is in a Council publication or other published work, give a reference to that publication.

(c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Member who has been asked a supplementary question may:

(i) decline to answer it;

(ii) provide a direct oral answer;

(iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or

(iv) where the answer is in a Council publication or other published work, give a reference to that publication.

(d) No further supplemental questions may then be asked.

14 MEMBER REQUESTS FOR CONSIDERATION AT FULL COUNCIL

(back to procedure rules contents)

14.1 Making a Request

Any seventeen Members may request that an issue or subject is considered at a meeting of Full Council by way of a Valid Notice of Motion. If having made a Valid Notice of Motion, the Member identified as the Proposer may withdraw the Valid Notice of Motion at any time.

14.2 Valid Notice of Motion and number of Valid Notices of Motion allowed

(a) A Valid Notice of Motion is a proposal of which written notice has been given to the Proper Officer not less than 10 clear working days before the Full Council meeting and which in the opinion of the Proper Officer in consultation with the Chair:

(i) is clearly identifiable as a notice of motion;

(ii) identifies which of the Members is to be the Proposer and which is to be the Seconder; and

(iii) is signed by the Members submitting it (unless submitted by e-mail) and the date it was submitted to the Proper Officer; but

(iv) does not relate to the personal affairs or conduct of any individual Member or Officer; nor

(v) contain defamatory, inappropriate or inflammatory language.

(b) A notice of motion may be a Valid Notice of Motion despite written notice not having been given in accordance with paragraph (a) if in the opinion of the Chair the notice of motion is about an urgent matter and

the notice of motion was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.

(c) Any Member may only propose, second or be a supporter of one Valid Notice of Motion on the agenda for any one meeting of the Full Council.

14.3 **Where Valid Notice of Motion is to be considered**

(a) Subject to paragraph (b), a Valid Notice of Motion will normally be considered at the next ordinary meeting of Full Council. The Valid Notice of Motion may be considered at a later ordinary meeting if the Members who submitted it prefer and the Chair of Council considers this appropriate.

(b) Where the Proper Officer considers that a Valid Notice of Motion is about a matter within the terms of reference of a Committee or other Council body then subject to prior discussion with the Chair of Council s/he may arrange for the Valid Notice of Motion to be submitted to Full Council to be proposed and read out by the mover of the motion, seconded and referred, without discussion to the Committee or body considered most appropriate to consider it.

(c) Valid Notices of Motion will be listed on the relevant agenda in the order they have been received unless the Chair considers a different order is appropriate

14.4 **Presenting a Valid Notice of Motion**

The Member identified in the Valid Notice of Motion as the Proposer or one of the other signatories on his/her behalf will read out Valid Notice of Motion and propose it. In the absence of the Proposer or if the Proposer declines to read it then the Valid Notice of Motion shall be dealt with as the Chair considers appropriate.

14.5 **Consideration of a notice of motion**

(a) If a Valid Notice of Motion is not at the time it is presented to a meeting of the Full Council:

(i) moved either by the Proposer of it or by one of the other signatories on his/her behalf; and

(ii) seconded,

then unless postponed by consent of the Chair, it shall be treated as withdrawn and may not be moved without a new notice.

(b) A Valid Notice of Motion shall not be debated unless it is both moved and seconded. If it is both moved and seconded then the normal rules of debate as set out below shall apply.

14.6 **Valid Notice of Motion referred to a Committee**

(a) A Committee to which a Valid Notice of Motion has been referred shall report on it to the next suitable meeting of Full Council. The Committee's report shall be presented by the Committee's Chair during that part of the Full Council meeting set aside to consider Valid Notices of Motions.

(b) When the Committee Chair has presented the Committee's report, the Valid Notice of Motion shall be read to the meeting. If the Valid Notice of Motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new notice of motion.

(c) If the Committee decided that a different motion to the Valid Notice of Motion should be considered by Full Council then:

(i) if the Valid Notice of Motion is proposed and seconded the Committee Chair shall propose the alternative motion as an amendment. If that is proposed and seconded it shall be debated and voted upon in accordance with the rules of debate below; or

(ii) if the Valid Notice of Motion is not proposed and seconded then the Committee Chair shall move the alternative motion identified by the Committee. Such a motion may be moved without notice. If seconded it shall be debated and voted upon in accordance with the rules of debate below.

(d) Any amendment to either motion if it has been moved and seconded shall be debated and voted upon in accordance with the rules of debate below.

15 **ANNUAL BUDGET** (back to procedure rules contents)

A Member wishing to move an amendment to any recommendation from the Executive on the annual budget must give written notice to the Proper Officer not less than two clear working days before the meeting at which the budget or review of charges are being considered setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget.

16 **MOTIONS WITHOUT NOTICE** (back to procedure rules contents)

The following motions may be moved without notice:

(a) to appoint a Chair of the meeting at which the motion is moved;

(b) about the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a Committee or Member arising from an item on the agenda for the meeting;

(f) to receive reports and/or propose motions/amendments relating to recommendations (whether verbal or written) of the Executive, any Joint

Committee, Committee, Sub-Committee, or Officer and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now asked;

(k) to adjourn a debate;

(l) to extend or adjourn a meeting;

(m) to suspend a procedure rule subject to any limitation as provided for in the Constitution;

(n) to exclude the public and press as provided for in the Access to Information Rules;

(o) to not hear further a Member named by the Chair or to exclude a Member from the meeting in both cases as provided for in these procedure rules;

(n) by the Chair of a Committee to identify an alternative motion to that considered by the Committee in reply to a notice of motion (Member issue) referred to it pursuant to the provisions of these procedure rules above;

(o) to provide a reply to a question/statement/deputation or petition from a member of the public to such extent as these Council Procedure Rules or any Petition Scheme allow; and

(q) to give the consent of the Council where its consent is required by this Constitution.

17 RULES OF DEBATE (back to procedure rules contents)

17.1 No discussion until motion seconded

Subject to the rights relating to the proposer in the Proposer's and Seconder's speech rule below, a motion or amendment shall not be discussed unless it has been proposed and seconded.

17.2 Right to require motion in writing

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

17.3 Authority to reject disruptive or frivolous amendments

The Chair may rule an amendment out of order if it is considered to be intended merely to disrupt the business of the council or obviously lacking in serious intent.

17.4 **Proposer's and Seconder's speech**

(a) The proposer of a motion or an amendment shall have the right to speak immediately after making the proposal or may opt to exercise that right at a later stage in any debate (such right to be in addition to the proposer's right to speak before a vote is taken).

(b) The seconder of a motion or amendment shall have the right to speak:

(i) immediately after seconding a motion or amendment; or

(ii) may opt to reserve his/her speech until later in the debate.

17.5 **Content and length of speeches**

(a) Speeches must be directed to the matter under discussion or to a personal explanation or point of order.

(b) No speech may exceed three minutes without the consent of the Chair of Council except for the Proposer and the relevant member of the Executive who may each speak for up to five minutes.

17.6 **When a Member may speak again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except;

(a) to speak once on an amendment moved by another Member;

(b) to move a further amendment if the motion has been amended since s/he last spoke;

(c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);

(d) to exercise any right of reply;

(e) on a point of order;

(f) by way of personal explanation; or

(g) with the consent of the Chair.

17.7 **Amendments to motions**

(a) An amendment to a motion must be relevant to the motion and will be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and add others; or

(iv) to add words,

so long as the effect of the amendment is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

17.8 **Alteration of motion**

(a) A Member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A Member may alter a motion or amendments which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

17.9 **Withdrawal of motion**

Subject to Council Procedure Rule 13.1, a Member may withdraw a motion which s/he has moved with the consent of both the meeting and any seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the Proposer has asked permission to withdraw it unless permission is refused.

17.10 **Right to reply**

(a) The Proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is voted upon.

(b) If an amendment is moved, the Proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The Proposer of an amendment has no right of reply to the debate on his or her amendment.

17.11 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except any of the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to postpone consideration of the motion;

(d) that the question be now asked;

(e) to adjourn the debate;

(f) to adjourn the meeting;

(g) to exclude the public and press as provided for in the Access to Information Rules; and

(i) to not hear further a Member named by the Chair or to exclude a Member from the meeting.

17.12 **Closure motions**

(a) A Member may move, without comment, the following motions at the end of a speech of another Member:

(i) that the question be now asked;

(ii) to adjourn a debate; or

(iii) to adjourn a meeting.

(b) If a motion that the question be now asked is seconded and the Chair thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the Proposer of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the Proposer of the original motion the right of reply.

17.13 **Point of order**

A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these procedure rules or the law. The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

17.14 **Personal explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

18 RECISSION OF PREVIOUS DECISIONS AND MOTIONS

(back to procedure rules contents)

18.1 Subject to Rule 18.2, no motion to rescind a decision made within the past six months and no motion or amendment in similar terms to one that has been rejected in the past six months shall be proposed unless the notice of motion is supported by at least 24 Members. Once the motion or amendment is dealt with, a similar motion or amendment cannot be proposed for a further period of six months.

18.2 Rule 18.1 shall not apply:

(a) in respect of a decision or motion for which the Head of Paid Service or Monitoring Officer consider there are exceptional circumstances justifying reconsideration;

(b) in respect of any motion that may be moved without notice including for the avoidance of doubt to receive reports and/or propose motions/amendments relating to recommendations of any Committee, Sub-Committee or Officer and any resolutions following from them; or

(c) to give effect to a revised budgetary decision of Full Council as provided for in the Budget and Policy Framework Procedure Rules.

19 VOTING (back to procedure rules contents)

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is asked.

19.2 Chair's casting vote

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

19.3 Ways of voting

Unless a recorded vote is demanded, the Chair will take the vote by show of hands, electronic voting or if there is no dissent, by the affirmation of the meeting.

19.4 Recording number of votes

The number of votes for and against a proposal shall be recorded if ten or more Members at the meeting demand it, immediately before or after the vote is

taken. The Chair of Council will announce the numerical result of the vote immediately the result is known.

19.5 **Recorded vote**

If ten or more Members present at the meeting demand it, before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.6 **Recorded votes at budget meetings**

Recorded votes shall be taken on all decisions at a budget decision meeting on the budget and on the setting of council tax. The names of Members who cast a vote for or against the decision, or who abstain from voting shall be recorded in the minutes.

19.7 **Right to require individual vote to be recorded**

Where any Member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

19.8 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20 **MINUTES** (back to procedure rules contents)

20.1 **Signing the minutes**

Subject to Rule 20.2 the Chair will sign the minutes of the proceedings at the next meeting of Full Council. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

20.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

21 RECORD OF ATTENDANCE (back to procedure rules contents)

A record of Members attending at a meeting of Full Council will be made by the Proper Officer or his/her representative attending at the meeting.

22 EXCLUSION OF PUBLIC (back to procedure rules contents)

Members of the public and press may only be excluded from a meeting either as provided for in the Access to Information Procedure Rules or in accordance with Rule 24.

23 MEMBERS' CONDUCT (back to procedure rules contents)

23.1 Chair standing

When the Chair indicates that s/he wishes to speak, any Member speaking at the time must stop. The meeting must be silent.

23.3 Member not to be heard further

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

23.4 Member to leave the meeting

If in the opinion of the Chair a Member continues to behave improperly at a meeting, the Chair may move that either the Member should leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as s/he thinks necessary.

24 DISTURBANCE BY PUBLIC (back to procedure rules contents)

24.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may order his/her/their removal from the room.

24.2 Clearance of part of room

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

25 APPOINTMENT OF AND DISCIPLINARY ACTION AGAINST OFFICERS (back to procedure rules contents)

Where Full Council is to appoint any Officer or is proposing or considering any disciplinary action against an Officer then such appointment proposals or consideration shall be carried out in accordance with the Officer Employment and Dismissal Procedure Rules.

26 INTERPRETATION OF COUNCIL PROCEDURE

(back to procedure rules contents)

The ruling of the Chair as to any proceedings of the Full Council, shall not be challenged at any meeting.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

(back to procedure rules contents)

27.1 Suspension

Any of these procedure rules except any rule except Rules 19.6, 19.7, and 20.2, may be suspended by a notice of motion or without notice as provided for in Article 16 of this Constitution.

27.2 Amendment to the Council Procedure Rules

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

PART 2 - MEETINGS OF COMMITTEES AND SUB-COMMITTEES

28 APPLICATION OF RULES TO COMMITTEES AND SUB-COMMITTEES

(back to procedure rules contents)

28.1 All of the Council Procedure Rules in Part 1 apply to meetings of Full Council.

28.2 Rule 4 (but in Rule 4.1 there will be general principle that meetings will be held locally where it is practicable to do so); Rules 5–7.2 (excluding Rule 7.1), 8-10 (for Rule 8 and Rule 9 but petitions only if referred from Full Council), 13, 16-27 (excluding Rule 17.5; and in Rule 19.5 a recorded vote may be requested by three members of a Committee) (speaking only once) shall as far as practicable together with Rules 29 – 36 apply to meetings of committees and sub-committees (unless expressly specified otherwise in their terms of reference). References to “the Chair” shall be a deemed to be references to the Chair of the relevant Committee.

29 APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES

(back to procedure rules contents)

(a) The Full Council shall, at its Annual Meeting, appoint such Committees and Sub-Committees as it is required to appoint by or under statute or it considers expedient for the performance of its functions.

(b) All Members and co-opted persons shall be appointed to Committees and Sub-Committees by name.

30 ELECTION OF CHAIR/VICE-CHAIR OF COMMITTEES/SUB-COMMITTEES

(back to procedure rules contents)

(a) The Annual Meeting of Full Council will elect the Chair and Vice-Chair of each Committee to the extent as provided for in the articles of the Constitution or if no provision exists then the Annual Meeting shall make the election in any event. No Member shall at one and the same time be Chair of more than one Committee and Vice-Chair of more than one other Committee except with the consent of the Full Council.

(b) Unless the Constitution otherwise provides or a meeting of Full Council decides otherwise the election of such Chair and Vice-Chair shall be for the period up to the first meeting of the Committee following the next Annual Meeting of Full Council.

(c) In the absence of a Chair and Vice-Chair at a Committee or Sub-Committee the remaining Members present may move and elect a Member of that body to preside at that meeting.

31 SPECIAL MEETING OF A COMMITTEE/SUB-COMMITTEE

(back to procedure rules contents)

(a) A special meeting of a Committee or Sub-Committee (as the case may be) may be called:

(i) by the Chair of Council;

(ii) by the Chair of that Committee or Sub-Committee (as the case may be);

(iii) on the requisition of a quarter of the whole number of the Committee or Sub-Committee, delivered in writing to the Proper Officer, but in no case shall less than five Members requisition a special meeting;

(iv) by the Head of Paid Service; and/or

(v) by the Monitoring Officer or Section 151 Officer where either are of the opinion that a meeting needs to be called to consider a matter that requires a decision.

(b) The agenda of the special meeting shall set out the business to be considered, and subject to any matters of urgency approved by the Chair no business other than that set out in the agenda shall be considered at that meeting.

32 QUORUM OF A COMMITTEE/SUB-COMMITTEE

(back to procedure rules contents)

The quorum of:

(a) any Committee shall be as provided for in the Articles of the Constitution or in the absence of such provision shall be one quarter of the membership of that Committee or three Members (whichever is the greater);

(b) any Sub-Committee shall be decided as provided for in the Articles of the Constitution or in the absence of such provision then as decided by the Sub-Committee itself at its first meeting provided that in under no circumstance should a quorum be less than three Members.

33 ATTENDANCE OF MEMBERS AT A COMMITTEE/SUB-COMMITTEE

(back to procedure rules contents)

(a) Subject as provided for below a Member not appointed to a Committee or Sub-Committee may only speak at the invitation of the Chair of that Committee or Sub-Committee.

(b) Any Member not appointed to a Committee or Sub-Committee attending a meeting of that Committee or Sub-Committee (as the case may be) shall sit separately from the main body of the Committee or Sub-Committee.

34 ORDER OF BUSINESS OF A COMMITTEE/SUB-COMMITTEE

(back to procedure rules contents)

(a) Subject to any other provisions in the Constitution or as otherwise decided by the Chair of a relevant Committee/Sub-Committee (as the case may be) the following will normally be the order of business at a Committee/Sub-Committee:

(i) elect a person to preside if the Chair and Vice-Chair are not present;

(ii) receive any declarations of interest from Members;

(iii) approve the minutes of the last meeting;

(iv) receive any questions, statements, petitions, deputations or motions referred to the Committee/Sub-Committee in accordance with the provisions of these Council Procedure Rules/Petition Scheme;

(vi) consider any item of urgency approved by the Chair for consideration;

(vii) receive any matter referred to it for consideration by Full Council;

(viii) receive any report or recommendations from a Committee or Sub-Committee (as the case may be) and reply to matter(s) arising about it;

(ix) receive and reply to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any); and

(xi) consider any other business set out in the agenda of the meeting.

(b) The Executive Procedure Rules – Part 2 of the Constitution set out to the normal order of business of the Executive.

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

(back to procedure rules contents)

35.1 General

(a) Where a matter is referred to a Committee or Sub-Committee under these procedure rules/Petition Scheme then that Committee or Sub-Committee shall deal with such matter in accordance with the provisions of these procedure rules/Petition Scheme as if it was being considered by an ordinary meeting of Full Council unless there are express provisions in these rules and Petition Scheme as to how a Committee or Sub-Committee (as the case may be) should deal with such a referral in which event those rules should take precedence.

(b) For the avoidance of doubt nothing in this Rule shall prevent a Committee or Sub-Committee suspending any rule in accordance with the provisions of the procedure rules and Article 16 – Suspension, Interpretation and Publication of the Constitution.

35.2 Attending and speaking about a referred matter

Where a matter to which Rule 35 applies is referred to a Committee or Sub-Committee of the Council, then if the matter was submitted:

(a) by a member of the public or an organisation then any such person/representative of the organisation shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council; or

(b) by a Member, then that Member may attend that meeting and shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council, provided that the Member shall not be entitled:

(i) to move any motion relating to the matter, but may instead ask any Member of the Committee or Sub-Committee to move it, in which case any such Member may at his/her absolute discretion choose to move it or not; or

(ii) to vote on any motion at that Committee or Sub-Committee,

unless in either case the Member is also an appointed Member of the Committee or Sub-Committee to which the referral has been made.

36 SUBMISSION OF QUESTIONS AT COMMITTEES/SUB-COMMITTEES

(back to procedure rules contents)

36.1 Submitting a question

Subject as provided for in this Rule 35 a Member appointed to a Committee or Sub-Committee (including quasi-judicial and joint Committees) may ask the Chair of that Committee or Sub-Committee any question relating to the business of the Committee or Sub-Committee ("Valid Committee Question")

36.2 Valid Committee Question and number of Valid Committee Questions allowed

(a) A Valid Committee Question is a single question related to the business of the Committee or Sub-Committee, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than three clear working days before the Committee or Sub-Committee meeting and which in the opinion of the Proper Officer does not:

(i) relate to the personal affairs or conduct of any individual Member or Officer; and/or

(ii) contain defamatory, inappropriate or inflammatory language.

(b) A question may be a Valid Committee Question if written notice has not been given in accordance with paragraph (a) if in the Proper Officer's opinion the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.

(c) Unless the Chair agrees, a Member may only ask two Valid Committee Questions at a meeting of the Committee or Sub-Committee.

(d) The Proper Officer will arrange for a copy of each Valid Committee Question to be given to the Chair as soon as reasonably practicable.

36.3 Asking and replying to a Valid Committee Question

(a) Every Valid Committee Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Committee Question will take longer than two minutes to read out and the Chair will stop the Member asking the question when that time has lapsed.

(b) The Chair may:

(i) decline to answer it;

(ii) provide a direct oral answer;

(iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or

(iv) where the answer is in a Council publication or other published work, give a reference to that publication.

(c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Chair may:

(i) decline to answer it;

(ii) provide a direct oral answer;

(iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or

(iv) where the answer is in a Council publication or other published work, give a reference to that publication.

(d) No further supplemental questions may then be asked.

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PETITION SCHEME
(Council Procedure Rule 10.1)
(Return to Contents Page)

1. **Introduction**

1.1 Anyone who lives, works, studies or is a user of a service in the Council's area may sign or organise a petition and trigger a response. This includes anyone under the age of 18. This petition scheme explains the rules that the Council will apply to any petition it receives.

2. **Petitions**

2.1 Petitions submitted to the Council under this scheme must:

2.1.1 include a clear and concise statement covering the subject of the petition.

2.1.2 state what lawful action the petitioners wish the Council to take;

2.1.3 be signed by at least 20 people supporting the petition;

2.1.4 include the name and address (in a legible format) and signature or email address of any person supporting the petition

2.1.5 contact details, including name, address, telephone number (and where possible, an e-mail address) of the petition organiser.

2.2 The petition organiser is the person the Council will contact to explain how it will respond to the petition.

2.3 If a petition does not include all of the information required by this scheme may not be accepted by the Monitoring Officer. In that case, the Council will write to the petition organiser to explain the reasons why.

3. **Petitions not included in this scheme**

3.1 The Council will not take action on any petition which the Monitoring Officer considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in the acknowledgement of the petition.

3.2 This petition scheme does not apply to:

3.2.1 any petition which is not about a matter for which the Council has a responsibility, or which affects it area;

3.2.2 any petition relating to a planning or licensing application or decision (which will be referred by the Monitoring Officer to the relevant officer/committee so that regard may be had to it in reaching any decision where this is appropriate in accordance with arrangements that the relevant committee has agreed);

3.2.3 a statutory petition (for example requesting a referendum on having a directly elected mayor);

3.2.4 is related to confidential staffing matters; or

3.2.5 a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.

3.3 In addition, any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months is excluded.

3.4 Details of petitions affecting particular wards that have been excluded will be sent to the Members representing those wards.

4. **Guidelines for submitting a petition**

4.1 Paper petitions can be delivered or be sent to:

Democratic Services, Dorset Council, County Hall, Dorchester DT1 1XJ

4.2 The Council will accept e-petitions hosted by third parties (for example, Change.org), Electronic petitions hosted via other websites can be sent to democraticservices@dorsetcouncil.gov.uk ..

4.3 Petitions can also be presented to a meeting of the Council if it meets the threshold. Where the threshold is met the petition organiser should contact Democratic Services at least 10 working days before the day of the Council meeting.

5. **How the Council will respond to a petition**

5.1 The Council will acknowledge receipt of a petition within 10 working days setting out what the Council plans to do with the petition. The acknowledgment will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. Where the subject matter of the petition affects particular wards, the Members representing those wards will be notified of the receipt of the petition.

5.2 If paragraph 3.3 applies to the petition, then the Council's acknowledgement will include details of any previous petition on the same topic. If the Council is still considering a petition on the same or similar topic, the acknowledgement will tell the petition organiser that the new petition has been amalgamated with the first petition.

5.3 The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:

5.3.1 taking the action requested in the petition;

5.3.2 considering the petition at a meeting of the Council or Cabinet;

5.3.3 holding an inquiry into the matter;

5.3.4 holding a public meeting;

5.3.5 holding a meeting with petitioners or the petition organiser;

5.3.6 undertaking research into the matter;

5.3.7 writing to the petition organiser setting out the Council's views about the request in the petition

5.3.8 referring the petition to Cabinet, an Overview Committee, Scrutiny Committee or another Committee of the Council for consideration.

5.4 The Council's response may also depend on the number of people who have signed the petition. The table below sets out the thresholds:

Number of signatories	Response
20 - 49	Response from relevant director/service head (treated as standard correspondence).
50 – 4,999	Response from relevant Cabinet Member
5000+	Referred to a meeting of the full Council

5.5 If the Council is able to do what a petition asks, the acknowledgement to the petition organiser may confirm that the Council has taken the action requested and the petition will be closed.

5.6 Where the petition is referred to the relevant Cabinet Member for a response, the petition organiser will be invited to make a written statement in support of the petition (if one has not already been included in the petition).

5.7 If the petition has enough signatures to be referred to a meeting of the full Council, then the acknowledgment will confirm this and inform the petition organiser when and where the relevant meeting will take place. The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will then take place at the following meeting.

5.8 Where the petition is referred to a full Council meeting, the petition organiser (or any person authorised by him/her) will, if they so wish, be given a period not exceeding three minutes to present the petition at the meeting.

5.9 The petition will be debated by Members for a period of no more than 15 minutes unless the petition is referred, without debate, to Cabinet, a committee or Sub-committee, Overview or Scrutiny Committee for consideration.

5.10 If debated Members may ask questions of the petition organiser and the petition organiser (or any person authorised by him/her) will be granted a right of reply for a further period not exceeding three minutes at the end of the debate and before a final decision or vote is taken.

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ACCESS TO INFORMATION PROCEDURE RULES

For the purposes of Article 3.01 of this Constitution these rules apply to all formal meetings of the Council, its Committees and Sub-Committees, public meetings of the Executive, and where appropriate individual executive decisions.

1. SUMMARY OF THE PUBLIC'S RIGHTS

A copy of these Access to Information Procedure Rules which are a written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and made available to the public at the Council's offices.

2. ADDITIONAL RIGHTS TO INFORMATION

These Access to Information Procedure Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all public meetings subject only to the exceptions in these Access to Information Procedure Rules.

4. NOTICES OF MEETING

The Council will normally give at least five clear days' notice of any meeting by posting details of the meeting at the designated office and publishing on its website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

5.1. The Council will normally make copies of the agenda and reports open to the public available for inspection at the designated office of the Council at least five clear days before the meeting.

5.2. If an item is added to the agenda later, the revised agenda (or where reports are prepared after the agenda has been sent out), the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to Members.

5.3 Nothing in this requires a copy of the agenda, item or report to be available for inspection by the public until a copy is available to Members.

6. SUPPLY OF COPIES

6.1 The Council will supply copies of:

(a) any agenda and reports which are open to public inspection; and

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda

6.2 If the Proper Officer thinks fit, copies of any other documents supplied to Members in connection with an item may be supplied to any person on payment of a charge for postage and any other costs.

7. ACCESS TO DECISION MAKING PAPERS

7.1. The Council will make available for inspection by members of the public copies of the following for six years after a meeting:

(a) the minutes of the meeting, or records of decisions taken for all formal meetings of the Council and the Executive excluding any documents which disclose exempt or confidential information;

(b) the agenda for the meeting; and

(c) reports relating to items when the meeting was open to the public.

7.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers excluding any documents which disclose exempt or confidential information.

8. BACKGROUND PAPERS

8.1. List of background papers

The officer with responsibility for the report (usually the report author) will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report, but do not include published works or those which disclose exempt or confidential information (as defined in Access to Information Procedure Rule 9).

9. EXCLUSION OF THE PUBLIC FROM MEETINGS

9.1. Confidential information – requirement to exclude public

The public must be excluded from meetings if it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.2. Exempt information – discretion to exclude public

The public may be excluded from meetings if it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

9.3. Meaning of confidential information.

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

9.4. **Meaning of exempt information.**

Exempt information means information falling within the following seven categories (subject to any qualification):

General Note: In all categories information is not exempt if it relates to development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Subject to this, and the qualification in Category 3, Information in Categories 1 to 7 is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it.

Category	Condition
1. Information relating to any individual.	*See General Note above.*
2. Information which is likely to reveal identity of an individual.	*See General Note above*
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information in Category 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the building Societies Act 1986, or the Charities Act 1993. *Also see General Note above*
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute. *Also see General Note above*
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	*See General Note above*
6. Information which reveals that the authority proposes: **(a)** to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or **(b)** to make an order or direction under any enactment.	*See General Note above*

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	*See General Note above*

10. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Access to Information Procedure Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11. **PROCEDURE BEFORE TAKING KEY DECISIONS**

11.1. A Key Decision is an executive decision, which is likely:

(a) to result in the Council incurring expenditure which is, or the making savings which are, significant having regard to the council's budget for the service or function to which the decision relates, or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more one or two-member wards in the area of the Council or any one or more three-member wards.

For the purpose of this definition savings or expenditure will not normally be considered to be significant if less than £500,000

11.2 Subject to Access to Information Procedure Rules 13 and 14, a Key Decision may not normally be taken unless:

(a) notice of the Key Decision has been included in the Forward Plan;

(b) at least 28 clear days for an Executive Committee and by local agreement, at least 35 clear days for the Executive (Cabinet) have elapsed since the publication of the Forward Plan in which the Key Decision was first included; and

(c) where the Key Decision is to be taken at a meeting of the Executive or an Executive Committee, notice of the meeting has been given in accordance with Access to Information Procedure Rule 4.

12. **FORWARD PLAN**

12.1. **Advance notice of Key Decisions**

Where an Executive Committee, individual members of the Executive, Officers, or under joint arrangements intend to take a Key Decision, a Forward Plan or other document will be published at least 28 days before the Key Decisions referred to in it are to be made.

For the Executive (Cabinet) (and by local agreement) notice of a proposed Key Decision will be published at least 35 clear days before the date on which the

Executive (Cabinet) is due to take the decision, instead of the statutory minimum notice requirement.

12.2. **Contents of Forward Plan**

The Forward Plan or other document will normally contain matters which the Leader and/ or Head of Paid Service has reason to believe will be subject of a Key Decision to be taken by the Executive, an Executive Committee, individual members of the Executive, Officers, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will usually include the following particulars in so far as the information is available or might reasonably be obtained:

(a) the matter in respect of which a decision is to be made;

(b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

(c) the date on which, or the period within which, the decision will be taken;

(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

(e) the means by which any such consultation is proposed to be undertaken; the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

(f) a list of the documents submitted to the decision taker for consideration in relation to the matter.

13. **GENERAL EXCEPTION**

13.1. If it is impracticable to comply with the Forward Plan requirements of Access to Information Procedure Rule 12 above then, subject to Access to Information Procedure Rule 14, the decision may still be taken if the Proper Officer:

(a) is satisfied that it is appropriate for the decision to be taken in any event;

(b) has informed the Chairman of the Scrutiny Committee that s/he considers most relevant to the Key Decision, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;

(c) has made copies of that notice available to the public at the designated office of the Council and on the Council's website; and

at least 5 clear days have elapsed since the Proper Officer complied with (b) and (c).

13.2. As soon as reasonably practicable after the Proper Officer has complied with Access to Information Procedure Rule 13.1, s/he must make available at the Council's designated office a notice setting out the reasons why compliance with Access to

Information Procedure Rule 12 is impracticable; and publish that notice on the Council's website.

13.3. Where this Rule applies, Access to Information Procedure Rule 12 need not be complied with.

14. SPECIAL URGENCY

14.1. Where the date by which a Key Decision must be made, makes compliance with Access to Information Procedure Rule 13 impracticable, the Key Decision may only be made where the decision-maker has obtained agreement from:

(a) the Chairman of the Scrutiny Committee that s/he considers relevant; or

(b) If there is no such person, or if the Chairman of the relevant Scrutiny Committee is unable to act, the Chairman of Council, or where there is no chair of the relevant Scrutiny Committee or Chairman of the Council, the Vice Chairman of Council,

that the making of the decision is urgent and cannot reasonably be deferred.

14.2. As soon as reasonably practicable after the decision-maker has obtained agreement under Access to Information Procedure Rule 14.1, the decision-maker must make available at the Council's designated office a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred; and publish that notice on the Council's website.

15. REPORT TO COUNCIL

15.1 When an Overview and Scrutiny Committee can require a report

If a Scrutiny Committee thinks that a decision has been taken which:

(a) was not treated as being a Key Decision; and

(b) a relevant Overview and Scrutiny Committee are of the opinion that the decision was a Key Decision,

that Scrutiny Committee may require the Executive to submit a report to the Council within such reasonable time the Committee specifies.

15.2 The Executive's report to Council

For the purposes of Access to Information Procedure Rule 15.1 the Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

15.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Access to Information Procedure Rule 14 in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

16. **RECORD OF DECISIONS**

As soon as reasonably practicable after any meeting of the Executive or an Executive Committee, the Proper Officer or, if the Proper Officer was not present, the person presiding at the meeting, will produce a record of every decision taken at that meeting The record will include:

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;

(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service

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17. **PROCEDURES PRIOR TO AN EXECUTIVE BRIEFING**

17.1. An Executive Briefing means any meeting or part of a meeting of the Executive or an Executive Committee at which members of the public are to be excluded in accordance with Access to Information Procedure Rule 9.

17.2. At least 28 clear days prior to any Executive Briefing, the Proper Officer shall publish Notice of the Executive’s intention to hold an Executive Briefing, together with a statement of reasons why.

17.3. At least five clear days prior to any Executive Briefing, the Proper Officer shall publish a further Notice on the agenda for the meeting and the Council’s website confirming the Executive’s intention to hold an Executive Briefing, a statement of the reasons and details of any representations received by the Council as to why the meeting should be held in public and the Executive’s response to those representations.

17.4. Where the date by which a meeting must be held makes compliance with Access to Information Procedure Rules 17.2 and 17.3 impracticable, the Executive Briefing may still be held where the Proper Officer has obtained the agreement from:

(a) the chairman of the relevant Scrutiny Committee; or

(b) If there is no such person, or if the chairman of the relevant Scrutiny Committee is unable to act, the Chairman of Council, or where there is no chair of the relevant Scrutiny Committee or Chairman of the Council, the Vice Chairman,

18. NOTICE OF AN EXECUTIVE MEETING OR EXECUTIVE BRIEFING

Members of the Executive or its committees will be entitled to receive five clear days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

19. ATTENDANCE AT AN EXECUTIVE COMMITTEE OR EXECUTIVE BRIEFING

19.1. All Members of the Executive will be given notice of all meetings of an Executive Committee, whether or not they are Members of that committee.

19.2. All Members of the Executive are entitled to attend meeting of any Executive Committee.

19.3. Members other than Executive Members will not be entitled to attend an Executive Briefing.

19.4. The Head of the Paid Service, the Chief Financial Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive, any Executive Briefing and any Executive Committee.

19.5. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

19.6. An Executive Briefing meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

20.1. Reports intended to be taken into account.

Where an individual Member of the Executive receives a report which s/he intends to take into account in making any Key Decision, then s/he will not normally make the decision until at least five clear days after receipt of that report.

20.2. Record of individual decision.

As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive s/he will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

21. OVERVIEW COMMITTEES' AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

21.1. Rights to copies

Subject to Access to Information Procedure Rule 21.3 below, Overview Committees and Scrutiny Committees (and their sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) and which contains material relating to:

(a) any business transacted at a public or Executive Briefing or its committees; or

(b) any decision taken by an individual Member of the Executive; or

(c) any decision taken by an officer of the authority exercising an Executive function.

21.2. **Provision of copies**

Copies of documents requested under this Rule must be supplied within 10 clear days of receipt of the request.

21.3. **Limit on rights**

An Overview Committee and a Scrutiny Committee will not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) the advice of a political adviser.

22. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

22.1. **Material relating to previous business**

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive; and: contains material relating to any business to be transacted at a public meeting or; contains material relating to any business transacted at an Executive Briefing, any decision made by an individual member in accordance with executive arrangements, or a decision made by an officer in accordance with executive arrangements, at the times and in accordance with the timescales set out in Regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 except where it appears to the Proper Officer the document or part contains exempt information or advice provided by a political advisor or assistant.

22.2. **Nature of rights**

These rights of a member are additional to any other right a Member may have.

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BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

For the purposes of Article 4 of this Constitution these Budget and Policy Framework Procedure Rules apply to the development and amendment of the plans or strategies comprising Policy Framework and of the Budget. For the purposes of these rules reference to "the Executive" shall have the same meaning as in Part 1A of the Local Government Act 2000.

1. THE STRUCTURE FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the Executive to implement it. The adoption of most other policies will be dealt with in accordance with relevant executive arrangements.

2. THE PROCESS FOR DEVELOPING THE FRAMEWORK

2.1. Before a plan/strategy/budget that is part of the Budget and Policy Framework can to be adopted, initial proposals will be published in accordance with relevant executive arrangements. Details of any consultation process shall be included in relation to each of these matters in the forward plan. Any representations made to any consultation shall be taken into account in formulating the initial proposals. A relevant Overview Committee will normally be notified of initial proposals and may suggest additional or alternative arrangements for consultation.

2.2. At the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to any consultation (including any from an Overview Committee). The Executive's report to the Council will reflect the comments made by consultees and the Executive's response. The Proper Officer will refer them at the earliest opportunity to the Council for decision.

2.3. The Council will consider the Executive's proposals and may adopt them, amend them, refer them back to the Executive for further consideration, or subject to Council and Committee Procedure Rule 15, substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any report from any relevant overview and scrutiny committee.

2.4. A copy of the Council's decision will be given to the Leader. The Notice of Decision shall be dated and:

(a) if the Council accepts the Executive's proposals without amendment shall state that the Council's decision shall be effective immediately.

(b) if the Executive's proposals are accepted but with amendments or are substituted by the Council's own proposals, shall state that unless the Leader objects to the Council's decision or submits revised proposals within five clear working days of the publication of the notice, the decision will take effect on the expiry of that period. The Leader may waive his/her right to object in writing, and if so the decision will take effect immediately.

(c) if the Council decides to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.

2.5. If the Leader objects to the decision of the Council, or that s/he intends to submit revised proposals s/he shall give written notice to the Proper Officer to that effect

before the date upon which the decision is to be effective. Where the Leader objects the notice must state the reasons why the Leader objects. Where a notice is received, the Proper Officer shall call a further Council meeting to reconsider its decision and the decision shall not be effective pending that meeting. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection.

2.6. Where the Council has referred the matter back to the Executive for further consideration, the Proper Officer shall convene a further Council meeting to reconsider the matter following the Executive's further consideration. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection or revised proposals.

2.7. The Council shall at the further meeting make its final decision on the proposed plan and the decision shall be implemented immediately.

2.8. In approving the plan/strategy/budget, the Council will also specify the extent of virement (to the extent this is relevant) and the degree of in-year changes which may be undertaken by the Executive, in accordance with Budget and Policy Framework Procedure Rules 4 and 5. Any other changes to the Budget and Policy Framework are reserved to the Council.

3. DECISIONS OUTSIDE OF THE FRAMEWORK

3.1. Subject to the provisions of Budget and Policy Framework Procedure Rules 4 and 5 the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions shall only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council.

3.2. If the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy framework, then the decision must be referred by that body or person to the Council for decision.

4. VIREMENT

Above the limits set out in the Council's Financial Procedure Rules, any virement across budget heads shall require the approval of Full Council.

5. IN-YEAR-CHANGES TO THE FRAMEWORK

No changes to any policy and strategy which make up the Policy Framework may be made other than by the Council.

6. CALL-IN OF DECISIONS CONTRARY TO OR NOT WHOLLY IN ACCORDANCE WITH THE BUDGET AND POLICY FRAMEWORK

Without prejudice to Overview and Scrutiny Procedure Rule 12 (call-in) if a Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then having sought advice from the Monitoring Officer and/or Chief Finance Officer, it may call-in the decision in accordance with the Overview and Scrutiny Procedure Rules.

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EXECUTIVE PROCEDURE RULES

For the purposes of Article 6 of this Constitution these Executive Procedure Rules apply to any meetings of the Executive and to meetings of any Executive Committees. These Rules should be read in conjunction with the relevant provisions of the Council and Committee Procedure Rules.

1. MEETINGS OF THE EXECUTIVE

1.1. Dates of Meetings

(a) Each year the Executive will decide the schedule for meetings of the Executive. The Leader may direct that a meeting shall be cancelled or held on another date.

(b) An extraordinary meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

1.2. Business

Without prejudice to Council and Committee Procedure Rule 28 at each meeting of the Executive the following business shall, subject to the remaining provisions of these Executive Procedure Rules, be conducted:

(a) consideration of the record of decision and record of the last meeting;

(b) declarations of interest, if any;

(c) receive any questions, statements, petitions, or deputations from members of the public in accordance with the provisions of the Council and Committee Procedure Rules/Petition Scheme;

(d) receive any questions, statements, or Motions from Members including Ward Members in accordance with the provisions of the Council and Committee Procedure Rules;

(e) a statement from the Leader, if any;

(f) any other matters set out in the agenda that are Key Decisions (except those containing confidential or exempt information);

(g) any decisions referred to the Executive for reconsideration;

(h) consideration of any report and/or recommendation from any Overview and Scrutiny Committee; and

(i) other matters set out in the agenda including review of the Forward Plan and other ongoing or outstanding matters.

2. CHAIRING MEETINGS OF THE EXECUTIVE

If the Leader is present s/he will preside. In his/her absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, or where they agree, the Executive shall elect another member of the Executive to preside.

3. **QUORUM**

The quorum for a meeting of the Executive or an Executive Committee will be three (both including the Leader, if present).

4. **AGENDA ITEMS**

4.1. **Items requested by members of the Executive**

Any Executive Member may request the Proper Officer to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council on the agenda of the next available meeting of the Executive.

4.2. **Items requested by other Members**

(a) Any Member of the Council may ask the Leader to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council to be placed on the agenda of the next available meeting of the Executive for consideration. The Leader, or in his/her absence Deputy Leader, has a discretion to limit the number of such items of business at the meeting of the Executive.

(b) Where the Leader has agreed to the Member's request the Notice of the Meeting shall state the name of the Member who requested the item of business to be considered. This Member shall be invited to attend the meeting, whether or not it is a meeting in public session.

4.3. **Referrals from an Overview and Scrutiny Committee or Council**

4.4. Any item of business resolved by an Overview Committee or a Scrutiny Committee or the Council for referral to the Executive shall be placed on the agenda of the next available meeting of the Executive or as soon as practicable after that meeting

4.5. **Items by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer**

4.6. The Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may include one or more items of business for consideration on the agenda of a meeting of the Executive and may require a meeting to be called. If there is no meeting of the Executive in time to deal with the matter in question, then the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may also require that a meeting be convened at which the matter will be considered.

5. **ATTENDANCE AT MEETINGS OF THE EXECTIVE**

5.1. The Access to Information Procedure Rules in Part 4 of this Constitution set out the rights of access of the press and public to meetings of the Executive or its committees.

5.2. Except for an Executive Briefing every member of the Council shall be entitled to attend meetings of the Executive or its committees unless the Executive decides otherwise.

6. SPEAKING AT MEETINGS OF THE EXECUTIVE

6.1. The Chairman of any Overview Committee and any Scrutiny Committee is entitled, at any formal public meeting of the Executive, to speak to any matter on the agenda for that meeting.

6.2. Other Members including Ward Members may also speak at such meetings with the agreement of the Leader or person presiding in his/her absence.

6.3. The mover of a Valid Member's Motion under Council and Committee Procedure Rule 13 which has been referred to the Executive for consideration may attend the meeting of the Executive when his/her motion is under consideration and to explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers

7. KEY DECISIONS AND THE FORWARD PLAN

A Forward Plan of Key Decisions to be taken by the Executive, an Executive Committee or an individual member of the Executive, will be prepared in accordance with the Access to Information Rules set out later in this Part 4 of the Constitution.

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OVERVIEW AND SCRUTINY PROCEDURE RULES

For the purposes of Article 7.06 of this Constitution these Overview and Scrutiny Procedure Rules apply to any Overview and Scrutiny Committees and sub-committees that the Council has appointed in accordance with Article 6. Procedure rules 7, 10, 12 to 15 (inclusive) do not apply to the Health Overview and Scrutiny Committee.

1. MEETINGS OF OVERVIEW COMMITTEES AND SCRUTINY COMMITTEES

1.1. Dates of Meetings

Unless Full Council has determined the number of meetings every Overview Committee and every Scrutiny Committee may determine their own cycle of meetings.

1.2. Business

Without prejudice to Council Procedure Rule 28 Overview Committee and Scrutiny Committee meetings shall consider the following business:

(a) minutes of the last meeting;

(b) declarations of interest (including whipping declarations);

(c) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;

(d) responses of the Executive to reports of the committee; and

(e) the business otherwise set out on the agenda for the meeting.

2. QUORUM

2.1. Subject to Overview and Scrutiny Rule 2.2, the quorum for any Overview Committee and any Scrutiny Committee or sub-committees shall be as set out in Council Procedure Rule 32.

3. CHAIRING MEETINGS

3.1. The Chair and Vice Chair of any Overview Committee and any Scrutiny Committee shall be appointed in accordance with Article 7.03.

3.2. In the absence of the Chair or Vice-Chair Council Procedure Rule 30(c) shall apply.

4. CO-OPTEES, CHURCH AND PARENT REPRESENTATIVES

4.1. Overview Committees and Scrutiny Committees and their sub-committees can include people who are not Members. The law identifies various situations when such people can both speak and vote at such committees including in accordance with a scheme produced by the Council.

4.2. The Church and Parent Representatives may not however remain in the meeting (other than as a member of the public) when the overview and scrutiny committee or sub-committee is considering matters other than those relating to the Council's education functions.

4.3. Church and Parent Representatives have the same rights of access to information relating to the Council's education functions as Members.

5. **WORK PROGRAMME**

5.1. The Overview Committee and Scrutiny Committees will be responsible for setting their overall work programme.

6. **AGENDA ITEMS**

6.1. **Rights of Overview Committee and Scrutiny Committee members to have matters put on the agenda of the committee**

(a) Any member of an overview committee or scrutiny committee shall be entitled to give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.

(b) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant Committee, an item and copy of the request shall be included on the agenda for that meeting.

(c) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

6.2. **Rights of Members to have matters put on the agenda of an overview and scrutiny committee (including councillor call for action)**

(a) Any Member has the right to refer to an overview committee or a scrutiny committee of which s/he is not a member any matter which is relevant to the functions of the committee and is not a local crime and disorder matter or a matter of any description prescribed by the Secretary of State as an excluded matter defined in the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008. This includes, amongst other things, regulatory decisions relating to planning and licensing matters.

(b) A Member wishing to refer a matter must give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.

(c) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant Committee, an item and copy of the request shall be included on the agenda for that meeting.

(d) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

6.3. **Requests from Council and the Leader/Executive**

Full Council (by resolution) and the Leader/the Executive, may request that any matter is included on the agenda of an overview committee or a scrutiny committee and the relevant Overview and Scrutiny Committee shall include the request in its work programme permits.

7. REPORTS AND RECOMMENDATIONS

7.1. Except where the People and Health Scrutiny Committee is exercising its statutory external scrutiny functions, once a Scrutiny Committee has formed proposals, it will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals relate to an executive function and are consistent with the existing budget and policy framework), or to the Council as appropriate (for example, if the recommendation would require a departure from or a change to the agreed budget and policy framework).

7.2. The Council or Leader/Executive shall consider and respond to the report and/or recommendations of the committee, indicating what (if any) action is proposed within two months of the report being submitted.

7.3. Where a scrutiny committee submit a report for consideration by the Executive in relation to a matter where the Leader has delegated decision-making power to a Cabinet Member, the report will be submitted to him/her for consideration. The Cabinet Member must consider the report and respond in writing to the relevant Scrutiny Committee within two months of receiving it. The Cabinet Member will also attend a future meeting of the relevant Scrutiny Committee to present their response if requested to do so.

8. FAILURE TO CONSIDER REPORT

In the event that Leader/Executive fails to consider and to respond to the relevant Committee within two months of the report being submitted, the Chair of the relevant Committee shall be entitled to refer the matter to the next meeting of the full Council.

9. RIGHTS OF OVERVIEW AND SCRUTINY MEMBERS TO DOCUMENTS

In addition to their rights as Members, members of an overview and scrutiny committee or sub-committee have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.

10. MEMBERS AND OFFICERS GIVING ACCOUNT

10.1. Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation they may require any officer or Executive Member to attend a meeting to answer questions. This will normally be confined to the Leader, any Cabinet Member, the Head of Paid Service, and any statutory or chief officer. Attendance by officers below these will require the prior agreement of the Head of Paid Service.

10.2. Where a specific request has been made it is the duty of those persons to attend if so required. This requirement extends to sub-committees and task and finish groups established by an overview and scrutiny committee. In addition, a standing invitation exists for the Leader/Executive to attend overview committee and scrutiny committee meetings.

10.3. Where the Leader, Cabinet Member or officer is required to attend a scrutiny body under this Rule, the designated scrutiny officer shall inform the member or officer in writing giving sufficient notice of not less than 10 working days' notice. The notice will state the nature of the matter on which s/he is required to give an account and whether any written evidence needs to be produced for the meeting. Sufficient notice should be given to allow reasonable time to produce the written evidence.

10.4. The Chair of the relevant Overview and Scrutiny Committee shall determine the reasonableness of the notice if disputed.

11. ATTENDANCE BY OTHERS AND EVIDENCE GATHERING

Overview committees and scrutiny committees may appoint advisors and invite people to attend at their meetings to provide information. Attendees at a meeting should be treated with respect and courtesy.

12. CALL-IN

12.1. Call-in should only be used in exceptional circumstances.

12.2. When a decision is made by the Leader/Executive, Cabinet Member, or an Executive Committee, or is made by an officer with delegated authority or under executive joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chair of the relevant Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

12.3. The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, subject to the provisions of this Rule on the expiry of five clear working days after the publication of the decision.

12.4. If any six members of the same relevant Scrutiny Committee consider that a Key Decision has breached or will breach the principles for good decision-making in Article 13.02 or a decision has been made that was not treated as being a Key Decision, they may give a written call-in notice to the Monitoring Officer or is his/her

absence to the Head of Paid Service. The call-in notice shall identify the decision to be called-in and the grounds for the call-in.

12.5. The Monitoring Officer or in his/her absence to the Head of Paid Service, will if satisfied that there are reasonable grounds for the proposed call-in, notify the decision-maker of the call-in within five clear working days and arrange for a meeting of the relevant Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, as soon as reasonably practicable after receipt of the call-in notice.

12.6. If, having considered the decision, the relevant Scrutiny Committee is concerned about it, then:

12.6.1. in the case of a decision that was not treated as being a Key Decision, the Committee may require the decision-maker to submit a report to the full Council within such reasonable period as it may specify setting out the particulars of the decision, the reasons for the decision and if the decision-maker considers that the decision was not a key decision, the reasons for that opinion; or

12.6.2. in the case of a Key Decision the Committee may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.

12.7. If, having considered the decision, the relevant Scrutiny Committee is not concerned about it, then the decision will come into force, and may then be implemented immediately

12.8. If the latter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with Overview and Scrutiny Procedure Rule 12.12.

12.9. The Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

12.10. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider the Council's view as soon as reasonably practicable.

12.11. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.

12.12. If the Council meets but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting.

13. EXCEPTIONS TO CALL-IN

Call-in will not apply to the following decisions:

(a) non-executive decisions, e.g. individual planning decisions;

(b) executive decisions made by Area Committees (if any);

(c) decisions made on any appeal;

(d) decisions already called-in once;

(e) non-key decisions made by officers; and

(f) urgent decisions (subject to compliance with Overview and Scrutiny Procedure Rule 14).

14. URGENT DECISIONS EXCLUDED FROM CALL-IN

14.1. The call-in procedure set out in Overview and Scrutiny Procedure Rule 12 shall not apply where the decision being taken by the Council, Leader/Executive or officer is urgent. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

14.2. The Chair of the relevant Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Chair of another Scrutiny Committee; if there is no such Chair able to act, the Chair of the Council; or in his absence, the Vice-Chair of Council must agree.

14.3. Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.

14.4. For the purposes of this Rule a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

15. MONITORING AND REVIEW OF CALL-IN RULES

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the Proper Officer with proposals for review if necessary.

16. **THE PARTY WHIP**

If a member of an overview and scrutiny committee is subject to a party whip in respect of a matter to be considered by the committee, the Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

17. **MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE**

Where a matter for scrutiny consideration falls within the remit of more than one overview and scrutiny committees, the decision as to which committee will consider it will be resolved by agreement between the respective chairmen, and in default of agreement, by the Proper Officer.

FINANCIAL REGULATIONS

For the purposes of Article 14 of this Constitution these are the Financial Regulations for the purposes of the management of the Council's financial affairs.

1. INTRODUCTION

1.1. These Financial Regulations apply to every Member and Officer and anyone acting on the Council's behalf. They identify the financial responsibilities of the Full Council; the Executive; Executive Committees (if any); individual members of the Executive; committees and sub-committees; the Head of Paid Service, the Monitoring Officer, the Section 151 Officer, Executive Directors and other officers.

1.2. In these Financial Regulations references to:

- "Executive Director" includes the Director of Assurance and Governance (Monitoring Officer);
- designated officers include any officer duly authorised for the purpose of these Financial Regulations; and
- where powers have been delegated to other officers, references to a designated officer should be read as if referring to the officer with the delegated power.

1.3. The Section 151 Officer will review these Financial Regulations and make changes as he/she considers necessary for the efficient and effective financial management of the Council in accordance with his/her powers under Article 15.

1.4. The Section 151 Officer can allow exceptions to these rules where he/she believes that the interests of the Council would be best served subject to prior consultation with the Leader and/or other such Member as the Section 151 Officer considers appropriate.

1.5. These Financial Regulations apply equally to any partnership where the Council exercises management control. If in any doubt issues should be discussed with the relevant Executive Director and/or the Section 151 Officer.

1.6. The Section 151 Officer is responsible for reporting, where appropriate, financial breaches of these Financial Regulations to the Audit and Governance Committee. Breaches that amount to unlawful actions will be reported by the Section 151 Officer in accordance with his duties under section 114 of the Local Government and Finance Act 1988.

1.7. The Section 151 Officer will issue advice, guidance and detailed financial procedures to underpin these Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow.

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Financial Regulation A: Financial Management

Introduction

A.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the budgetary framework and budget.

Section 151 Officer

A.2 The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council, which are set out in Article 12 of the Constitution.

Executive Directors

A.3 Each Executive Director is responsible in his/her own service areas for:

- ensuring that all reports to Members contain sufficient financial information to allow them to understand the budgetary implications and financial risks associated with any proposals.
- signing contracts on behalf of the Council as provided for in the Officer Scheme of Delegation.

A.4 An Executive Director must take financial advice on any matter liable to result in any budget in his/her control being exceeded in any financial year (after any approved virements), before any further commitments are incurred.

Other Financial Accountabilities

Virement

A.5 Virement between budget lines of the annual revenue estimates need not be approved by Council provided it does not:

- compromise policy objectives for the cost centre relinquishing the budget;
- result in any additional costs or commitments in future years;
- utilise fortuitous savings in expenditure or increases in income; or
- involve virement from recharge budgets.

A.6 An Executive Director is responsible for agreeing virements within delegated limits on budgets within his/her responsibility and/or control, in consultation with the Section 151 Officer where required. He/she must notify the Section 151 Officer of all virements and as necessary these will be reported by the Section 151 Officer to Members.

A.7 The Section 151 Officer may vire between budgets within the control of any one or more Executive Directors.

Treatment of year-end balances

A.8 Members are responsible for agreeing procedures for carrying forward under and overspend budgets.

Accounting policies

A.9 The Section 151 Officer shall determine appropriate technical accounting policies and standards.

Accounting records and returns

A.10 The Section 151 Officer shall determine the accounting records and returns for the Council.

The Annual Statement of Accounts

A.11 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with relevant accounting Codes of Practice and the Accounts and Audit Regulations 2015. The Audit and Governance Committee is responsible for approving the annual statement of accounts.

Government Grants

A.12 All bids and claims for Government grant, including lottery funding, and all related estimates or forecasts, must be submitted to the Section 151 Officer and the relevant Executive Director before submission or as otherwise provided for in the Officer Scheme of Delegations.

Bank Arrangements

A.13 The Section 151 Officer is responsible for putting in place appropriate banking arrangements with the Council's bankers, including setting up subsidiary accounts.

Procurement

A.14 The Section 151 Officer is responsible for advising the Executive on the Council’s procurement policies and arrangements.

Financial Regulation B: Financial Planning

Introduction

B.1 The Full Council is responsible for approving the Council's Budget and Policy Framework – Part 2 of the Constitution - and the council tax which will be proposed by the Executive. The key elements of financial planning are the:

- Corporate Plan;
- Capital Strategy;
- Asset Management Plan;
- Risk Management Policy Statement and Strategy;
- Treasury Management Strategy;
- Medium Term Financial Plan;
- Revenue Budget; and
- Capital Programme

Policy Framework

B.2 Unless it determines otherwise, the Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision is deemed to be contrary to the Budget and Policy Framework. Decisions will be referred to the Full Council by the Monitoring Officer and/or the Section 151 Officer.

B.3 The Full Council is responsible for setting the level at which the Executive may reallocate budgets from one service to another. The Executive is responsible for taking in-year decisions on resources and priorities to deliver the Budget and Policy Framework within the financial limits set by the Council.

Budgeting

Budget format

B.4 The Section 151 Officer is responsible for determining the general format of the budget. The draft budget will include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

B.5 The Section 151 Officer is responsible for ensuring that a budget is prepared on an annual basis and a longer term budget plan is prepared for consideration by the Executive, before submission to the Full Council. The Full Council may amend the budget or ask the Executive to reconsider it before approving it. Further details on

this procedure can be found in the Policy and Budgetary Framework Procedure Rules – Part 2 of the Constitution.

B.6 Guidelines on budget preparation will be issued to Executive Directors by the Executive following agreement with the Section 151 Officer. The guidelines will take account of:

- legal requirements;
- medium-term planning prospects;
- the Corporate Plan;
- available resources;
- spending pressures;
- best value and other relevant Government guidelines;
- other internal policy documents; and
- cross-cutting issues (where relevant).

B.7 An Executive Director is responsible for submitting budget estimates to the Section 151 Officer that reflect agreed service plans and that are prepared in line with the guidance issued by the Executive.

Resource Allocation

B.8 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

Preparation of the Capital Programme

B.9 The Section 151 Officer is responsible for ensuring that a capital programme is prepared annually for consideration by the Executive before submission to the Full Council.

Maintenance of Reserves and Balances

B.10 The Section 151 Officer is responsible for advising the Executive and/or the Full Council on prudent levels of reserves and balances.

Budget Monitoring and Control

B.11 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively.

B.12 The Section 151 Officer must monitor and control expenditure against budget allocations. Any variation (after approved virements) that the Section 151 Officer considers material will be reported to the Executive.

B.13 An Executive Director is responsible for controlling income and expenditure in his/her own service area and for monitoring performance, taking account of financial information provided by the Section 151 Officer. He/she will alert the Section 151 Officer and report to Members on variances in his/her own service areas and take any action necessary to avoid exceeding his/her budget allocation (after any approved virements).

B.14 No expenditure will be incurred on a purpose for which there is no provision in the approved estimates except:

(a) where a supplementary estimate has been approved by the Executive/Full Council (as relevant) ; or

(b) in the case of an emergency as provided for in the Officers Scheme of Delegation.

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Financial Regulation C: Risk Management and Control of Resources

Introduction

C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This will include the proactive participation of all those associated with planning and delivering services.

Risk Management

C.2 The Section 151 Officer and/or Monitoring Officer is responsible for:

- preparing the Council's risk management policy statement and strategy for approval by the Executive;
- ensuring that appropriate insurances are in place;
- promoting risk management throughout the Council; and
- reviewing the effectiveness of the risk management policy statement and strategy.

Internal Control

C.3 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

C.4 The Section 151 Officer is responsible for advising on effective systems of internal control which are compliant with all applicable statutes and regulations, and other relevant statements of best practice. The arrangements will aim to ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

C.5 An Executive Director is responsible for establishing sound arrangements for planning, appraising, authorising and controlling operations in his/her own service area to achieve continuous improvement, economy, efficiency and effectiveness and for achieving his/her financial performance targets.

Audit requirements

C.6 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit. The Section 151 Officer is responsible for internal audit and for this purpose he/she or his/her representative may inspect and audit all books of account, financial documents and all other records of the Council, visit any of the Council's premises and obtain such explanations and take away such records for examination as he/she may consider necessary.

C.7 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing fraud and corruption

C.8 The Council has a zero tolerance to fraud, bribery and corruption.

C.9 The Section 151 Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

C.10 Where it is suspected that money or property has been stolen or otherwise misappropriated, or that a financial irregularity has occurred, the relevant Executive Director must immediately report the matter to the Section 151 Officer. The Section 151 Officer will report such matters as appropriate to Members.

Assets

C.11 An Executive Director will ensure that records and assets in his/her own service area are properly maintained and securely held. He/she will also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

C.12 An Executive Director is responsible for reporting any deficiencies of equipment or stores in his/her own service areas to the to the Section 151 Officer, who may authorise the items to be written off or instigate an investigation into the circumstances.

Leasing, Finance and Hire Agreements

C.13 An Executive Director is responsible for ensuring that any proposal to enter into a leasing, finance or hire agreement in his/her own service areas is agreed in advance with the Section 151 Officer.

Property

C.14 The agreement of any terms for leasing of any property or the taking or granting of any interest in property must be undertaken by an Executive Director (or any other Officer delegated/nominated power for such purposes in accordance with the Officer Scheme of Delegations – Part 3(2) of the Constitution).

C.15 Legal interests in property will be recorded in a Property Terrier or other record.

C.16 Where exclusive possession of a building, parts of a building or any land is involved on other than a sessional basis or occasional hiring, an Executive Director or any other Officer delegated/nominated power for such purposes in accordance with the Officer Scheme of Delegations – Part 3(2) of the Constitution) will be responsible for making the necessary arrangements including the assessment of rent

C.17 The Council has adopted policies on whistleblowing, fraud, bribery and anti-corruption all of which support the Council’s zero tolerance to fraud, bribery and corruption.

Treasury Management

C.18 The Council has adopted CIPFA's Treasury Management Code of Practice 2017.

C.19 The Full Council is responsible for approving a Treasury Management Strategy compliant with the Code of Practice.

C.20 The Council has delegated responsibility for the implementation and monitoring of treasury management policies and practices to the Executive. The Executive has delegated the administration of treasury management decisions to the Section 151 Officer who will act in accordance with the Treasury Management Policy statement and CIPFA's standard of professional practice on treasury management.

C.21 The Council has delegated to the Audit and Governance Committee responsibility for ensuring scrutiny of the Treasury Management Strategy and policies.

Staffing

C.22 The Chief Executive, as the Head of Paid Service, is responsible for providing overall management to staff. He/she is also responsible for the evaluation or other agreed systems for determining the remuneration of a job.

C.23 An Executive Director is responsible for controlling total staff numbers in his/her own service areas by:

- advising the Executive on the annual budget required to cover estimated staffing levels;
- adjusting staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint to meet changing operational needs; and
- proper use of appointment procedures.

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Financial Regulation D: Systems and Procedures

Introduction

D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

D.2 The Section 151 Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by an Executive Director to the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer. However, an Executive Director is responsible for the proper operation of financial processes in his/her own service areas.

D.3 An Executive Director must agree any changes to agreed procedures to meet his/her own specific service needs with the Section 151 Officer.

D.4 An Executive Director will ensure that his/her staff receive relevant financial training that has been approved by the Section 151 Officer.

D.5 An Executive Director must ensure that, where appropriate, computer and other systems in his/her own service areas are registered in accordance with data protection legislation. An Executive Director must ensure that staff in his/her own service areas are aware of their responsibilities under freedom of information legislation.

Income and Expenditure

D.6 The Section 151 Officer will be responsible for paying all properly incurred liabilities.

D.7 An Executive Director is responsible for ensuring that a proper Scheme of Delegation has been established in his/her own service areas and is operating effectively. The Scheme of Delegation identifies staff authorised to act on the Executive Director's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of his/her authority. Further details relating to officer delegations can be found in the Officer Scheme of Delegations - Part 3(2) of the Constitution.

D.8 Once a charge has been raised no debtor will be excused a payment due to the Council other than with the approval of the relevant Executive Director and the Section 151 Officer. The Section 151 Officer will maintain a record of write-offs.

Payment to Employees and Members

D.9 The Section 151 Officer is responsible for payments of salaries, wages and allowances to staff, including payments for overtime. The Director of Assurance and Governance is responsible for payment of allowances to Members.

Taxation

D.10 The Section 151 Officer is responsible for advising Executive Directors, in the light of guidance issued by the appropriate bodies and relevant legislation, on all taxation issues that affect the Council.

D.11 The Section 151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

D.12 It is the responsibility of the Section 151 Officer to advise Executive Directors on the establishment and operation of trading accounts and business units, and to determine the arrangements under which these are operated.

Financial Regulation E: External Arrangements

Introduction

E.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

Partnerships

E.2 The Executive will normally take the lead in forming partnerships with public, private voluntary and community sector organisations.

E.3 The Section 151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must ensure that the financial risks have been fully appraised before agreements are entered into with external bodies.

E.4 An Executive Director is responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Income

E.5 The Section 151 Officer is responsible for the Council's arrangements for the pursuit, receipt and recording of external income.

Work for Third Parties

E.6 The Chief Executive is responsible for the arrangements for any work for third parties.

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CONTRACT PROCEDURE RULES

1. Introduction

1.1 The following are the Council's rules for the letting of contracts for the supply of goods or materials or for the carrying out of works or services. They do not affect the validity of anything done under any earlier version of these rules. There is an informal Procurement Toolkit that gives further guidance for officers.

1.2 In these Rules, references to:

(a) the "Chief Officer" includes the Head of Paid Service, an Executive Director, the Director, Assurance and Governance and any officer duly authorised by any of them to act under these Rules to the extent as provided for in the Officer Scheme of Delegations – Part 3 of the Constitution and/or elsewhere in the Constitution;

(b) "Procurement Regulation" means the Public Contracts Regulations 2015 and any EU Directives incorporated in English law or any EU Regulations having direct effect; and

(c) the "Section 151 Officer" and the "Monitoring Officer" include any other Officer duly authorised by either of them to act under these Rules.

2. General

2.1 Requirement for compliance

(a) Unless Contract Procedure Rule 2.2 applies every contract made by or on behalf of the Council, (including those where there is no cost to the Council, but which result in income being generated for the supplier or contractor) must comply with these Contract Procedure Rules.

(b) Every contract should also comply with the Financial Regulations, all relevant statutory provisions and any direction of the Council.

2.2 Exceptions

These Rules shall not apply to:

(a) contracts of employment;

(b) contracts for individual temporary agency staff;

(d) treasury management;

(e) the use of counsel or any other external legal service where advice, assistance and/or representation is required, and:

a. the requirement for appointment is considered to be urgent by the Corporate Director – Legal and Democratic, the Officer responsible

for Legal Services or any other Officer authorised by either of them; or

b. where the appointment is not urgent, the contract value is estimated at the time of the initial instruction to be less than £49,999;

(e) contracts for works, or the purchase of goods or services under an existing framework agreement if Contract Procedure Rule 3 is followed;

(f) contracts for the sale, letting or purchase of land or buildings;

(g) contracts where the works, or the purchase of goods or services are on behalf of a partnership of public sector bodies including the Council and the award of the contract is under the lead body's own rules;

(h) arrangements with Ofsted for the inspection of a school;

(i) contracts for the execution of mandatory works by statutory undertakers;

(j) contracts for special educational needs or social care if, in the opinion of the relevant Chief Officer, it is considered to be urgent, necessary in the circumstances and the total contract value will not exceed any relevant Procurement Regulation threshold;

(k) contracts for residential care which the Council has a duty to provide under sections 21 and 29(4) of the National Assistance Act 1948; section 117 of the Mental Health Act 1983; or section 17 of the Children Act 1989 if, the relevant Chief Officer considers it to be urgent, necessary in the circumstances and the total contract value will not exceed any relevant Procurement Regulation threshold;

(l) trading arrangements under which the Council provides, goods, services or works to a third party; and

(m) a contract that any Chief Officer considers is necessary for the purposes of an emergency.

2.3 **Variation or exemption of Contract Procedure Rules**

(a) No variation of or exemption from these Rules is allowed unless :

(i) the Council or the Executive resolves;

(ii) the law requires otherwise; or

(iii) the officer seeking the variation or exemption has completed the relevant exception record and it has been approved in advance of a contract being awarded.

(b) No variation or exemption may be made which will result in a breach of any relevant Procurement Regulation or threshold.

(c) A variation or exemption may be granted by the relevant Officers identified in Appendix 2 of the Scheme of Delegation – Part 3 of the Constitution, on any one or more of the following grounds:

(i) the nature of the market has been investigated and is considered to be such that a departure is justified because the Contract can only be performed by one supplier or best value as likely to be achieved by approaching one supplier; or

(ii) the contract is required in circumstances of urgency that could not reasonably have been foreseen; or

(iii) the Council has a contract with an organisation already engaged by the Council for similar and related works, goods or services and it is considered that there would be significant benefit to extend the existing contract to cover any additional requirement without exposing the Council to unacceptable risk; or

(iv) where any Procurement Regulation or other legislation prevents a procurement process being followed; or

(v) contracts for supplies, materials, services or works which are available only as proprietary or patented articles, services or works from one contractor or supplier and for which an Chief Officer decides that there is no reasonable alternative available including contracts for repairs, or the supply of, parts to such articles or works; or

(vi) there are other circumstances that the relevant Officers consider to justify an exemption; and

in all cases, in the opinion of the relevant Officer, it is appropriate.

2.4 **Authority to procure**

Any procurement carried out on behalf of the Council may only be undertaken with authority to carry out such task whether by way of a delegation in the Scheme of Delegation – Part 3 of the Constitution or otherwise.

2.5 **Calculating the financial value of a Contract**

When calculating the value of a contract for the purposes of these Rules (other for concession contracts):

(a) values are total lifetime contract values not annual values;

(b) values exclude recoverable VAT;

(c) values are to be aggregated – for example, if there is a recurring need on an annual basis for supplies;

(d) if there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract;

(e) the valuation shall include the value of possible contract extensions and possible additional options including sub-contractors' costs; and

(f) where a contract is of indeterminate length the value of the contract shall be assessed on the basis of the monthly estimated cost x 48.

2.6 **Contract Extensions**

(a) Any contract below Procurement Regulation thresholds may be extended in accordance with its contract terms.

(b) All contracts above Procurement Regulation threshold can only be extended in line with the original OJEU notice and the relevant statutory requirements prevailing at the time.

3. **Framework agreements**

3.1 **To be used where appropriate**

Public sector-led frameworks agreements and contracts let by other public sector bodies for the purchase of goods and services may offer Best Value to the Council. Subject to Rule 3.2, Framework Agreements may be used where the Council's requirements can be met, it is practicable to do so and there is no existing corporate contract for the same or similar goods, works, and services which would be breached if a framework agreement was used.

3.2 **Pre-conditions**

Before entering into an existing framework agreement, the relevant Chief Officer should be satisfied that:

(a) the Council is within the description of the contracting bodies who can use the framework agreement; and

(b) the framework agreement has been advertised and meets the relevant statutory requirements prevailing at the time.

3.3 **Subsequent purchases**

Unless the terms of the framework agreement say differently and/or the framework agreement does not contain clear call-off contract criteria, once the framework agreement is operating, all subsequent purchases under the call-off contract shall, either:

(a) not require further competition or,

(b) if there are 2 or more suppliers of those goods or services, the competition shall be by inviting quotations from all of those suppliers on the price payable for the goods or services.

4. **No framework agreement – contracts with a value less than £50,000**

4.1 Where the relevant Chief Officer estimates at the beginning of the procurement the contract value to be less than £50,000 the relevant Chief Officer should seek to obtain best value which for the purpose of this Contract Procedure Rule means using an existing corporate contract or seeking one or more quotes.

4.2 If the expenditure has been approved in estimates and any necessary financial or other approvals have been obtained, the relevant Chief Officer may proceed with the contract.

Note to officers: further informal guidance on procuring goods, services or works below £50,000 together with template forms can be found in the informal Procurement Toolkit.

5. **No framework agreement – contracts with a value between £50,000 and £99,999**

5.1 Where the relevant Chief Officer estimates at the beginning of the procurement that the contract value is between £50,000 and £99,999 three written quotations shall be sought wherever possible. This may be done through the Council's electronic Tendering System ("eTS"), by letter, e-mail or some other mechanism by which the price can be evidenced before a purchase decision is taken.

5.2 When requesting quotations above £50,000 the relevant Chief Officer must also specify:

(a) the goods, works or service required;

(b) the award criteria; and

(c) any relevant terms or conditions or special requirements

6. **No framework agreement – contracts with a value of £100,000 or more but below Procurement Regulation thresholds – requirement for tenders**

6.1 **Financial thresholds**

Tenders shall be invited where the contract value is estimated at the beginning of the procurement to be £100,000 or more but below relevant Procurement Regulation thresholds.

6.2 **Requirement to advertise**

All contracts where the contract value is estimated at the beginning of the procurement to be £100,000 or more, but below relevant Procurement Regulation thresholds must be advertised through Contracts Finder. A Chief Officer may advertise contract opportunities below this threshold on Contracts Finder if s/he is

satisfied that it is unlikely there will be sufficient local competition or considers this to be a preferred approach for any other reason.

6.3 **Methods to be used**

Tenders shall be sought by way of an Invitation to Tender using the eTS.

7. **Form of invitation to tender and submission of tenders**

7.1 **Form**

The Invitation to Tender shall be prepared by the relevant Chief Officer and shall:

(a) describe the scope of the goods, works and/or services to be procured including any relevant outputs necessary for monitoring performance;

(b) give reasons to justify any decision not to accept sub-division of the contract into lots;

(c) require tenderers to answer questions about their suitability, capability, legal status and financial standing;

(d) invite tenderers to identify information they consider to be confidential, commercially sensitive and/or exempt from disclosure in response to a relevant statutory request made to the Council;

(e) include the criteria and the weightings that will be the basis for the evaluation of tenders;

(f) state the form of contract and/or terms of the contract including any required by these Contract Procedure Rules and state that the Council will not accept any alteration or amendment of those terms and conditions of contract;

(g) state that the Council does not accept any qualification or addition to the invitation to tender other than when requested;

(h) set out an adequate timetable for the submission and consideration of tenders; and

(i) require all tenders to be submitted on a form of tender prepared by the relevant Chief Officer which shall include where appropriate:

a. a certificate against collusion:

b. a statement that tenders should be kept open for a specified period after the date of tender opening;

c. a statement that the Council will not be bound to accept any tender; and

d. a statement that any tender or contract may be inspected by any regulator.

7.2 **Receipt**

(a) The relevant Chief Officer will arrange for the opening of tenders and release for evaluation as soon as possible after the date and time specified in the Invitation to Tender. Any tender received after the date and time specified for receipt will be recorded as being received late and will not be considered.

(b) Tenders submitted by fax or e-mail will not be accepted.

7.3 **Custody of tenders received**

Tenders shall remain unopened in the eTS until the time set for their opening.

8. **Opening and registration of tenders**

8.1 All tenders received by the date and time set for receipt of tenders and which meet the requirements of Contract Procedure Rule 7.1 (i) will be opened at the same time by the relevant Chief Officer or their nominee after the time set for their receipt.

8.2 The names of the tenderers and the amounts will be recorded in the eTS.

9. **Evaluation of tenders**

9.1 Before evaluating tenders, the relevant Chief Officer must check that the tenders comply with any instructions to tenderers, pricing, schedule and any other explicit requirements (e.g. submission of method statements) and unless provided for in the invitation to tender that the tender is not a qualified tender.

9.2 The criteria and weightings described in the Invitation to Tender must be used in scoring any tenders.

Note to officers: further informal guidance on the preparation of specifications; invitations to tender; tender evaluation together with template forms can be found in the informal Procurement Toolkit.

10. **Alterations to tenders**

10.1 **Errors identified before closing date**

If an error is identified in the specification or other tender documentation before the closing date for the return of tenders, all tenderers are to be told about the error promptly and allowed to adjust their tenders.

10.2 **Errors identified after closing date**

If an error is identified in the specification or other tender documentation after the closing date for the return of tenders, all tenderers are to be told about the error and given the chance to either withdraw or amended their tender.

10.3 **Errors or discrepancies in successful tenders**

Where examination of tenders shows errors or discrepancies which would affect the tender figure in an otherwise successful tender the tenderer shall be told of the errors and discrepancies and given the chance of confirming or withdrawing his offer, or in

the case of arithmetical errors, of correcting them. If the tenderer withdraws, the next tender in competitive order is to be examined and dealt with in the same way.

11. **Post-tender negotiation**

11.1 Unless the Section 151 Officer or Monitoring Officer have agreed otherwise, any post-tender negotiations shall be conducted jointly by at least two senior members of staff. Full and proper records shall be kept of any post-tender negotiations.

11.2 Post-tender negotiations for contracts below any relevant Procurement Regulation thresholds shall not be conducted where to do so might distort competition particularly with regard to price. In the event that post-tender negotiations are necessary following the submission of a tender, then such negotiations must only be undertaken with the tenderer who has previously submitted the most economically advantageous tender as assessed against the tender evaluation method.

11.3 Where post-tender negotiations result in a fundamental change to the specification or contract terms the contract shall not be awarded but shall be re-tendered.

11.4 If post-tender negotiations take place the relevant Chief Officer shall prepare a report to Council for approval before any tender is accepted.

12. **Acceptance of tenders - Most favourable tender**

12.1 A tender may not be accepted without Member approval in accordance with the Executive arrangements unless it:

(a) is within the approved budget;

(b) meets all of the tender submission requirements in Contract Procedure Rule 7.1(i);

(c) complies with the detailed specification;

(d) is the most economically advantageous tender having regard to any award criteria and the weightings applied to them; and

(e) it is not a tender qualified by reservations or statements made by the tenderer limiting any liability that the tenderer would be subject to if that tenderer is awarded the contract.

12.2 A tender which meets the criteria in Contract Procedure Rule 12.1 shall not be accepted if the Contract Value is more than £500,000 without appropriate Member approval.

13. **No framework agreement - contracts with a value above Procurement Regulation thresholds - requirement for tenders**

13.1 Subject to the agreement of the Section 151 Officer any of the procedures permitted by the relevant statutory requirements prevailing at the time and which are appropriate may be used to obtain tenders.

13.2 The procedure adopted shall comply with the relevant statutory requirements prevailing at the time and these Contract Procedure Rules where relevant.

13.3 Where the Open or Restricted List procedures are used post-tender negotiations are not permitted.

13.4 No tender that is for a contract above any relevant Procurement Regulation threshold shall be accepted unless the Monitoring Officer is satisfied that the notices of the intention to award the contract have been given to unsuccessful tenderers (and if necessary, to contractors not invited to tender) and the period for them to challenge the award has ended.

14. **Promotion of equalities**

To comply with the Council's duty under the Equality Act 2010 to promote equality of treatment, tenderers for contracts above any relevant Procurement Regulation thresholds shall be required to explain what measures they would take to actively promote equality of opportunity.

15. **Public Services (Social Value) Act 2012**

To comply with the Council's duties, in preparing tenders for any contract above any relevant Procurement Regulation thresholds the Chief Officer must consider how to incorporate relevant social value considerations into the procurement process.

16. **Local Government (Contracts) Act 1997**

No tender relating to a contract to which the Local Government (Contracts) Act 1997 Sections 2-9 apply shall be accepted without consideration by the Monitoring Officer.

Note to Officers: further informal guidance on relevant requirements relating to the preparation of tenders for contracts above Procurement Regulation thresholds together with template forms can be found in the Procurement Toolkit.

17. **Letter of intent**

A letter of intent providing the basis for a future agreement should only be used by a Chief Officer following the taking of advice from the Legal Services Unit.

18. **Contracts to be in writing**

18.1 **Form**

Subject to Contract Procedure Rule * every contract having a value of less than £50,000 shall be in writing, shall be by Purchase Order incorporating the Council's standard terms and conditions unless a formal agreement is entered into and a purchase order must be raised.

18.2 **Content**

Every contract having a value of £50,000 or above shall, in addition to any other relevant matters, specify:

(a) the goods, materials, works, services or other things to be furnished supplied had or done;

(b) the price to be paid with a statement of discount or other deductions;

(c) a condition that the contractor shall subscribe to the standards of ethical conduct expected by the public from those working in the public sector;

(d) unless it is for the one of purchase of goods and/or materials, the date when the contract will terminate and the terms on which the contract may be terminated early; and

(d) where applicable the time or times within which the contract is to be performed.

18.3 **Signing of contracts**

(a) Other than contracts in the form of an official order every contract less than £100,000 in value not required or intended to be sealed shall be signed on behalf of the Council by the relevant Chief Officer (or other officer authorised by them in accordance with the Officer Scheme of Delegation - Part 3 of the Constitution or as otherwise provided for in the Constitution).

(b) Every contract required or intended to be made under seal shall be sealed on behalf of the Council as set out in Article 14.05.

19. **Safeguards for due performance**

19.1 **Failure to Deliver**

(a) Every contract for the supply of goods, services, works and/or materials to which these rules apply should, unless the relevant Chief Officer considers it inappropriate, include a clause protecting the Council against the Contractor's failure to deliver. The clause should include the right for the Council to:

(i) purchase other goods, services, works or materials to put right the effects of the Contractor's failure; and

(ii) recover from the Contractor any excess cost of purchasing other goods, services, works or materials.

(b) In every contract for the supply of goods, services, works and/or materials, a clause will, unless the relevant Chief Officer considers it inappropriate, be included to the effect that the goods, services, works and/or materials will only be deemed to have been delivered to the Council if they have been delivered to the location specified by the Council and signed for.

19.2 **Liquidated Damages for contracts exceeding £100,000**

The Contract must, unless the relevant Chief Officer considers it inappropriate, require the payment of liquidated damages by the contractor in the event of delay by the contractor. The amount of the liquidated damages to be specified will be the Council's genuine pre-estimate of the losses to be paid by the contractor in the case the terms of the contract are not duly performed.

19.3 **Performance Bonds for contracts exceeding £500,000**

Where a contract exceeds £500,000 the contractor will be required to give a performance bond or other form of security acceptable to the relevant Chief Officer and the Section 151 Officer, unless both consider it is unnecessary.

20. **Assignment or sub-letting**

A clause will, where appropriate, be inserted in every contract for the execution of work, for supplies, and/or services to which these rules apply prohibiting the assigning or sub-letting of the contract without the previous consent of the relevant Chief Officer.

21. **Specifications and standards**

All contracts to which these rules apply where a specification issued by the British Standards Institution or a European Standard is current at the date of the tender and is relevant shall require as a minimum that goods and materials used in their execution shall be in accordance with the specification.

22. **Prevention of bribery clause**

Every contract to which these rules apply will, where practicable, include a clause allowing the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor or any person employed by him or acting on his behalf has committed any offence under the Bribery Act 2010 or under the Local Government Act 1972 Section 117.

23. **Nominated sub-contractors**

Where a sub-contractor or supplier is to be nominated by the Council to a main contractor, the relevant Chief Officer will, wherever practical, comply with these Rules as though the sub-contract were a contract with the Council.

24. **Publication of contract awards**

24.1 Details of every contract award over £5,000 including those covered by an exemption shall be published on the Council's Contracts Register.

24.2 In addition, unless there is a relevant exception, where the contract is over any relevant Procurement Regulation threshold, the award shall be published and any report required by a third party shall be prepared in accordance with the relevant statutory requirements prevailing at the time.

25. **Retention of tenders and contracts**

Unsuccessful tenders, accepted tenders and contracts and tender evaluation results shall be kept in accordance with the Council's information asset register.

26. **Review of financial limits**

The financial limits set out in these Contract Procedure Rules shall be reviewed periodically by the Council.

27. **Procurement Toolkit**

The Section 151 Officer will prepare and keep up to date a Procurement Toolkit containing informal guidance and templates for officers engaged in procuring services, goods and works.

Note for officers: The following table summarises the type of procurement process; the minimum number of quotes or tender that should be sought or invited where practicable; and any contractual requirements. The table is not part of these Contract Procedure Rules.

Total Value over the life of the contract ex V.A.T.	**Minimum requirements and relevant rules**	**Acceptance [Subject to Contract] by:**	**Minimum Order/Contract requirement**
A. Less than £50,000	Call-Off from an existing Framework Agreement let by the Council or other Third party or 1 or more quotes	Chief Officer	Official Order
B. £50,000 to £99,999	Call-Off from an existing Framework Agreement let by the Council or other Third party or 3 written quotes (where practicable) using eTS		Official Order unless a formal agreement is entered into.
C. £100,000 to Procurement Regulation threshold	Call-Off from an existing Framework Agreement let by the Council or other Third party Or tenders sought using eTS		
D. Procurement Regulation	As for £100,000 but following EU procurement procedures.	As for £100,000, but prior approval under Executive arrangements/Full	As for £100,000, but formal agreement under seal if contract value `above £500,000

Total Value over the life of the contract ex V.A.T.	**Minimum requirements and relevant rules**	**Acceptance [Subject to Contract] by:**	**Minimum Order/Contract requirement**
threshold or above	Additional tender requirements apply	Council (as the case may be) required if contract value £500,000 or above	

OFFICER EMPLOYMENT AND DISMISSAL PROCEDURE RULES

For the purposes of Article 12 of this Constitution these Officer Employment and Dismissal Procedure Rules apply to the employment and dismissal of Council officers.

1. Appointments on merit

1.1. Every appointment of a person as an officer shall be made on merit subject to the qualifications set out in section 7(2) of the Local Government and Housing Act 1989.

2. Transparency requirement

2.1. The Council will require any candidate for appointment as an officer to state in writing whether they are related to or the partner of any existing councillor or officer of the Council.

2.2. No candidate who is related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her. For the purposes of this paragraph “related” shall mean those relationships set out in Officer Employment and Disciplinary Procedure Rule 1.1.

2.3. Any candidate who fails to disclose such a relationship can be disqualified for the appointment and, if appointed, will be liable to dismissal without notice.

3. Seeking support for appointment

3.1. Subject to Officer Employment and Disciplinary Procedure Rule 2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

3.2. Subject to Officer Employment and Disciplinary Procedure Rule 2.3, Members must not seek support for any person for any appointment with the Council.

3.3. Nothing in Officer Employment and Disciplinary Procedure Rules 2.1 or 2.2 will prevent a Member from giving a written reference for a candidate for submission with an application for appointment.

4. Other appointments

4.1. The appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee and may not be made by Members.

4.2. The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group

5. Recruitment of Head of Paid Service and Chief Officers

5.1. Where the Council proposes to appoint a Head of Paid Service or a Chief Officer (meaning Executive Directors and Corporate Directors and equivalents), the Council will draw up a statement specifying:

(i) the duties of the officer concerned, and
(ii) any qualifications or qualities to be sought in the person to be appointed;

And the relevant Cabinet Member will use the statement in order to help him or her decide whether the appointment should be advertised externally or recruited exclusively from amongst the Council's existing officers. Whether the post is to be advertised internally only or externally the Council will

(a) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of such persons who are qualified to apply for it; and
(b) make arrangements for a copy of the statement to be sent to any person on request.

6. Role of the Staffing Committee

6.1. Except in the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the Staffing Committee is responsible for appointing Chief Officers.

6.2. The Staffing Committee is not a standing committee of the Council. Instead a Staffing Committee will be formed whenever appointments, recommendations of appointments or disciplinary decisions are needed. Members of the Staffing Committee will be nominated by group leaders on a politically proportionate basis.

6.3. For the appointment of or disciplinary decisions in relation to:

(i) Corporate Directors: the Staffing Committee or a sub-committee will comprise three councilors

(ii) Executive Directors the Committee or a sub-committee will comprise five councilors.

Recommendations to appoint the Head of Paid Service, Monitoring Officer or Chief Finance Officer will be made by a Staffing Committee of five councillors. Disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer is governed by rule 8 and for other Chief Officers by rule 9.

6.4. For any appointment the Staffing Committee will decide on a proportionate appointment process, including the use of any stakeholders or similar panels but the final appointment decision or recommendation to Council shall be that of the Committee.

6.5. Appointment of a Chief Officer on an interim basis will follow the same process as that for a permanent appointment.

7. Appointment of Head of Paid Service, Monitoring Officer, Chief Finance Officer and Executive Directors

7.1. Full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer following the recommendation of such an appointment by the Staffing Committee (which included among its membership at least one member of the Executive). Until the full Council has approved the appointment no offer of appointment is to be made.

8. Disciplinary action and dismissal of Head of Paid Service, Monitoring Officer Chief Finance Officer

8.1. For the purposes of these Rules “disciplinary action” in relation to an officer means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personnel file, and includes any proposal for dismissal of an officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.

8.2. Notwithstanding Officer Employment and Disciplinary Procedure Rule 7.3 the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will normally last no longer than two months.

8.3. No decision to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may be made, or notice of dismissal given unless the Council has complied with the requirements of regulation 7 of the Local

Authorities (Standing Orders) Regulations 2001 and Schedule 3 to the Regulation (which is incorporated by reference and forms part of these rules).

9. Disciplinary action and dismissal of other Chief Officers

9.1. No decision to dismiss a Chief Officer may be made, or notice of dismissal given unless:

(a) the Head of Paid Service has undertaken a preliminary investigation which has identified that there is a potential case to answer, a Sub Committee of the Staffing Committee has been established, has met; and

(b) the Sub-Committee has made a recommendation to the Staffing Committee to dismiss or to take other disciplinary action against the Chief Officer;

9.2. In deciding whether or not to approve the Sub-Committee's recommendation, the Staffing Committee must take into account:

(a) any advice or further recommendations from the Sub-Committee;

(b) the conclusions of any report into the investigation into the proposed dismissal or disciplinary action; and

(c) any representations from the officer or made on his or her behalf

10. Disciplinary action and dismissal of other officers

10.1. Members will not be involved in disciplinary action or the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

Part 3 – Scheme of Delegation - Functions of the Council

	RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS	
	General matters relating to application of provisions	(a) Where more than one body / person is identified in relation to any function then each may exercise the function independently from and without reference to any other body / person. (b) Where a function is given to a Committee or Board, then that Committee or Board may delegate that function to a Sub-Committee unless the law or the Articles – Part 1 of the Constitution provide otherwise. (c) Where a body/person is identified as having power to exercise a local choice function then such a body/person shall have that power in addition to any other power that may be identified as applicable to that person/body in any other part of the Constitution.
No.	**FUNCTION**	**DECISION MAKING BODY / DELEGATION OF FUNCTION**
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	(a) Leader; and (b) any other body or person as the Leader may provide for in executive arrangements.
2.	The determination of an appeal against any decision made by or on behalf of the Council.	(a) Appeals Committee; and (b) any Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.
3.	The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	Non-Executive decision – Director, Assurance and Governance
4.	The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admissions appeals)	Non-Executive decision - Director, Assurance and Governance
5.	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies)	Non-Executive decision - Director, Assurance and Governance
6.	Any function relating to contaminated land	Non-executive decision (a) Executive Director for Economy and Environment; and (b) any other Officer to such extent as may be provided in the Officer Scheme of Delegations – Part 3(ii) of the Constitution

7.	The discharge of any function relating to the control of pollution or the management of air quality	Non-executive decision (a) Executive Director for Economy and Environment; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
8.	The service of an abatement notice in respect of a statutory nuisance	Non-executive decision (a) Executive Director for Economy and Environment; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
9.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Non-executive decision (a) Executive Director for Economy and Environment; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
10.	The inspection of the authority's area to detect any statutory nuisance	Non-executive decision (a) Executive Director for Economy and Environment; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
11.	The investigation of any complaint as to the existence of a statutory nuisance	Non-executive decision (a) Executive Director for Economy and Environment; and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-executive decision (a) Executive Director for Economy and Environment; (b) Director, Assurance and Governance; and (c) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
13.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Non-executive decision (a) Executive Director for Economy and Environment; (b) Director, Assurance and Governance; and (c) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
14.	The making of agreements for the execution of highways works	Non-executive decision (a) Executive Director for Economy and Environment; (b) Director, Assurance and Governance; and

		(c) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
15.	The appointment of any individual— (a) to any office other than an office in which he is employed by the authority; (b) to any body other than— (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Non- executive decision (a) Full Council, and (b) any other Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution
16.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Non-executive Decision (a) Full Council; and (b) any Officer to such extent as may be provided for in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.
17.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of Schedule 2 Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Executive decision (a) Cabinet Member for Place Services to the extent that the decision to be made is not a key decision (b) The Cabinet for key decisions (c) Any officer to such extent as may be provided for the Officer Scheme of Delegations – Part 3(ii) of the Constitution

No.	Power	Related Operational Requirements
	RESPONSIBILITY FOR EXECUTIVE FUNCTIONS	The discharge of executive functions is subject to various notification and call in provisions as set out in the Overview and Scrutiny Procedure Rules – Part 2 of the Constitution.
A.	**LEADER**	
1.	Power at any time to discharge any matter arising from any executive function, including in particular the following:	
	1. to determine and alter the arrangements for the discharge of any executive function;	The Leader will maintain a list setting out arrangements for the discharge of executive functions. This list will form part of the Constitution. Further details in relation to this can be found in Article 6 - The Executive– Part 1 of the Constitution. Executive functions delegated to Officers can also be found in the Officer Scheme of Delegations – Part 3(ii) of the Constitution.

	RESPONSIBILITY FOR COUNCIL FUNCTIONS (NON-EXECUTIVE)	
	General matters relating to application of provisions	(a) The Officer Scheme of Delegations – Part 3(ii) contains details as to the extent that such functions have also been delegated to Officers. (b) The Proper Officer is responsible for maintaining an up to date list of various other arrangements relating to certain Council functions including in relation to Sub-Committees. Further information on this can be found in Article 8 - Committees and Boards – Part 1 of the Constitution.
	Interpretation issues relating to functions	(a) Where a function of a Committee or Board involves the making of a determination then the function shall be interpreted as including power to make any incidental and ancillary decision including on any procedural issue of relevance to that function. (b) References to a policy shall be deemed to include reference to a protocol, scheme, strategy and / or plan. (c) Unless the law or a requirement in the Articles – Part 1 of the Constitution provides otherwise any Committee or Board: (i) that can have a Sub-Committee can delegate and/or refer any of its powers to such a Sub-Committee; and. (ii) Can delegate and/or refer any of its powers to an Officer. (d) Where more than one Committee, Board and/or an Officer has a delegated power or a power of recommendation then each may exercise that power independently from and without reference to any other body / person. (e) Where a determination will require financial expenditure then the Committee or Board should normally seek the agreement of the relevant budget holder prior to making any decision or if no such budget exists then with the Section 151 Officer.

	COMMITTEES AND BOARDS	**FUNCTIONS**			
No.			**DELEGATIONS**	**No.**	**POWER TO RECOMMEND**
1.	**Appeals Committee**	1.	To determine any appeal and/or review against a decision made by or on behalf of		

			the Council or for which the Council is required to provide arrangements for an appeal/review body that includes Members. However, this only applies in the following circumstances: (a) a right of appeal/review exists by virtue of legislative provision and/or an extant policy of the Council; (b) the appeal/review does not relate to a personnel issue concerning an employee of the Council; and /or (c) the appeal/review does not relate to a matter within the functions of the Strategic Planning Committee, Area Planning Committee, Licensing Committee and/or in respect of which the Constitution expressly provides should be dealt with elsewhere (excluding any provision in the Officer Scheme of Delegation).		
		2.	To determine: (a) any application for discharge from mental health guardianship; (b) any application / request for revocation relating to any parking concession concerning a disabled person where there is any suggestion of misuse; and (c) any financial assessment dispute relating to residential and/or nursing home accommodation being provided to a person where the Council is responsible for funding all or part of that person's care.		
2.	**Area Planning Committee**	1.	Within the identified area of the Area Planning Committee, to exercise all powers of the Council directly or indirectly relating to the exercise of those functions set out in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England)	A.	To make recommendations on any matter directly or indirectly relating to any highway wholly or partly within the area of the Area Planning Committee (including for the avoidance of doubt any order) for which an Area Planning

			Regulations 2000 (as amended) (including the determination of any application (including any application for reserved matters and/or technical details consent) and/or enforcement issue). However, this does not include making a determination of any matter that in the opinion of the Executive Director for Economy and Environment (and any other Officer as that Executive Director may nominate) falls within the remit of the Strategic Planning Committee.		Committee does not have the power to make a determination.
		2.	Within the identified area of the Area Planning Committee, to exercise all powers of the Council (including the determination of any application and/or enforcement issue) directly or indirectly relating to the exercise of those functions set out in Part 1 of Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).		
		3.	Within the identified area of the Area Planning Committee, to exercise all powers of the Council not expressly reserved to Full Council identified in Part 2 of Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) that concern any functions of the Council directly or indirectly relating to the following: (a) any tree; (b) any hedge; and/or (c) any hedgerow, (including the making and/or confirming of any orders and the determination of any complaints).		
		4.	To determine any application and/or any other matter identified in:		

			(a) any extant Town and Country Planning General Permitted Development Order; and/or (b) any extant Town and Country Planning General Management Procedure Order, that falls within the identified area of the Area Planning Committee. However, this does not include any matter that crosses the boundary of an Area Planning Committee.		
3.	**Audit and Governance Committee**	1.	To determine any response to the Annual Internal Report and opinion.	A.	In relation to Internal Audit, to make recommendations on: (a) its terms of reference; (b) the proposed and actual Internal Audit coverage and whether this provides adequate assurance on the main business risks; (c) cooperation arrangements between Internal Audit, External Audit and any other review bodies; and (d) whether there is sufficient funding to fulfil internal audit requirements including preparation of an Internal Audit Strategy.
		2.	To determine whether to accept (with or without modification) an annual report evaluating the adequacy of the application of the Council's Annual Governance Statement.	B.	In relation to External Audit to: (a) make recommendations on the proposed and actual External Audit coverage and its adequacy; (b) make recommendations arising from the External Auditor's report on the audit of the annual financial statements; and (c) receive updates from External Audit on External Audit findings, opinions and adequacy of management response to External Audit advice, recommendations and action plans and make recommendations in relation to them.
		3.	To determine whether to accept (with or without modification) the annual Statement of	C.	To make recommendations on the adequacy of arrangements for identifying and managing the Council's business risk including the Council's

			Accounts including any subsequent amendments.		risk management policy and strategy and the implementation of both.
		4.	To determine any matter referred to it by or on behalf of the Monitoring Officer in relation to any complaint concerning an alleged breach of a Member Code of Conduct (including in relation to any parish or town council), Protocol for Member and Officer Relations and/or any other code or protocol relating to Members and/or co-opted persons including any appointed representatives of external bodies.	D.	To make recommendations on the robustness of the strategic risk register and the adequacy of associated risk management arrangements.
		5.	To determine whether to grant a dispensation to any Member, co-opted person including any appointed representatives of external bodies arising in relation to: (a) any code of conduct; (b) any provision of the Localism Act 2011; and/or (c) any conflict of interest.	E.	To review reports on the risk environment and associated management action and make recommendations in relation to them.
		6.	To determine procedures associated with the appointment of any independent remuneration panel.	F.	In relation to internal control arrangements to make recommendations on: (a) the Statement of Internal Control, including the procedures followed for its completion and supporting documentation; (b) the effectiveness of internal controls across the Council and the adequacy of action take to address any weaknesses; (c) the Council's Anti-Fraud and Corruption Policy and Strategy and the effectiveness of its application; and (d) the adequacy of arrangements to deal with situations of suspected or actual fraud and corruption.
				G.	In relation to Corporate Governance to make recommendations on the adequacy of the corporate governance strategy, any improvement

					action plan and any updates on improvement actions.
				H.	To make recommendations on any matter arising from: (a) the audit of the Council's accounts, including any auditor's opinion on the accounts; and (b) any issues considered as part of any powers for which the Audit and Governance Committee have delegated power.
				I.	To make recommendations on any findings / reports produced by the Local Government Ombudsman including in relation to any compensation payment.
				J.	To make recommendations on: (a) the operation of the Members' Code of Conduct; (b) the promotion and maintenance of high standards of conduct by Members and co-opted persons; (c) any consultations relating to principles of conduct; (d) any code of practice relating to Members appointment to an external body; and (e) general advice to Members and co-opted persons regarding disclosure of interests and granting dispensations.
4.	**Harbours Committee**	1.	To exercise all functions of the Council as a harbour authority that relate to any matter concerning issues of administration, harbour operations and/or the management of Lyme Regis, Bridport and Weymouth harbours and associated harbour land (the terms "harbour authority" and "harbour land" all being as defined in section 57 Harbours Act 1964). This power includes power to determine income and expenditure matters relating to the harbours and harbour land in respect of		

			which the Harbours Committee has functions. However: (a) in the case of income, only in relation to such matters as Full Council has expressly resolved may be determined by the Harbours Committee; and (b) in the case of expenditure, only to the extent that such expenditure is within such budget as may be allocated to the Harbours Committee.		
5.	**Health and Wellbeing Board**	1.	To formulate, approve (with or without modification), implement and review as necessary: (a) the joint strategic needs assessment; (b) all joint local health and wellbeing strategies; (c) any pharmaceutical needs assessment; and (d) the Better Care Fund.	A.	To make recommendations in relation to any plan, strategy and/or policy that has health and /or wellbeing implications adopted for the whole or any part of the Council's area including any: (a) Integrated Care Board strategy; (b) local transformation plan relating to children and young people's mental health and wellbeing; and (c) prevention at scale and integrated community services / primary care elements of the Sustainability and Transformation Plan.
		2.	To provide advice, assistance and such other support as the Health and Wellbeing Board considers appropriate to encourage the making of arrangements in connection with the provision of services between such health bodies as identified in any relevant legislation.	B. C. D. E.	To make recommendations on outcome and investment priorities for any groups that report to the Health and Wellbeing Board. To make recommendations to encourage improved integrated working between health and social care commissioners and any others providing and/or responsible for health-related services in the Council area including the Health and Wellbeing Board. To make recommendations on ways to ensure that patient / service user voice, including any hard-to-reach groups, is intrinsic to the commissioning cycle and any commissioning decisions. To make recommendations on how to tackle health inequalities in Dorset.

				F.	To make recommendations if and when required as to how the Council and other relevant heath bodies can better meet their obligations to have regard to any joint needs assessment or health and wellbeing strategy produced by the Health and Wellbeing Board.
6.	**Licensing Committee**	1.	To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) including (for the avoidance of doubt) the determination of any application, suspension or revocation. However, this does not include the exercise of any powers for the purpose of: (a) any matter relating to the registration of common land including the variation of rights of common; (b) any matter relating to the registration of any town or village green; and/or (c) a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.	A.	To make recommendations on any policy matter relating to any function delegated to the Licensing Committee but for which the Licensing Committee does not have a power of determination.
		2.	To exercise all powers of the Council that are non-executive arising pursuant to the Licensing Act 2003. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.		
		3.	To exercise all powers of the Council that are non-executive arising pursuant to the Gambling Act 2005. However, this does not include a determination as to whether or not to adopt a policy forming part of the Policy		

			Framework as identified in Article 4 – Full Council – Part 1 of the Constitution.		
		4.	To determine any matter relating to any function of the Council referred to the Licensing Committee for determination but which is not itself a licensing function (as defined by the Licensing Act 2003).		
		5.	To exercise all non-executive functions of the Council arising in relation to the licensing (including for the avoidance of doubt the determination of any application) and enforcement of the manufacture and/or storage of explosives.		
	Licensing Sub-Committee	6.	With the exceptions of determining proposed policy and determining any fee payable, power to determine any application or any other matter arising pursuant to: (i) the Licensing Act 2003; and /or (ii) the Gambling Act 2005, that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including: (a) the holding and determination of any hearing arising as a consequence of any application or other matter pursuant to the Licensing Act 2003 or the Gambling Act 2005; (b) the determination as to whether a hearing needs to be held; (c) the determination as to whether a representation is a relevant representation; (d) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions; and (e) the determination of the appropriate procedure to follow in relation to the determination of any matter, provided		

			that regard is had to any procedure that may have been adopted by the Licensing Committee.		
		7.	With the exceptions of determining proposed policy and determining any fees payable, power to determine any application or other matter arising in relation to the private hire and hackney carriage and functions of the Council that the Licensing Committee has power to determine and which can be lawfully delegated to a Sub-Committee, including: (a) any driver, vehicle, operator or proprietor licence; (b) power to determine any action in relation to any actual or alleged breach of any legislative provision relating to such functions including in particular whether to suspend or revoke any licence and any issue relating to any such suspension or revocation; and (c) any application for a private hire plate exemption.		
7.	**Overview and Scrutiny Committees**	1.	Except for the Health Overview and Scrutiny Committee each Overview and Scrutiny Committee can exercise all delegated functions given to an Overview and Scrutiny Committee by any legislation, including in particular those identified in Chapter 2 Local Government Act 2000. However, only the Overview and Scrutiny Committee with primary responsibility for place shall exercise such powers in relation to any education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive.	A.	Except for the Health Overview and Scrutiny Committee each Overview and Scrutiny Committee can exercise all powers of recommendation given to an Overview and Scrutiny Committee by any legislation, including in particular those identified in Chapter 2 Local Government Act 2000. However, only the Overview and Scrutiny Committee with primary responsibility for people shall exercise such powers in relation to any education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive.

			Certain Overview and Scrutiny Committees may also be able to exercise additional powers (if any) to the extent identified in this section of Part 3 of the Constitution.		Certain Overview and Scrutiny Committees may also be able to exercise additional powers (if any) to the extent identified in this section of Part 3 of the Constitution.
		2.	The Overview and Scrutiny Committee with primary responsibility for place shall be the Council's Crime and Disorder Committee can exercise any additional delegated functions of a Crime and Disorder Committee provided for in any legislation including the Police and Justice Act 2006 and its relevant regulations.	B.	The Overview and Scrutiny Committee with primary responsibility for place shall be the Council's Crime and Disorder Committee and can exercise any additional powers of recommendation available to a Crime and Disorder Committee provided for in the Police and Justice Act 2006 and its relevant regulations.
		3.	The Overview and Scrutiny Committee with primary responsibility for health can exercise any additional delegated powers relating to the review and scrutiny of the planning, provision and operation of the health service in the area of Council given to an Overview and Scrutiny Committee appointed for this purpose by the National Health Service Act 2006 and its relevant regulations.	C.	The Overview and Scrutiny Committee with primary responsibility for health can exercise any additional powers of recommendation relating to the review and scrutiny of the planning, provision and operation of the health service in the area of Council given to an Overview and Scrutiny Committee appointed for this purpose by the National Health Service Act 2006 and its relevant regulations.
8.	**Pension Fund Committee**	1.	To exercise all powers of the Council that relate to any pension scheme for which the Council is the administering authority, including for the avoidance of doubt all powers directly or indirectly relating to the exercise of those functions set out in Part H of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)		
9.	**Staffing Committee**	1.	To determine the appointment of any Officer post as may be provided for in accordance with any relevant policy of the Council.		
		2.	To determine the appointment process and recommend an appointee for the posts of Head of Paid Service, Monitoring Officer and Section 151 Officer.		
		3.	To determine: (a) any actual or potential disciplinary and/or dismissal process relating to the		

			Head of Paid Service, Section 151 Officer, Monitoring Officer; (b) any actual or potential disciplinary and/or dismissal process relating to such other Officers as may be identified in any relevant policy of the Council as being for determination by a Committee; and (c) any disciplinary matter relating to an Officer and/or whether an Officer should be dismissed but only to such extent as the law allows and is provided for in any relevant policy of the Council.		
		4.	To determine any appeal against a decision relating to the cessation of employment of any Officer where such an appeal is required to be undertaken by a Committee in any relevant policy of the Council.		
		5	To determine any issue arising in relation to any potential or actual cessation of employment of any Officer including: (A) whether an Officer post should be regarded as redundant, no longer required in the interests of the efficient exercise of the Council's functions or otherwise; (B) whether to agree to any request for voluntary redundancy; (C) whether to grant, and the amount of, any discretionary compensation, additional pension or any other discretionary payment that may be available; and (D) the terms of any agreement relating to any cessation of employment.		
10.	**Strategic Planning Committee**	1.	To exercise all powers of the Council directly or indirectly relating to the exercise of those functions set out in Part A of Schedule 1 of the Local Authorities (Functions and		

			Responsibilities) (England) Regulations 2000 (as amended) (including the determination of any application (including any reserved matters application and/or an application for technical details consent) and/or enforcement issue) of relevance to the following: (a) any matter involving energy production: (i) exceeding 5MW energy generation capacity; and/or (ii) with a site area exceeding 10 hectares; (b) any matter that crosses the boundaries applicable to any Planning Area Committee; (c) any matter involving highway infrastructure that in the opinion of the Executive Director for Economy and Environment (and any other Officer as that Executive Director may nominate) is primarily concerned with improving / changing the strategic highway infrastructure network; and/or (d) any matter that, in the opinion of the Executive Director for Economy and Environment (and any other Officer as that Executive Director may nominate) primarily relates to minerals and/or waste.		
		2.	To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part B of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) of relevance to the following:		

			(a) the registration of common land including the variation of rights of common; and/or (b) the registration of any town or village green.		
		3.	To exercise all powers of the Council not expressly reserved to Full Council directly or indirectly relating to the exercise of those functions set out in Part I of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) of relevance to the protection of common land and/or any town or village green (whether registered or unclaimed) including for the avoidance of doubt the authorising of any enforcement action and/or proceedings.		
		4.	To determine any matter directly or indirectly relating to any register that the Council is required to compile and/or maintain in connection with any of its town and country planning functions.		
		6.	Power to: (a) make, amend, revoke and/or re-enact any byelaw relating to any street; and /or (b) to determine whether to take any enforcement action including any proceedings relating to any such byelaw.		

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Part 3 – Scheme of Delegation

Officer scheme of delegation for Dorset Council – April 2019

Introduction

1. Local authority decisions are made by elected members but for the Council to be able to function on a day-to-day basis the law enables the various executive and non-executive functions to be delegated to Officers. In addition, there are some functions which the law says must be exercised by specific officers.

2. This part of the Constitution sets out the ways in which the officers of the Council can make decisions and which decisions they have the power to make. It is called the "Scheme of Delegation."

3. This Scheme of Delegation is set out as follows:

Title	Contents
Introduction	Sets out what this Part of the Constitution (the "Scheme of Delegation") covers, conditions, limitations and indemnity and relevant definitions.
General Delegations to all Officers	Sets out the delegations which apply to all "Officers"
Delegations to Chief Executive/Head of Paid Service	Sets out the delegations which apply to this officer
General Delegations to all Chief Officers	Sets out the delegations which apply to all "Chief Officers".
Delegations to the Section 151 Officer	Sets out the delegations which apply to this officer
Delegations to the Executive Director Corporate Development	Sets out the delegations which apply to this officer
Delegations to the Director, Assurance and Governance (Monitoring Officer)	Sets out the delegations which apply to this officer
Delegations to the Executive Director for Economy and Environment	Sets out the delegations which apply to this officer
Delegations to the Director of Adult Social Services (DASS)	Sets out the delegations which apply to this officer
Delegations to the Executive Director for Children Services (DCS)	Sets out the delegations which apply to this officer
Delegations to the Executive Director for Housing, Communities and Prevention and Prevention	Sets out the delegations which apply to this officer
Appendix 1 Authorisations for Regulation of Investigatory Powers Act 2000 (RIPA)	Sets out arrangements for authorisations in relation to RIPA
Appendix 2 Conditions and limitations	Identifies various conditions and limitations that apply to delegations by officers at different levels of seniority.
Appendix 3 Arrangements for Proper Officer functions	Sets out the legal requirements for "proper officers", what this means and a link to the Statutory and Proper Officer Register
Appendix 4 Member and Officer Indemnity Rules	Set out provisions relating to the indemnity provided to members and officers.

Advice and Interpretation

4. Where necessary, a final decision on the meaning and interpretation of this document (which is part of the Council's Constitution) will be made by the Monitoring Officer (or in in his/her absence the Officer responsible for Legal Services) and his/her view be determinative. However, no delegation/nomination in this Scheme shall be interpreted as including any power that is prohibited by law from being delegated or nominated to an officer.

5. In this scheme including any nomination made in relation to it, unless the context requires otherwise, the terms below shall be construed as follows:

   (a) "Chief Executive" includes reference to Head of Paid Service if different;

   (b) "Chief Officer" means the Chief Executive, all Executive Directors, the Director, Assurance and Governance, Section 151 Officer, Monitoring Officer and the Executive Director for Housing, Communities and Prevention.

   (c) "Employment Powers" means all those employment powers referred to in Appendix 2 Part 1;

   (d) "Financial Powers" means all those financial powers referred to in Appendix 2 Part 2;

   (e) "Officers", shall include people employed, retained or appointed by the Council to advise and support Members and implement their decisions. The term "Officers" in this Constitution unless the context otherwise requires includes all the people who operate in this capacity including contractors, consultants, agency staff and volunteers;

   (f) "Town and Country Planning Legislation means all legislation relating to any function of the Council concerning town and country planning including any such function arising under any of the following:

      (i) the Town and Country Planning Act 1990;
      (ii) the Planning (Hazardous Substances) Act 1990;
      (iii) the Planning (Listed Buildings and Conservation Areas) Act 1990;
      (iv) the Planning (Control of Advertisement) Regulations 1992;
      (v) the Hedgerows Regulations 1997;
      (vi) the Anti-Social Behaviour Act 2003 (in so far as it relates to high hedges);
      (vii) the Planning and Compulsory Purchase Act 2004;
      (viii) Planning Act 2008;
      (ix) all of the Town and Country Planning (General Permitted Development) (England) Orders including for the avoidance of doubt the Town and Country Planning (General Permitted Development) (England) Orders of 2015;
      (x) all of the Town and Country Planning (Development Management Procedure) (England) Orders including for the avoidance of doubt the Town and Country Planning (Development Management Procedure) (England) Orders of 2015;
      (xi) the Town and Country Planning Act 1971;
      (xii) all the Housing and Planning Acts; and

(xiii) any regulations, directions and/or other orders made pursuant to any of the above;

(g) "undertake all action", includes as necessary:

(i) undertaking any inspection and/or examination;
(ii) enter land, any premises and/or vehicle for the purposes of exercising any service and/or function;
(iii) giving of authority including in relation to determining and authorising the attendance of any person whether an Officer or otherwise;
(iv) preparing, signing, issuing and/or serving of any document (including any direction, notice, licence, order, permission, permit, consent, approval, registration and/or certificate);
(v) making any determination including a decision to approve, cancel, confirm, grant, make, modify, review, refuse, renew, replace, revoke, suspend, transfer, vary and/or withdraw any documentation referred to above together with the determination of any condition, obligation, limitation, restriction and/ or requirement considered necessary;
(vi) conducting any review and/or appeal and/or any assessment of a similar nature;
(vii) exercising any relevant power relating to analysis, certification, checking (including checking of records whether electronic or otherwise), destruction, detention, purchasing, removal, retention, sampling and/or seizure;
(viii) recording information through whatever medium including photographic and/or digitally;
(ix) undertaking any associated procedural action;
(x) managing any assessment process including determination of the appropriate assessment to use and the scoring of any assessment; and
(xi) exercising decision and/or discretion to determine the level of and/or whether to recover any cost incurred in relation to any action.

6. The Council operates a cascade principle of delegation/nomination to ensure that decisions are taken at the most appropriate level closest to those who will be affected. This means that the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers.

7. To ensure the smooth functioning of the Council and the efficient delivery of services, the Chief Officers and other named Officers have been delegated various powers that they need to perform their roles.

8. Certain Officers have specific duties and/ or formal functions to ensure that the Council acts within the law, uses its resources wisely and exercises its powers properly. These officers are known as "Statutory" or "Proper" Officers and some have specific legal titles in addition to their job titles.

9. The way the Council structures its services and its Officer arrangements may change from time to time to reflect changes in service delivery and best practice. Further details of the current Officer Structure can be found in Officers – Article 12 – Part 1 of the Constitution and also in the management structure – Part 7 of the Constitution.

10. The cascade principle under which this scheme operates means that any Officer given a power (whether expressly set out in this scheme or otherwise) can nominate other Officers to exercise those powers:

- through a local scheme of nomination (which sets out various standing nominations given to specific Officers in defined areas of the Council's service areas); and/or
- through a specific nomination in relation to an individual decision which must be evidenced in writing, dated and signed by the officer delegating the power with a copy supplied to the Proper Officer.

11. Some powers may be delegated to an Officer directly by a Committee, Sub-Committee or through executive arrangements. In such cases, unless expressly limited otherwise, it shall be assumed that such a delegation includes power for the Officer to nominate other Officers to also exercise that delegation in accordance with the provisions of this scheme.

12. Where a power has been passed to an Officer (including where nominated through the Cascade principle), the person or body making the delegation / nomination may at any time take back responsibility for the function and may in any event also exercise the power despite the delegation/nomination.

General provisions relating to the exercise of delegated authority by Officer

13. The Chief Executive can at any time exercise any power delegated to any Officer whether specified in this officer scheme or otherwise unless expressly prohibited by law. At any time the Chief Executive is unavailable or absent, or the post is vacant, then any of the Executive Directors and/or the Director, Assurance and Governance can exercise any such power.

14. The powers of this Scheme are delegated to the Officers referred to by title within this Scheme of Delegation. So the delegations apply to whoever holds that post title at any time. The powers are automatically transferred to any successor officer to that post. Also, at various times, an Officer post may be left vacant, posts may be combined and/or the title changed. For the purposes of this Officer Scheme, reference to any post that is vacant, combined with any other and/or has its name changed shall be construed as referring to the Officer post which for the time being takes on the relevant responsibilities of the original post.

15. Where a delegation/nomination to an Officer overlaps with any other delegation/nomination, then the delegation/nomination can be exercised by the Officer without reference to any other Officer and free of any restriction and/or limitation that specifically relates to that other delegation/nomination.

16. These general provisions apply not only to named Officers but also to anyone else authorised or nominated by them to exercise delegated authority on their behalf. In authorising others to act on their behalf attention should be drawn to the requirements of these provisions.

17. Any action by an Officer under a power granted in this Scheme of Delegation must be exercised in accordance with the conditions and subject to any relevant limitations in Appendix 2. Officers should also have regard to any other relevant matters that might relate to the exercise of such a power, including:

- any relevant Council policies and procedures (compliance with some of which is mandatory), and
- other relevant provisions in the Constitution (including Financial Regulations, the Contract Procedural Rules and the Officer Code of Conduct).

18. In deciding whether and how to exercise any power, an Officer must take advice from any other person (which might include another Officer and/or Member) that is appropriate before undertaking any specific action. This is equally true in situations where the Council acts as lead authority or host for a partnership involving the joint exercise of functions. In such cases, this could involve consulting with the appropriate Chair or lead member for the partnership in place of, or in addition to, consultation with an appropriate Executive Member.

19. Nothing in this Scheme of Delegation shall prevent an Officer from deciding not to exercise a power and to refer it to some other body /Member who also has power to exercise it.

20. Where a proposed exercise of delegated authority is such that the Leader should be consulted and the Leader is absent or otherwise unavailable then the Deputy Leader can be consulted. Similarly, in the absence of the Chair of a Committee the Vice-Chair can be consulted. In the absence of an Executive Member the Leader could be consulted as an alternative.

General Indemnity

21. The Council has adopted indemnity provisions in relation to its Officers and Members. Details of this indemnity as set out in Appendix 4.

Delegations to All Officers (Back to Scheme Contents)	
Ref	**Delegation**
1	To act as a witness: (a) on behalf of the Council in any proceedings in which the Council is directly involved; and/or (b) where so directed by a court, tribunal, hearing or other inquiry with power so to do; and/or (c) in any other circumstance with the prior written approval of the Monitoring Officer.
2	To undertake all action relevant to that Officer that is required by or identified in Financial Regulations and/or Contract Procedural Rules as applicable to that Officer.
3	To undertake all action relevant to any matter to which an Officer is given a role, power or activity pursuant to any provision set out in the Constitution where the Officer is exercising, (a) a role as a Proper Officer as identified in Appendix 3; (b) Employment Powers subject to the conditions and limitations set out in Appendix 2; or (c) Financial Powers subject to the conditions and limitations set out in Appendix 2.

Delegations to the Chief Executive (Back to Scheme Contents)	
Ref	**Power**
4	To undertake all action related to the role of Head of Paid Service.
Governance	
5	To agree changes to appointments to outside bodies arising from changes in the Executive, Members or group nominations.
6	To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting
7	Where a vacancy arises and there is no immediate meeting of the Full Council to appoint to any Committee, Board and/or statutory panel the nominee of the relevant political group and report the appointment to the next available meeting of the Full Council.
8	To determine appointments to any statutory panels.
9	To determine whether to grant a dispensation in respect of any disclosable pecuniary interest.
10	To approve Member attendance at any conference and the payment of any expense or allowance in accordance with the adopted scheme of member allowances as set out in this Constitution.
11	To summon a meeting of the Council provided that the circumstances necessitating the calling of the meeting are identified on the summons/agenda for that meeting.
12	To undertake all action in connection with the arrangement of civic and ceremonial functions.
Officer Designations	
13	To designate an Officer as an authorised officer to exercise the Council's powers under any statutory provisions.
Emergency and Urgency	
14	In an emergency, power to undertake all action s/he considers necessary, including; (a) incurring expenditure from working balances and/or reserves, (b) to determine whether to take, defend and/or settle any legal proceedings; (c) to make a final determination whether to acquire and/or dispose of building and/or land, subject to consultation with the s151 Officer, s/he considers it appropriate and feasible, and to notifying any emergency action as soon as reasonable to the Leader.

15	To undertake all action to ensure the effective delivery of the councils emergency planning function subject to the prior consultation with Section 151 Officer to the extent it will result in expenditure from working balances or reserves.
Operational Decisions	
16	To undertake all action relating to the management and operation of any of the Council's services including: (a) authorising the acquisition of any asset or service; and (b) the management of any land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture and appliances; and (c) to incur expenditure from working balances and/or reserves, provided that: (i) any such action will not result in the overall budget for any individual service being exceeded unless the s151 Officer confirms that any overspend can be offset against working balances and/or other services underspends; (ii) the Section 151 Officer gives approval; and (iii) where s/he considers it appropriate and feasible to do so, prior consultation with any relevant Chief Officer(s).
17	To take action in connection with the receipt of any expression of interest in relation to the community right to challenge. This power includes the power to receive and validate any expression of interest, provided that: (a) in making a decision whether to accept or reject an expression of interest there has been prior consultation with appropriate Members; and (b) the expression of interest is reported to the Full Council in accordance with the Executive arrangements within three months of receipt.
18	To publish notices as required on behalf of the Council under any legislation except where this is specifically delegated by this Scheme or reserved by law to a Chief Officer or other named Officer.
19	To take undertake all action to comply with health and safety legislation including the power to incur expenditure from existing balances or reserves subject to the approval of the Section 151 Officer.
20	To the extent it is not covered by Appendix 4 of this Scheme to be the Proper Officer and the person authorised to carry out any function or action described in: (a) any regulations relating to referendums, petitions and/or directions; (b) the Criminal Procedure and Investigations Act 1996 relating to the appointment of Disclosure Officers; (c) any other legislative provision; and/or (d) the Constitution not otherwise specifically delegated to another Officer, including the power to appoint or nominate any other Officer to act.
21	To exercise any power delegated to any Officer whether specified in this officer scheme or otherwise unless solely limited to exercise by that Officer by law.
22	To undertake all action to secure compliance with any decision of Full Council, any part of the Executive, a Committee, Board and/or statutory panel.
23	To sign any Council document not otherwise covered by this Scheme.
24	To determine the content and be responsible for any publication scheme (including determining any charges) under freedom of information and/or data protection legislation.
25	Subject to prior consultation with at least one Executive Member, to determine whether to close any of the Council offices for reasons of efficiency around the Christmas and New Year bank holiday period.
People Management	
26	To deal with all matters relating to the paid employment of Council officers.
27	To determine any change to the whole or any part of the employee establishment / structure of the Council including power to incur expenditure subject to prior consultation with the Section 151 Officer.

28	To determine the composition of any panel required to consider any employee issue, subject to consultation with the Officer responsible for Human Resources
29	To determine the grading and regrading of posts provided that funding for any associated existing and future costs is available.
Proper Officer	
30	To appoint any Officer to be a Proper Officer for the purposes of any function of the Council.

Delegations to all Chief Officers (Back to Scheme Contents)

Ref	Power
31	In a declared emergency or major incident, the Chief Officers and Dorset Council's Duty Gold and Silver Officers, when acting in a decision making capacity at the Local Resilience Forum's: Strategic Co-ordinating Group (Gold), Tactical Co-ordinating Group (Silver), various Recovery Co-ordinating Groups (Gold and Silver) or at the Council's own internal Gold emergency groups are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a Key Decision) and to suspend aspects of business as usual to comply with the Council's duties in all relevant legislation. In line with Dorset Council's emergency command structure, Silver Officers have a restricted level of financial authorization in comparison to Gold and Chief Officers. Both the command structure and accompanying levels of Gold and Silver authorisations are set out within Dorset Council's Emergency Response Plan. Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chair and Vice Chair of the Executive, the relevant service cabinet member and Chief Officers will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Executive as is appropriate in the circumstances of the emergency.
32	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 : (a) prior consultation with the Monitoring Officer and the Section 151 Officer; (b) consultation with the appropriate Executive Member or the Chair of the appropriate Committee; and, (c) to the extent it will incur expenditure from working balances and/or reserves, the prior approval of the s151 Officer.
Operational Decision Making	
33	To undertake all action relating to the management, operation and delivery of the services for which the Chief Officer is responsible including: (a) such action as the Chief Officer considers appropriate in relation to the discharge of any function wholly or partly relating to any of those services; (b) authorising the acquisition and/or disposal of any asset (excluding any land and/or building) or service; and (c) the management of any land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture and appliances, provided any such action will not result in the overall budgets for which the Chief Officer is responsible being exceeded.
34	To undertake all action relating to the entering into of any short-term lease and/or letting arrangement in respect of any land or building for a term not exceeding 6 months including the agreement of any terms associated with such an arrangement provided that: (a) s/he considers it is necessary in relation to the discharge of any function wholly or partly relating to any service for which s/he is responsible; and

	(b) any cost associated with any such transaction can be met from within existing budgets for which the Chief Officer is responsible.
35	To undertake all action to give effect to any decision of or on behalf of the Council.
36	To instruct / appoint and/or authorise any external person (including any consultant) or body (excluding legal professionals) to undertake work and/ or act for and/or on behalf of the Council in respect of any matter (including at any legal proceedings, tribunal, hearing, inquiry or similar body) relating to any work undertaken by any service for which the Chief Officer's is responsible and/or to which s/he is providing support.
37	To determine whether to enter and to enter into any contract or agreement for works, services and/or supplies, including all terms, for any service for which the Chief Officer is responsible provided that: (a) any expenditure incurred can be met from a relevant budget; and, (b) the process followed is in accordance with the Contract Procedure Rules.
38	To undertake all action relating to any matter arising in respect of any appeal, call-in, inquiry and/or hearing of whatever nature to which the Council is party including: (a) to determine any procedural issue and any response to a procedural issue relating to any such matter; and (b) to determine whether or not to defend the whole or any part of the proceedings in respect of which the appeal etc is taking place.
39	To determine whether or not to support a bid by any organisation for any external grant/funding provided that any such support will not result in the overall budgets for which the Chief Officer is responsible being exceeded.
40	To enter into an agreement with any voluntary agency, charity or public sector organisation, where the Council has or is proposing to offer financial and/or other assistance to that body, provided that no agreement shall commit the Council to utilise resources that are not available for this purpose and there is relevant insurance provision in place.
41	With advice from Human Resources to determine the terms of and enter into agreements with any organisation to place staff at the disposal of that organisation.
42	To administer the supply of goods, works and/or services to any external person/body.
43	To undertake all action in connection with any application to the Council for a grant in respect of which s/he has been given a budget provided that any expenditure incurred can be met from that budget.
44	To determine whether and how to respond on behalf of the Council to any local, county, sub-regional, regional or national consultation on matters affecting the Council subject to prior consultation with an Executive Member.
45	To approve (with or without modification) or refuse any draft plan and/or strategy for public consultation subject to prior consultation with an Executive Member.
46	To determine whether to enforce and to enforce the terms of any agreement, contract, licence, lease or any other legal instrument to which the Council is a party provided that the subject matter relates wholly or partly to work undertaken by any part of the Chief Officer's directorate.
47	To: (a) make any planning application and/or any other application under any Town and Country Planning Legislation provided that in both cases: (i) there is prior consultation with the Section 151 Officer and the Executive Director for Economy and Environment; and (ii) no such application will result in the overall budgets for which the Chief Officer is responsible being exceeded; and /or (b) provide a consultation response to any application under any Town and Country Planning Legislation
48	To undertake all action in connection with the determination of any application submitted to the Council within the Chief Officer's service area(s) but excluding an application to the Council for planning permission made under section 62 of the Town and Country Planning

	Act 1990 applies [*see further in this respect delegations to the Executive Director for Economy and Environment*].
49	To undertake all action for the purpose of investigating and/or enforcing (including authorising any court proceedings) any: (a) actual, perceived or potential breach of any statutory provision; and/or (b) consent, authorisation, permit, registration, certificate, license, notice, order, permission or other document of a similar nature (including any condition, obligation, restriction, limitation or any other provision) given, issued or made by the Council, provided that the subject matter of that statutory provision and/or document relates wholly or partly to the work undertaken by any Service for which s/he has any responsibility.
50	To undertake any inspection of land and/or buildings and/or exercise any related powers of entry for the Chief Officer's Service area(s) with the power to undertake action as a consequence the inspection (excluding authorising the initiation of any formal court proceedings).
51	To undertake all action in connection with the issuing and serving of any notice for the purposes of securing information relating to any function of the Council, including any notice: (a) under Local Government (Miscellaneous Provisions) Act 1976; and (b) relating to any town and country planning function of the Council.
52	To issue any licence or control any registration of persons or premises on behalf of the Council under any legislation except where this is specifically reserved by law to a specific Chief Officer or other named Officer.
53	To authorise any Officer that s/he considers appropriate: (a) to carry out any inspection and/or examination; (b) to carry out any action arising during and/or out of any inspection and/or examination (including analysis, certification, checking, destruction, detention, measurement, purchasing, sampling, seizure and/or, testing); (c) to exercise any power of entry available to the Council; (d) to issue any document relating to an inspection and/or examination including any notice; (e) to serve any document; (f) to undertake any work in default and/or supervision or management; (g) to undertake any enforcement activity; and/or (h) to seek a warrant; provided that in all cases: (i) the authorisation relates wholly to a service or delegated power of the Chief Officer; and (ii) the Chief Officer believes that any cost associated with the authorisation can be met from within their existing budget and/or the prior approval of the Section 151 Officer is obtained.
54	To appoint/authorise any Officer and any other person undertaking any task for or on behalf of the Council to be: (a) an inspector; (b) an authorised officer; and/or (c) an enforcement officer, including power to authorise any such Officer /person to undertake all action relevant to the performance of such a role in relation to any service and/or function of the Council, provided that in all cases the appointment / authorisation relates wholly or partly to any service and/or function which for which s/he has any responsibility and/or any delegated management power.
55	To undertake all action in connection with any fixed penalty notice, including: (a) to determine any relevant content; and/or (b) to determine whether or not to issue a notice; provided that the fixed penalty notice relates wholly or partly to a Chief Officer's Service

	area (excluding authorising the initiation of any formal court proceedings).
56	Subject to prior consultation with the Director, Assurance and Governance to determine whether to issue a caution of whatever nature as an alternative to undertaking criminal proceedings provided the caution relates wholly or partly to any service and/or function for which s/he is responsible and/or has delegated power and/or to which s/he is providing support.
57	To authorise and take action to secure a warrant in relation to any work being undertaken by the Chief Officer's Service area.
58	To monitor, store, archive and/or destroy Council documentation relating wholly or partly to the work undertaken by the Chief Officer's Service area in accordance with any Council policies.
59	To take action in connection with the receipt of any expression of interest in relation to the community right to challenge. This power includes the power to receive and validate any expression of interest, provided that: (a) in making a decision whether to accept or reject an expression of interest there has been prior consultation with appropriate Members; and (b) the expression of interest is reported to Full Council / in accordance with Executive arrangements within three months of receipt.
60	To undertake all action in connection with a request for the release of information pursuant to: (a) any freedom of information legislation; (b) any environmental information legislation; (c) any subject access request; and/or, (d) any other legislation.
Signing Documents	
61	To sign any document to give effect to any decision of or on behalf of the Council.
Financial	
62	To undertake all action in relation to the finances of their directorates provided: (a) in the case of any virement between budgets there is prior consultation with the Section 151 officer; and (b) this will not result in the overall budgets for which Chief Officer is responsible being exceeded.
63	To: (a) prepare and submit any application for external grants/funding; and/or (b) determine whether to accept the award of any external grant/funding (including any related conditions and/or limitations) provided: (i) that any costs (including any match funding) to the Council required as part of any grant/ funding being available from a budget within the control of the Chief Officer; and (ii) there is prior approval of the Section 151 Officer where s/he is required to sign off on any requirements relating to the grant/funding.
64	To set any fee, charge and/or any method of charge for any matter relating wholly and/or partly to the Chief Officer's Service area(s) provided that: (a) the Council has not already formally determined the fee and/or charge for that work for the proposed period of time to be covered; and (b) the amount of the fee and/or charge is in accordance with any such fee and charge expressly set by legislation.
65	To determine whether to write off any debt of up to £10,000 or any higher sum identified in the Financial Regulations subject to the prior approval of the Section 151 Officer.
People Management	
66	To appoint staff (excluding the posts of Chief Executive, Monitoring Officer, Section 151 Officer, and Directors) within structures and budgets approved by the Council and the

	Executive where Procedure Rules allow and to exercise control and discipline in accordance with the Council's agreed policies and personnel procedures and this Scheme.
67	To exercise day to day management of Officers placed under the control of the Chief Officer in accordance with the principles for people management in Appendix 2.
68	To implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council.
69	To approve changes to the number and distribution of posts for which they are responsible subject to financial provision for the current and future years being available. Where changes are proposed to the Chief Officer structure a report to the Chief Executive will be required before any such changes are implemented. All other changes to structures remain delegated to Chief Officers.
70	To approve changes to the grading of posts taking account of job evaluation outcomes for posts covered by these schemes provided that funding for any associated existing and future cost is available and any such change is in accordance with the principles for people management in Appendix 2.
71	To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to (a) the approval of the Staffing Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit where this is required by any relevant HR policy; and, (b) funding associated with any redundancy payment being available.
72	To appoint, authorise and sign an identity card of, any Officer (including any inspector, authorised officer, enforcement officer and/or other person undertaking work for or on behalf of the Council) necessary for the proper performance of that Officer's duties provided that any appointment / authorisation relates to the service and function for which the Officer has responsibility and/or any delegated power.
Complaints	
73	To undertake all action in connection with the preparation and issuing of any information and/or response to a complaint against the Council made pursuant to the Council's formal complaints procedure or Ombudsman complaint.
74	To resolve a complaint, including the approval of compensation in respect of: (a) any complaint made through the Council's complaint procedure; and/or (b) any finding of maladministration by the Local Government and Social Care Ombudsman, including the power to incur expenditure from working balances and /or reserves subject to prior approval of the Section 151 Officer.
75	Subject to prior consultation with the Director, Assurance and Governance to settle any claim or potential claim made by or against the council in a sum not exceeding £50,000 including power to authorise expenditure from working balances and/or reserves subject to the prior approval of the s151 Officer.
Governance	
76	To undertake all action in connection with the provision of reasons and responses to representations in relation to the holding of private meetings.
77	To sign off and/ or approve a report or item to go to any body of the Council and/or any other body of which the Council is part.
Communications	
78	To determine whether to authorise the release of information or other documentation to the press, any member of the public or external body.
79	To take any action in response to a request for radio, television and/or other coverage or recording of any meeting of the Council.
RIPA	
80	To exercise the role of authorising officer and designated person as set out in Appendix 1.

Delegation to all Duty Gold and Silver Officers (Back to Scheme Contents)

Ref	Power
81	In a declared emergency or major incident, the Chief Officers and Dorset Council's Duty Gold and Silver Officers, when acting in a decision making capacity at the Local Resilience Forum's: Strategic Co-ordinating Group (Gold), Tactical Co-ordinating Group (Silver), various Recovery Co-ordinating Groups (Gold and Silver) or at the Council's own internal Gold emergency groups are authorised for the purposes of the declared emergency to commit the appropriate resources (regardless of whether the value would equate to a Key Decision) and to suspend aspects of business as usual to comply with the Council's duties in all relevant legislation. In line with Dorset Council's emergency command structure, Silver Officers have a restricted level of financial authorisation in comparison to Gold and Chief Officers. Both the command structure and accompanying levels of Gold and Silver authorisations are set out within Dorset Council's Emergency Response Plan. Owing to the nature of such decision making at a time of a declared emergency or major incident, all decisions will be made on best advice available to the decision maker at the time and on the basis that the decision is a reasonable one in the circumstances. Notification to the Chair and Vice Chair of the Executive, the relevant service cabinet member and Chief Officers will be given as soon as is practicably possible in the context of the emergency or major incident. A schedule of decisions taken under the delegation will be reported to the next meeting of the Executive as is appropriate in the circumstances of the emergency.

Additional delegations to the Section 151 Officer (Back to Scheme Contents)

Ref	Power
Audit	
82	To undertake all action in relation to all issues relating to the Internal Audit functions of the Council.
83	To consider and make any recommendation in respect of the strategic and annual audit plans.
Companies	
84	To undertake all action relating to any financial matter concerning any company and/or Limited Liability Partnership in which the Council has or has resolved to have a shareholding including power to determine whether to grant any loan of up to £20,000 for a term not exceeding 3 months to such a body (and whether this should be on the basis of being interest free or otherwise), provided that: (a) in the case of: (i) determining the number of shares held by the Council and all arrangements relating to subscribing to them; (ii) any financial arrangements s/he considers necessary to enable the company to effectively function in accordance with and for the purposes set out in the company's memorandum and articles of association; and/or (iii) a determination to grant any loan, subject to prior to consultation with the Leader and any other Executive Manager that the Section 151 Officer considers appropriate; and (b) in all cases any costs associated with such action will not result in the overall budgets for which the Section 151 Officer is responsible being exceeded.
Financial Management and Accounting	
85	To determine financial management and accounting procedures and the form and extent of financial records.
86	To operate the Council's banking arrangements including: (a) act as a co-signatory for any cheque drawn on the Council's accounts; and/or (b) sign any amendment to any cheque drawn on the Council's accounts.
87	To pay all sums properly authorised as due.
88	To pay salaries and allowances.

Income	
89	To undertake all action: (a) for the collection of all income, interest and costs due to the Council, including power to issue and recover any penalties relating to such matters; and/or (b) to waive / write-off any related sums provided it accords with any relevant provisions in Financial Regulations.
90	To remit income in the following classes:- (a) arrears of contributions in respect of children and young persons in care; and/or (b) charges to residents in homes, hostels and boarding establishments.
Investment / lending	
91	To exercise the powers of the Council to borrow, invest and to lend (excluding by way of a mortgage) and to determine rates of interest and terms of repayment on such loans as may be required or prudent from time to time.
92	To undertake all action in connection with an application for the Council to grant a mortgage subject to prior consultation with the Executive Member responsible for finance
Council Tax, non-Domestic rates and Benefits	
93	To determine and undertake all calculations necessary for the purposes of determining the council tax base and business rates base for the Council for any year.
94	To: (a) undertake all calculations necessary to determine any amounts which any Secretary of State requires to be notified to him/her in relation to non-domestic rating income; (b) undertake all calculations necessary to determine any other amounts which s/he at his absolute discretion considers to be related to any such requirements of any Secretary of State identified in (a) above including the amount of authorities' shares calculated for purposes related to shale oil and gas; and/or (c) complete any related form and provide appropriate notification to the relevant Secretary of State and any other parties required to be notified.
95	To make requests to the Valuation Office Agency to revise any valuation list.
96	To determine on-costs and rates of interest in respect of any sums due to the Council.
97	To determine all claims, administer and collect payment in relation to Council Tax, National Non-Domestic Rates and Housing Benefits (including the exercise of all discretions conferred upon the Council by the relevant schemes), including power to write off any court costs.
98	The payment of sums properly payable from the Collection Fund.
Insurance	
99	To deal with all insurances relating to the Council, any of its services and functions and its Members including the areas of cover, the extent of cover, the negotiation and acceptance of conditions of cover, and settlement of claims against the insurer or by a claimant (so far as permitted by the insurer).
Overspends/borrowing	
100	To authorise the overspend of any approved service budget up to a maximum of £500,000 in any one instance (including the use of expenditure from reserves or working balances) provided that: (a) the authorization is reported to the next available meeting of an appropriate Committee and/or an Executive Member; and (b) the total amount of any approved overspend across the Council pursuant to this delegation does not exceed £500,000 in any one financial year without there having been prior consultation with the Executive Member responsible for finance and/or other appropriate Member(s).
101	To incur overdraft on the Council's bank accounts, the net pooled balance not to exceed £10M overdrawn at any one time.
Virements	

102	To authorise any virement between Council budgets following any consultation required under this Scheme of Delegation provided the Section 151 Officer is satisfied that the virement is not financially imprudent having regard to the Council's overall financial circumstances
Pensions	
103	To make investment decisions for the Dorset Council Pension Fund in accordance with a strategy (if any) agreed by the Pension Fund Committee.
104	In relation to superannuation to determine: (a) admission to the Scheme; (b) the application of interchange rules; (c) all issues relating to the surrender of any allowance; and (d) all issues relating to child pension provision.
105	In relation to injury to any employee to determine whether to make an award of up to any statutory maximum of:- (a) the employee's pension because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension; (b) any additional pension an employee would have received but for the enforced early retirement; and/or (c) any additional pension an employee would have earned had s/he not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) due to an injury, provided that in all cases: (i) no such award, together with any state injury award, shall result in the total pension the employee could have earned being exceeded; and (ii) where in any particular case there would be eligibility for an award but an award is not considered appropriate and/or less than any statutory maximum is to be awarded then there is prior consultation with the Executive Member responsible for Finance before making a final determination.
106	To determine any application in relation to an employee's pension arising as a result of (a) the employee's marriage being dissolved; and/or (b) the employee's spouse / partner dying.
General	
107	To undertake all action including the signing of proxies on behalf the Council in respect of any bankruptcy, liquidation and/or receivership.
108	To determine whether to make any payment to any parish and/or town council which provides services in relation to any Council matter subject to any costs being able to be met from within an existing budget (including any approved virement).
Governance	
109	To the extent as provided for in Financial Regulations to review and amend the same including any supporting documents identified in the Financial Regulations.

Additional delegations to the Director, Assurance and Governance (Monitoring Officer) (Back to Scheme Contents)	
Ref	**Delegation**
110	To exercise all statutory powers of the "Monitoring Officer".
111	To authorise, institute, defend, appear in and settle legal proceedings or disputes in contemplation of legal proceedings (including any appeal, review of similar proceedings against any action or proceedings in any tribunal, inquiry, hearing or other forum of legal proceedings) by or on behalf of the Council, together with power to undertake all preliminary or further work as s/he considers appropriate.
112	To instruct/appoint and/or authorise any person (including counsel and/or any consultant) or body to undertake work and/or act for and/or on behalf of the Council in respect of any legal issue (including any legal proceedings, tribunals, hearings and/or inquiries) relating to the Council including whether to outsource any legal work.

113	Subject to such initial prior consultation with the Executive Director for Economy and Environment as s/he considers appropriate to undertake all action in respect of any trespass on Council owned land including action to secure the cessation of the trespass and/or to seek to prevent its recurrence.
114	To undertake all action in connection with the preparing and/or issuing of any: (a) licence, lease, transfer and/or, conveyance concerned with the acquisition and/or disposal of any interest in land or property; and/or (b) easement and/or wayleave, including in consultation with the Executive Director for Economy and Environment, determining any rent level, fee and all other terms associated within any such document.
115	To undertake all action in connection with the preparing and/or issuing of any contract, notice, order, permit, certificate, requisition or other document including any: (a) byelaw; (b) contract relating to the supply of any good and/or service; (c) order for the control of drinking in public places and/or a public spaces protection order; (d) notice and/or order relating to any vehicle; (e) stop notice; (f) temporary stop notice; (g) road closure; and (h) application for late night shopping, provided that there has been approval to progress the matter via the exercise of a delegated power under this Scheme of Delegation or otherwise.
116	To undertake all action in connection the recovery of any actual or perceived proceeds of crime, whether under the powers of the Proceeds of Crime Act 2002 or otherwise, including any necessary preliminary and subsequent action to secure and then progress the outcome of any determination, provided that there is initial consultation with an Executive Member as to whether or not to pursue any related application.
117	In consultation with such Chief Officers as s/he considers appropriate (if any) to determine whether to accept or reject (and whether or not subject to conditions) any purchase notice served on the Council pursuant to any town and country planning functions if a decision is required before the next normal meeting of a members body with power to determine such matters.
118	To determine whether to issue or withhold any consent or approval under the terms of any lease, conveyance or other document including power to determine whether or not to issue any certificate or other document in relation to the provisions of any planning obligation together with power to undertake all actions to give effect to and as a consequence of any determination.
119	To affix and attest the seal to any order, deed or other document to give effect to any decision of or on behalf of the Council.
120	To act as the person specified by the Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme where there is a requirement for a re-consideration mechanism, together with power to appoint other Officers for any other purpose related to such reconsideration.
121	To sign and issue any certificate confirming the Council's power to enter into a contract where this is legally required.
122	To determine any application to amend the register of common land and town and village greens (except applications to register or de-register land as common land and town and village greens).
123	Subject to prior consultation with the Chair of an Area Planning Committee to make any public path diversion, extinguishment and creation order provided that: (a) there is no pre-order consultation opposing the proposal that has not been withdrawn; and (b) this power does not apply to any case involving a Council property.

124	To confirm any published public path diversion, extinguishment and creation order provided that: (a) there is no representation opposing the confirmation that has not been withdrawn; and (b) this power does not apply to any case involving a Council property..
125	To determine any application for the apportionment of rights of common in the Register of Common Land.
126	In accordance with any Council scheme and/or policy (if any) to determine whether to authorise the payment of any member allowance and/or expense
127	Subject to consultation with Chair of Council to determine whether to approve any expenditure on civic hospitality.
128	To authorise any Member attendance at a conference, session and/or workshop.
129	To make arrangements for (including the holding of) any referendum.
130	To authorise any officer of the Council to appear in any court or tribunal.
Member Complaints	
131	To: (a) dismiss any councillor conduct complaint that is trivial or concerns conduct that would not be a breach of the relevant council's code of conduct; and/or (b) decide after consultation with an independent person whether a complaint should be referred for investigation or on some other action. (c) refer any complaint concerning a failure to disclose a disclosable pecuniary interest to the police without further reference.

Additional delegations to the Executive Director for Economy and Environment (Back to Scheme Contents)	
Ref	**Power**
132	To undertake all action relating to: (a) the acquisition (whether by agreement or through the use of compulsory powers) or disposal of any land or building; and/or (b) any grant and/or termination of any lease or licence for any land or building; (c) any other transaction (whether by agreement or through the use of compulsory powers) associated with any land or building, provided that in all cases: (i) the sum of money associated with any such acquisition, disposal or other transaction (including termination) does not exceed five hundred thousand pounds (unless already approved by Cabinet); and (ii) all costs associated with any such transaction can be met from within a budget available for such purposes.
133	To undertake all action in relation to any blight notice including: (a) determine whether to issue a counter notice; and/or (b) incur expenditure from working balances and/or reserves subject to prior consultation with the Section 151 Officer.
134	To determine any application under the Town and Country Planning Legislation including: (a) any application submitted wholly or partly under section 73 and/or section 73A of the Town and Country Planning Act 1990; (b) any application for listed building consent; (c) any application for permission in principle and/or technical detail consent; (d) any reserved matter application; and/or (e) whether to require / impose any condition, obligation, limitation and/or any other restriction and/or any other requirement in respect thereof, but excluding any application: (i) submitted by or on behalf of a Member, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that Member, spouse or partner (as the case may be);

(ii) submitted by or on behalf of an employee of the Council, his/her spouse or civil partner where the application form expressly identifies the application as having been made by or on behalf of that employee, spouse or partner (as the case may be) and either that employee:
- (A) is directly involved in the processing of and/or determination of any such application; and/ or
- (B) is a Chief Officer.

(iii) submitted by or on behalf of the Council or on land owned by the Council, where the application form identifies this to be the case.

(iv) on land which a person to which paragraph (i) or (ii) applies owns, leases or has a legal interest registered at HM Land Registry and that person has informed the Head of Planning of their interest for the application;

(v) submitted by or on behalf of the Council where the application form identifies this to be the case~~;~~

(vi) that would in the opinion of the Officer exercising this power ("nominated Officer"):
- (A) be contrary to the Development Plan (as defined in section 38(3) Planning and Compulsory Purchase Act 2004 when assessed as a whole; and
- (B) be required to be referred to the Secretary of State in accordance with any relevant direction;

(vii) for outline or full planning permission for development within Schedule 1 Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as it exists at the time of the application being received by the Council in respect of which an Environmental Impact Assessment has been submitted; and/or

(viii) where:
- (A)
  - (1) any one or more Members has made a written representation relating to the application and there remains at least one representation which has not been withdrawn at the time that the application is to be determined; and/or,
  - (2) one or more town and/or parish councils in whose area the application is situated (in whole or part) have made a written representation relating to the application at least one of which has not been withdrawn at the time that the application is to be determined; and
- (B) the representation(s):
  - (1) have been received by the Council within 21 calendar days beginning with the date on which in relation to the application the Council first displays a site notice, or first publishes a press advert, or commences any procedure for notifying a Member (whichever is the earliest) (or such extended period as the nominated Officer considers appropriate in the circumstances); and
  - (2) in the opinion of the nominated Officer contain one or more material planning considerations; and
  - (3) contain a response that in the opinion of the nominated Officer is contrary to the proposed decision of Officers;
  and
- (C) the nominated Officer in consultation with:
  - (1) The application is for major development *** or
  - (2) If the application is not for major development ***the nominated Officer will refer the application to: the Chair and Vice-Chair of the committee that the nominated officer considers most relevant and the Chair or the Vice-Chair will decide whether or not the application should be determined by the most relevant committee ****

* For the avoidance of doubt, reference to a "written representation" includes a representation submitted by electronic means.

	** For the avoidance of doubt, reference to a “proposed decision” means the actual decision that is proposed and not any reason(s) relating to that decision. *** Major development as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. ****For the avoidance of doubt, if the Chair, and Vice-Chair, have not responded to the nominated Officer after 5 working days following the day of first communication with that Member for the purpose of deciding whether a matter should be referred to Planning Committee for determination, the nominated Officer can proceed on the assumption that neither the Chair nor the Vice-Chair want the application to be referred to a planning committee. If the Chair and Vice-Chair disagree then the Chair’s response will prevail.
135	To undertake all action in respect of any application under any Town and Country Planning Legislation relating to any of the following: (a) any certificate of lawfulness including any application for a certificate of lawfulness or development (CLUEDs) and/or a certificate of proposed use or development (CLOPUDs) provided that there is prior notification of the application to any Member in whose ward the application is situated; (b) any prior notification, prior approval and/or any other determination relating to any permitted development provision (including any local development order and/or neighbourhood development order) including: (i) whether any such notification/approval/determination is required; and (ii) determining whether any exception, condition, limitation and/or other restriction has been met in connection with any prescribed permitted development; (c) any non-material amendment; (d) for the discharge of any condition/obligation and/or confirmation of compliance with any condition/obligation; (e) for approval of any scheme, design, code or other documentation submitted for approval by the Council including any application for a variation to any such approved documentation; (f) any advertisement including any banner may be visible from any highway; (g) to undertake any work to any tree in Conservation Area and/or to which a Tree Preservation Order relates; (h) any grant provided that this can be met from an existing budget available for such a purpose; and/or (i) any street furniture including any telecommunication equipment.
136	To undertake all action in respect of administering / processing any application under any of the Town and Country Planning Legislation including the power to: (a) determine whether any application has been validly made and/or whether to decline to register and/or determine any application including to decline to determine any application which s/he considers to be a repeat application, relating to an extant enforcement action and/or as a result of the submission of inadequate/insufficient information; (b) determine what, and the extent of, information required in respect of any application, including any environmental impact assessment and/or any other assessment and/or report; (c) determine any scoping and/or screening opinion including whether any such opinion is required; (d) undertake any appropriate assessment; (e) determine whether to consult/refer any matter to a relevant Secretary of State; (f) make any arrangement for a site visit; (g) determine whether any matter which would normally be a reserved matter should be required as part of an outline application; (h) determine whether to allow any amendment / variation to any application and/or any document submitted in relation to any such application; (i) determine the method and extent of consultation and/or re-consultation in respect of

	the notification, consultation and/or advertisement of any application; (j) determine whether to seek to secure the withdrawal of any application outstanding for a period in excess of six calendar months and/or to determine whether any such application should be treated as withdrawn; (k) authorise any change to any register or other record of the Council as a consequence of any matter that is being dealt with including any deletion and/or other modification; (l) determine any request for any deferment and/or withdrawal by any party; and/or (m) determine whether any change constitutes a minor amendment. (n) enter into planning performance agreements
137	To prepare any local plan, action plan and/or any supplementary planning document pursuant to any of the Town and Country Planning Legislation including: (a) to determine whether to enter into any service level agreement and/ or contract for any associated purpose provided that any cost can be met from an existing budget within the control of the nominated Officer and/or the prior approval of the Section 151 Officer has been obtained; (b) the drafting of any plan and/or document including any preferred option; and (c) to determine whether to undertake any consultation process, any procedural issue relating to any such consultation and to consider and determine any action to take in response to any representation received; provided that such power does not include: (i) making a final determination whether to submit any plan for independent examination; b. making a final determination whether to accept any recommendation arising from any independent examination; and (ii) making a final determination whether to adopt any plan and/or supplementary planning document.
138	To undertake all action in in relation to any function of the Council concerning neighbourhood planning (including all functions relating to the making and approval of any neighbourhood development plan, neighbourhood development order and/or community right to build order) whether under any Town and Country Planning Legislation or otherwise including power to: (a) make a final determination as to whether to designate a neighbourhood plan area and/or make such an area a business area; (b) determine whether to submit any matter to independent examination; and/or (c) determine whether to appoint and the appointment of any examiner provided that any costs associated with the same can be met from an existing relevant budget and/or the prior approval of the Section 151 Officer is obtained, provided that this does not include power to make: (i) a final determination as to whether to designate a neighbourhood plan area unless in his/her opinion: (A) there is insufficient time to have the matter considered by the relevant committee as part of the normal committee cycle; (B) the Council is legally obliged to approve the designation; and/or (C) there has been no objection to the proposal submitted to the Council within any relevant time for the submission of representations which has not been withdrawn; (ii) the final determination as to whether to submit any document to a referendum; (iii) the final determination as to whether to make a neighbourhood development order /community right to build order and the terms of any planning permission granted pursuant to a neighbourhood development order /community right to build order; and (iv) the final determination as to whether to make a neighbourhood development plan.
139	To undertake all action relating to any matter arising in respect of any appeal, call-in and/or other inquiry and/or hearing of whatever nature arising pursuant to any Town

	and Country Planning Legislation including for the avoidance of doubt but without prejudice to generality of the foregoing: (a) to determine any response required in relation to any procedural issue relating to any such matter including for the avoidance of doubt whether any such matter should be dealt with by means of written representation, hearing or public inquiry; (b) to determine any procedural issue relating to any such matter including the venue for the holding on any hearing and/or appeal; and/or (c) to determine whether or not to defend any reason for refusal.
140	To determine whether to delegate authority to a neighbouring planning authority to determine an application submitted under any Town and Country Planning Legislation that crosses an administrative boundary subject to prior consultation with the Chair of the Strategic Planning Committee, or in his/her absence the Vice-Chair of the Strategic Planning Committee.
141	To allocate and distribute funding (including authorising payment) secured in connection with any permission (including any related planning obligation or CIL payment), consent or other approval granted under Town and Country Planning Legislation subject to the decision being in accordance with any strategy and/or policy adopted by the Council.
142	To manage and implement procedures for the sale / re-sale of any low cost / discounted market housing including: (a) determining whether a person is eligible for consideration for the provision of such a property; and (b) setting a price for the sale of any such property.
143	To undertake all action relating to the preparation, maintenance and publication of all registers that the Council is required to maintain under any Town and Country Planning Legislation including Part 1 of the Brownfield Register.
144	To take action in relation to the designation of any nature reserve including to determine any application, provided that this does not include power to make a final determination to approve the designation of any nature reserve unless there has been prior consultation with at least one Member and any local Member in whose ward any nature reserve would be situated.
145	To undertake all action in order to regulate any actual, perceived or potential breach of any of the Town and Country Planning Legislation including: (a) any action to seek to regulate any actual or perceived breach of any notice, order, agreement, obligation and/or other document, condition, restriction and/or other limitation issued or provided for pursuant to such Town and Country Planning Legislation; (b) the undertaking of any site visit; (c) to determine whether to issue any notice including: (i) any requisition for information; (ii) any planning contravention notice; (iii) any enforcement notice; (iv) any breach of condition notice; (v) any notice pursuant to section 215 Town and Country Planning Act 1990; (vi) any temporary stop notice; (vii) any stop notice; (viii) any advertisement discontinuance notice; and/or (ix) any replacement tree notice; (d) to determine whether or not to amend and/or withdraw any notice; (e) to determine whether to seek any injunction and/or pursue any action arising therefrom; and/or (f) to determine whether or not to take and/or to cease action whether because in his/her opinion the breach is trivial, there is insufficient demonstrable harm and/or, it is not expedient to take / continue to take action,

	provided that this delegation does not include the power to make a final determination to: (i) seek any injunction and/or any make any application for contempt whether pursuant to the Town and Country Planning Act 1990 or otherwise; or (ii) issue a stop notice; or (iii) issue a temporary stop notice unless: (A) in his/her opinion the need to issue a stop notice or temporary stop notice is urgent; (B) in respect of an application for an injunction or contempt there is the prior approval of the Director, Assurance and Governance; and (C) any cost associated with the issue of the stop notice or temporary stop notice can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.
146	To undertake all action relating to whether to seek to spot list any building that in his/her opinion is of architectural and/or historic interest and is or may be under threat.
147	To undertake all action in relation to a grant of a permission in principle for the purposes of determining whether to issue and the content of any direction as to when such permission in principle should take effect.
148	To undertake all action in respect of any matter relating to any actual and/or perceived fly posting whether currently occurring or otherwise including to determine whether to take any direct action and any action necessary pursuant to any such determination.
149	To undertake all action in connection with: (a) the exercise of any function of the Council as local planning authority pursuant to any Pastoral Measure whether the Pastoral Measure 1983 No 1 or otherwise; and (b) the provision of any response to any consultation to faculty procedure and pastoral measures relating to any alteration to of any ecclesiastical building including any scheme for redundancy.
150	To determine whether and how to respond on behalf of the Council to any application pursuant to any of the Town and Country Planning Legislation submitted to any other local authority subject so far as s/he considers it feasible so to do to prior consultation with any Executive Member with responsibility for planning and the Chair of the planning committee that s/he considers most relevant to the application.
151	To undertake all action in connection with any proposal / application for the cancellation, revocation, deletion, modification and/or variation to any agreement, deed, undertaking and/or any other document entered into wholly or partly pursuant to any Town and Country Planning Legislation provided that such power does not extend to the approval of an application to modify, vary or revoke an agreement or planning obligation: (a) imposed by an express decision of Planning Committee; and (b) where in his/her opinion such approval would result in a material reduction of benefit to the community secured pursuant to such agreement or obligation (as the case may be).
152	To undertake all action in respect of the submission to the Council of any matter consequent to any permission, consent, approval and/or other determination made pursuant to any Town and Country Planning Legislation including: (a) to develop and maintain a process for the submission of any application relating to any money secured pursuant to any planning obligation; (b) the submission of any scheme, detail and/or plan; and/or (c) to make any determination in relation to any such submission including for the avoidance of doubt any such submission to comply with any condition and/or obligation.
153	To undertake all action in respect of:

	(a) determining whether to issue any completion notice pursuant to any Town and Country Planning Legislation including for the avoidance of doubt any further action arising as a consequence of determining to issue such a notice; (b) making any modification to and/or the revocation and/or the discontinuance of any planning permission and/or permission in principle issued pursuant to any Town and Country Planning Legislation provided that this does not include power to modify and/or revoke any such permission: (i) that was expressly granted by the Planning Committee unless in his/her opinion the matter is urgent; (ii) without the prior approval of the Director, Assurance and Governance; and (iii) unless any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained; and/or (iv) the review of any old mineral position and/or mineral permission but excluding the power to make a final determination unless any cost associated with such a determination can be met from a budget available for such a purpose or the prior approval of the Section 151 Officer is obtained.
154	To undertake all action in connection with any proposal for a change/modification and/or recording/registration of: (a) any common land; (b) a town or village green; and/or (c) a public right of way, provided that this power does not extend to confirming any such change unless in his/her opinion no objection that was submitted during any relevant consultation period remains.
155	To undertake all action for the purpose of issuing a refusal of an application submitted pursuant to any Town and Country Planning Legislation where there exists statutory power for another body or person to direct that a refusal should be issued by the Council, and that direction is exercised.
156	To undertake all action relating to making and/or confirming any type of Tree Preservation Order including: (a) any temporary Tree Preservation Order; and/or (b) to amend, vary, modify and/or revoke any Tree Preservation Order, provided that the ward Member in whose ward the Tree Preservation Order is situated is notified as soon as reasonably practicable after any such making, confirming, amending, varying, modifying and /or revoking (as the case may be).
157	To undertake all action pursuant to any Town and Country Planning Legislation in connection with: (a) any tree which in his/her opinion are, or may be, dangerous; and/or (b) an application for work to, including the felling of, a tree: (i) that is subject to any type of tree preservation order; (ii) within a conservation area; and/or (iii) otherwise requires approval by the Council for work and/or felling to be undertaken, provided that: (iv) unless in his/her opinion the need to determine such an application is urgent then notice of the application has been sent to any Member in whose ward the tree is situated at least seven (7) calendar days before a determination is made; and (v) the power to make any final determination in respect of any such application does not include an application made by or on behalf of: i. the Council; ii. a Member where this has been identified on the application form; and/or

	(vi) an employee of the Council where this has been identified on the application form.
158	To undertake all action in respect of any matter arising in relation to: (a) the issue of any building preservation notice; and/or (b) any urgent work that may be required in respect of any listed building, whether pursuant to the Planning (Listed Building and Conservation Areas) Act 1990 or otherwise including for the avoidance of doubt but without prejudice to the generality of the foregoing: (c) to enter any building, structure (including any moveable structure) and/or on any land; (d) to determine whether to issue any notice; (e) to determine in relation to any such urgent work the extent of any work that may be required and to authorise the undertaking of any such work; and/or (f) to appoint/authorise any other person for any purpose relating to any of the above, provided that in all cases: (g) this power does not extend to making any final determination as to whether to issue a notice unless in his/her opinion the delay in taking the matter through the normal committee cycle of the Council could be materially disadvantageous to any reason for issuing the notice; and (h) any cost associated with any such action can be met from a budget available for such a purpose and/or the prior approval of the Section 151 Officer is obtained.
159	To undertake all action in respect of any matter arising under any Town and Country Planning Legislation relating to any hedge and/or hedgerow including: (a) to determine whether or not to uphold a formal complaint regarding a high hedge; (b) to determine whether or not to issue any notice including any Remedial Notice; and/or (c) to determine whether or not to vary and/or revoke any such notice.
160	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
161	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
162	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
163	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt: (a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and (b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.

	(c) To determine suspension or revocation of a Hackney Carriage or Private Hire vehicle driver's licence, with immediate effect subject to prior consultation with the Chair or Vice Chair of the Licensing Committee

Additional delegations to Executive Director Children Services (Back to Scheme Contents)	
Ref	**Power**
164	To be the statutory director of children's services for the purposes of exercising all functions designated in section 18 of the Children Act 2004 and any relevant regulations.
165	To determine whether to approve any school governor appointment for which the Council has responsibility.

Additional delegations to Executive Director for Housing, Communities and Prevention (Back to Scheme Contents)	
Ref	**Power**
166	To be the statutory director of public health and prevention for the purposes of exercising all functions designated in section 73A of the National Health Service Act 2006 and any relevant regulations.
167	To determine any expenditure from the Public Health Grant.

	Delegations to Service Manager for Licensing and Community Safety
Ref	**Power**
	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Licensing Act 2003 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 10 Licensing Act 2003 or otherwise cannot be discharged by an Officer.*
	To undertake all action in connection with the submission of any scheme, details and/or other matter pursuant to any licence, notice, permission, consent, approval or other determination issued by or on behalf of the Council pursuant to the Licensing Act 2003 or the Gambling Act 2005.*
	To prepare and issue reports on behalf on the Licensing Committee where a matter relates to a licensing function under the Licensing Act 2003 or the Gambling Act 2005 and is necessary to facilitate the exercise of another function of the Council.*
	To undertake all action in connection with any application (including any application to grant, review, transfer, vary remove, cancel or renew), notice and any other matter (including any actual or potential enforcement issue) arising in respect of the Gambling Act 2005 including power to determine whether a representation is a "relevant representation" for the purposes of the Act, but excluding any matter whether by virtue of section 154 Gambling Act 2005, section 10 Licensing Act 2003 (as it applies to the Gambling Act) or otherwise cannot be discharged by an Officer.*
	* Delegations to Officers in relation to the Licensing Act 2003 and the Gambling Act 2005 rest with the Licensing Committee. For the avoidance of doubt: (a) references to the Licensing Act 2003 and the Gambling Act 2005 include any regulations, directions and/or other orders made pursuant to either of them; and (b) all interpretation and other provisions set out in the Introduction and General provisions sections at the start of the Officer Scheme of Delegations shall apply equally to these delegations including powers relating to nomination.

Regulation of Investigatory Powers Act 2000 (RIPA)

The Council maintains a RIPA policy that includes identification of Officers employed within Dorset Council appointed to roles identified with that policy. Officers appointed to such roles have power to undertake all action ascribed to those roles in any relevant legislation and any policy adopted by the Council in relation to RIPA.

Any Officer employed by Dorset Council or any partner of Dorset Council who is appointed to undertake the role of RIPA Officer on behalf of the Council shall have power to undertake all action to update the RIPA policy at any time to reflect changes to Officers appointed to roles within the RIPA policy.

Notwithstanding any other provision in this Officer Scheme an Officer who is identified in any relevant RIPA policy to authorise surveillance cannot nominate any other Officer to exercise the power on his/her behalf.

In the absence of any Officer being identified in a RIPA policy to authorise surveillance the following Officers shall be able to exercise such a power to the extent identified.

Post	**Purpose of Authorisation**
Chief Executive	All purposes (including where there is a likelihood of acquiring confidential information)
Monitoring Officer	All purposes (including but only in the absence of the Chief Executive where there is a likelihood of acquiring confidential information)
Executive Director for Economy & Environment	All purposes for Environment Services (but excluding where there is a likelihood of acquiring confidential information)

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Appendix 2
(Back to Scheme Contents)

Conditions and Limitations of Delegations

1. **Part 1 - Employment Powers**

The Employment Powers set out below can be exercised by the Officer identified and all levels above (subject to any further nomination provision).

Vacancy approval within the Council is managed through the Eploy system. The approval process begins with finance, then head of service (built directly from the organisation structure) with final sign off by the Executive Director. Through their scheme of nomination each Executive Director is able to approve delegations within the Eploy system to enable other managers to sign off vacancy approval on the Executive Director's behalf.

Management Level		**Proposed Delegation**
0	Chief Executive	(a) Early retirement recommendation.
1	Officers reporting direct to Level 0	(a) Early retirement recommendation. (b) Lease Cars – agreement to early termination of contract. (c) Redundancy recommendation. (d) Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). (e) Overpayments – recommendation for write off. (f) Approval of giving lectures by employees at courses during office hours and retention of any fees received.
2	Officers reporting to Level 1	(a) Approval of Removal and Disturbance Allowances (including the exercise of discretion in respect of extensions etc.). (b) Premature retirement on grounds of permanent ill health recommendation. (c) Flexible retirement recommendation. (d) Payment of honoraria
3	Officers reporting to Level 2	(a) Accelerated incremental progression in exceptional cases/merit increments.
4	Officers reporting to Level 3	(a) The payment of 'planned overtime'/additional hours to employees for who they have line management responsibility. (b) Granting of special leave of absence with/without pay. (c) Granting of approval for employees to undertake private work (outside of office hours). (d) Ex gratia payments. (e) Acting up arrangements. (f) Move to a different position within the establishment. (g) Review of discrete post of job evaluation request. (h) Labour market increments request. (i) Annual Leave carry forward. (j) Occupational Health referral.

		(k) Travel status authorisation. (l) Maternity leave approval. (m) Paternity leave approval.
5	Officers reporting to Level 4	(a) Incremental progression - approval of competency increments through the salary grade. (b) Approval to attend training courses (external courses are subject to Procurement approval at the appropriate level). (c) Sick leave (including return to work and trigger point interviews etc.) (d) Annual leave approval. (e) Change to employment within current position. (f) Performance and Development Review completion. (g) Notification of staff leaving. (h) Exit interviews. (i) Probation sign off. (j) Flexible working – approval of change to working patterns. (k) Travel expenses claim authorisation.

Part 2

Financial Rules, Officer Scheme of Delegation

Glossary

Authorised Signatory means Jonathan Mair and other key authorised officers with this title

Chief Officer means Chief Executive, Executive Directors, Director of Legal and Democratic and Corporate Directors
CPR means Contract Procedure Rules
FR means the Financial Regulations

Total Financial Impact means the maximum possible financial value attributable to the arrangement including the annual cost for every year of the contract including extensions, any potential cost uplifts and additional services that may be added to the arrangement.

Arrangements having a financial impact

The Financial Powers set out below can only be exercised by the Officer identified. Unless where indicated, these Financial Powers cannot be further delegated or nominated to other Officers.
All authorisations and approvals below must be obtained and recorded in writing before the action being authorised or approved is taken.
All figures below are exclusive of VAT.

Table 1

Total financial impact (expenditure or saving)	Authorisation of budget or financial commitment for proposal or actions See also FR for detail on assigning budget	Approve and sign Project Initiation Document (PiD)	Approve and sign Procurement Tender Evaluation Models (TEM)	Authorise award (Recommendation nto award RTA) of purchase/contract	Signing legally binding documents to give effect to the proposal or actions	Sealing legally binding documents to give effect to the proposal or actions If required, this would take place instead of the signing described in Column 6	Approval of extensions and modifications included within the agreement terms	Approval of extensions and modifications not contained within the agreement terms	Approving exemptions to the Contract Procedure Rules	Termination (for any other reason than expiry)
Not exceeding £24,999	Officer reporting directly to Service Manager	PID not required, authorising officer may choose to use PID light in accordance with the CPRs and guidance	TEM not required	Officer reporting directly to Service Manager level	Service Manager	Only required if the document is a deed Authorised Signatory only	Officer reporting directly to Service Manager providing the total value does not exceed the Column 1 value. If Column 1 value exceeded then Service Manager	Officer reporting directly to Service Manager once exemption in Column 10 approved	Chief Officer	Service Manager

Not exceeding £99,999	Service Manager	PID not required, authorising officer may choose to use PID light in accordance with the CPRs and guidance	TEM not required	Officer at Service Manager level	Head of Service	Only required if the document is a deed Authorised Signatory only	Service Manager providing the total value does not exceed the Column 1 value. If Column 1 value exceeded then Head of Service must approve	Service Manager once exemption in Column 10 approved	Chief Officer	Head of Service
Not exceeding £249,999 **[Note this bracket may include proposals both above and below the statutory procurement thresholds see CPRs and guidance for more information]**	Head of Service	Head of Service, Commercial and Procurement and Financial Services as set out in the PID	Head of Service, Commercial and Procurement and Financial Services as set out in the TEM	Head of Service	Chief Officer	Only required if the document is a deed Authorised Signatory only	Head of Service providing the total value does not exceed the Column 1 value. If Column 1 value exceeded then Chief Officer must approve	Chief Officer If above the relevant procurement threshold then Chief Officer in accordance with legal advice.	Monitoring Officer and Section 151 officer (up to relevant procurement threshold)	Head of Service in accordance with legal advice.
Not exceeding £499,999	Chief Officer	The same officer who gave the approval in Column 2 plus Commercial and Procurement and Financial Services as set out in the PID	The same officer who gave the approval in Column 2 plus Commercial and Procurement and Financial Services as set out in the TEM	The same officer who gave the approval in Column 2	Authorised Signatory	Only required if the document is a deed Authorised Signatory only	Chief Officer providing the total value does not exceed the Column 1 value. If Column 1 value exceeded then Cabinet must approve	Chief Officer in accordance with legal advice.	Monitoring Officer and Section 151 officer (up to relevant procurement threshold) .	Chief Officer in accordance with legal advice.
£500,000 and above	Cabinet	Officer and/or Member as set out in the Cabinet approval plus Commercial and Procurement and Financial Services as set out in the PID	Officer and/or Member as set out in the Cabinet approval plus Commercial and Procurement and Financial Services as set out in the TEM	Officer and/or Member as set out in the Cabinet approval	Must be executed under seal	Authorised Signatory	Officer and/or Member as set out in the Cabinet approval	Monitoring officer	Monitoring Officer and Section 151 officer (up to relevant procurement threshold)	Monitoring Officer
Urgent spend £500,000 and above	Chief Executive and S151 Officer	N/a	N/a	N/a	Must be executed under seal	Authorised Signatory	Chief Executive and S151 Officer	Chief Executive and S151 Officer in accordance with legal advice.	Monitoring Officer and Section 151 officer (up to relevant procurement threshold)	Monitoring Officer

NB

Where the total financial impact is £500,000 or above, reports to Cabinet seeking approval will need to include provision for delegations to named officers to take follow on decisions e.g. to approve PiDs, TEMs, RtAs, make a purchase/incur expenditure, approve payment of invoices.

Processing of Orders and Invoices

The following general thresholds shall apply to placing orders, approval and payment of invoices. Please also refer to the Financial Regulations for arrangements in specific circumstances. Note these thresholds only apply to placing orders, approval and payment of invoices, which take place after the earlier decisions (Table 1) to authorise budget and award of purchase of contract.

Purchase Order

Table 2

Purchase value	Requisition approval (To authorise the issue of a purchase order.)
Value not exceeding £24,999	Central purchasing hub has automatic authority to place order
Value not exceeding £99,999	Service Manager
Value not exceeding £249,999	Head of Service
Value not exceeding £499,999	Chief Officer
Value £500,000 and above	S151 Officer OR individual authorised to receipt in the appropriate Cabinet report

Trade Invoices

These thresholds reflect operational activity to conduct the "purchase to pay" process and ensure appropriate segregation of duties. Release of the payment relies on a three-way match whereby the order, goods receipt and invoice must match. Although every care is taken to ensure that accurate purchase orders are raised there are instances where differences occur. If the sum is above the automatic authority threshold, or if there is not a match, officers are required to approve in line with the thresholds in Table 3.

Table 3

	Trade Invoice approval
Purchase value	**(Where there isn't a three-way match between order, goods receipt and invoice and the payment value is greater than the automatic authority threshold.)**
Value not exceeding £24,999	Service Manager
Value not exceeding £99,999	Service Manager
Value not exceeding £249,999	Head of Service
Value not exceeding £499,999	Chief Officer
Value £500,000 and above	S151 Officer OR individual authorised to receipt in the appropriate Cabinet report

Non-Trade Invoices

There are some specific instances where payments are made outside of the "purchase to pay" process. These payments should meet the definition of non-trade and have supporting evidence, and in these cases, officers are required to approve in line with the thresholds in Table 4.

Table 4

	Non-Trade Invoice approval
Purchase value	**(Where the invoice/payment request falls outside of the "purchase to pay" process)**
Value not exceeding £24,999	Service Manager
Value not exceeding £99,999	Service Manager
Value not exceeding £249,999	Head of Service
Value not exceeding £499,999	Chief Officer
Value £500,000 and above	S151 Officer OR individual authorised to receipt in the appropriate Cabinet report

Feeder systems

To follow

Appendix 3
(Back to Scheme Contents)

Proper Officers

Proper Officer Provisions
The following Officers have been appointed as 'Proper Officers' for the purposes of the legal provisions (Part 1) and provisions in the Constitution (Part 2).

Where legislation refers to the need to make proper arrangements the Officer identified shall have primary responsibility for seeking to secure such arrangements. Where more than one Officer is identified in relation to any particular provision the intention is that the first named Officer will have primary responsibility to act as the relevant Proper Officer but the further named Officers may still act for and on behalf of that person and in particular shall be regarding as having primary responsibility in the event of the first Officer being unavailable or absent.
The Chief Executive shall be the Proper Officer for all purposes unless another Officer is identified below and/or the Chief Executive appoints another Officer to be the Proper Officer for the purpose of any function.
In the event of the exercise of any nomination rights under this Officer Scheme of Delegations that relate to the exercise of any power of a Proper Officer then any Officer so nominated shall also be deemed to be appointed a Proper Officer subject as may be provided for in any such nomination.

Part 1 – Proper Officer posts relating to legal provisions

Legislative Provision	**Function**	**Proper Officer**
National Assistance Act 1948		
S.47	Persons in need of care and attention	Director of Adult Social Services
Marriage Act 1949		
S 9, 13, 20, 57(4)	Registration of Births, Deaths and Marriage; Reimbursement of fees	Head of Regulatory Services; Chief Executive
National Assistance (Amendment) Act 1951		
S 1	Persons in need of care and attention	Director of Adult Social Services
Registration Service Act 1953		
S(1), 6(3), 10(1),14(1)	Dealings with registration officers	Head of Regulatory Service; Chief Executive
Public Health Act 1961		
S37	Disinfection or destruction of verminous article.	Executive Director for Economy and Environment;
Local Government Act 1972		
S13	Parish Meeting	Chief Executive
S.83	Witness and receipt of Declaration of Acceptance of Office	Chief Executive; Director, Assurance and Governance

S.84	Receipt of notice of resignation of elected member	Director, Assurance and Governance
S.88	Arranging a Council meeting to appoint the Mayor	Chief Executive;
S.89	Notice of casual vacancy in office of councillor	Chief Executive Director, Assurance and Governance
S.100(B)(2)	Designation of reports 'not for publication' to the press and public	Chief Executive and Chief Officers
S.100(B)(7)	Supply of copies of documents	Director, Assurance and Governance
S.100(C)	Written summary of the proceedings at Committees and sub-Committees	Director, Assurance and Governance
S.100(D)	Background papers	Chief Executive and Chief Officers
S100(F)	Exempt information	Chief Executive and Chief Officers
S.100(G)(1)	Register of Elected Members	Director, Assurance and Governance
S.100(G)(2)	List of delegated powers of Officers	Director, Assurance and Governance
S.100(G)(3)	Written summary of rights to attend meetings and to inspect and copy documents	Director, Assurance and Governance
S. 101	To enter into a Service Level Agreement on behalf of the Council with another appropriate local weights and measures authority to enable this Council to meet and discharge its metrological functions under Sections 4 and 5 of Weights and Measures Act 1985 relating to Local and Working Standards respectively on terms to be finalised in consultation with the Director (Law and Democratic Services	Executive Director for Economy and Environment
S.115	Receipt of money due from Officers	Section 151 Officer
S137A	Deposit of accounts	Section 151 Officer
S.138	Emergency disaster powers	Chief Executive
S.146	Declarations and certificates with regard to transfer of securities	Section151 Officer
S.151	Proper administration of the Council's financial affairs	Section 151 Officer
S.191	Officer to whom an application under S.1 of the	Chief Executive

	Ordnance Survey Act 1841 will be sent	
S.210	Charities	Chief Executive
S.224	Custodian of documents	Chief Executive and Chief Officers
S.225	Deposit of documents	Chief Executive and Chief Officers
S.229	Certification of photographic copies of documents	Director, Assurance and Governance and all other Chief Officers
S.234	Signing /authentication of documents	Chief Officers
S236	Sending of copies of byelaws to the Council	Director, Assurance and Governance
S.238	Certification of byelaws	Director, Assurance and Governance
S.248	The Roll of Freemen	Chief Executive; Director, Assurance and Governance
Schedule 12	Signing of summons to Council meeting	Chief Executive; Director, Assurance and Governance; any other person identified for such purpose in the procedural rule of the Constitution
Schedule 14	Certification of resolution for legal proceedings.	Director, Assurance and Governance
Local Government Act 1974		
S.30	Receipt of Ombudsman Reports	Director, Assurance and Governance; Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	Certify copies of evidence of resolutions and minutes of proceedings	Director, Assurance and Governance
Rent Agriculture Act 1976		
Schedule 4	Provision of certificate of alternative accommodation	Chief Officers
Rent Act 1977		
Schedule 15, Part (iv)	Provision of certificate of suitable alternative accommodation	Chief Officers
Representation of the People Act 1983		
All	For all proper officer purposes identified in the legislation	Chief Executive;
Public Health (Control of Disease) Act 1984		
All	For all proper officer purposes identified in the legislation	Executive Director for Economy and Environment
Building Act 1984		
S. 78	Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.	Executive Director for Economy and Environment; Director, Assurance and Governance

Housing Act 1985		
S73;	Chief Inspector of Weights and Measures	Officer holding the required certificate of qualification (Officer responsible for Trading Standards)
S606(1),	Report to Council as to unfitness of a house or as to a clearance area.	Executive Director for Economy and Environment
S606(2)	Complaint by a Justice of the Peace or a Parish Council as to unfitness of a house or as to a clearance area.	Executive Director for Economy and Environment
Weights and Measures Act 1985		
S73	Chief Inspector of Weights and Measures	Officer holding the required certificate of qualification (Officer responsible for Trading Standards)
Local Government and Housing Act 1989		
S. 2	Deposit list of politically restricted posts with Proper Officer	Assistant Chief Executive
S.4	Head of paid service	Chief Executive
S.5	Monitoring Officer	Director, Assurance and Governance
S 15	Calculation of Political Balance on Committees	Chief Executive; Director, Assurance and Governance;
S. 37	Statement of accounts from a voluntary body	Section 151 Officer
Local Government (Committees and Political Groups) Regulations 1990		
All	For all proper officer purposes identified in the regulations	Chief Executive; Officers responsible for Democratic and Electoral Services
Local Government Finance Act 1992		
S.38(2)	Giving notice in the press of the amounts of Council Tax that have been set; and the maintenance of the Loans Register and signing of certificates issued under the provisions of the Local Authority (Stocks and Bonds) Regulations, 1974.	Section 151 Officer
Local Government Act 2000		
All	For all proper officer purposes identified in the legislation and all subordinate legislation	Chief Executive; Director, Assurance and Governance
Freedom of Information Act 2000		
All	Senior Information Risk Owner Qualified person under S36 FOIA Caldicott Guardian Freedom of Information – for all proper officer	Director, Assurance and Governance Director, Assurance and Governance Director for Adult Social Care Data Protection Officer

	purposes identified in the legislation and all subordinate legislation other than those identified above	
Local Authorities (Standing Orders) (England) Regulations 2001		
All	For all proper officer purposes identified in the regulations	Chief Executive; Officers responsible for Human Resources and Organisational Development;
Local (Principal Area) (England and Wales) Rules 2006		
Schedule 2 Rule 54	Retention Officer - public Inspection of documents after an election	Chief Executive; Officers responsible for Democratic and Electoral Services
Local Democracy, Economic Development and Construction Act 2009		
s.31	Statutory Scrutiny Officer	Officer Responsible for Audit
Localism Act 2011		
All	For all proper officer purposes identified in the legislation	Chief Executive

Part 2 - Proper Officer posts referred to in Constitution
N.B. Reference to any Proper Officer shall include any other Officer directly or indirectly nominated by him/her for such purposes

Proper officer provision	Officer
Articles	
7.4 (e) maintaining O&S sub-committee information	Officer responsible for democratic services
8.1 (c) maintaining list of statutory decision making bodies	Officer responsible for democratic services
8.2 (e) maintaining list of all other sub-committees	Officer responsible for democratic services
8.3(b) notification of intended Member substitute	Officer responsible for democratic services
8.3(d) notification of intended non-Member substitute	Officer responsible for democratic services
8.15 (f) person appointed as designated officer for purposes of Port Marine Safety Code	Officer appointed for this purpose by Full Council or the Harbours Committee; or if no Officer appointed then the Executive Director for Economy and Environment.
8.37 (e) determination of committee responsible for dealing with a planning matters	Head of Planning; Executive Director for Economy and Environment.
16.3 (a), (b) and (c) making available copies of the constitution and summary	Officer responsible for democratic services
Procedure Rules	
Council and Committee Procedure Rules	
3.1 Calling Extraordinary meeting	Head of Paid Service
5 Notice of meetings; publication of agenda	Head of Paid Service; Officer responsible for democratic services

8.2 Date for adjournment of meeting	Head of Paid Service; most senior Officer present at a meeting
9.4 Notice of question at meeting	Head of Paid Service; Officer responsible for democratic services
9.5 (a) Determining whether to reject a question	Monitoring Officer; Head of Paid Service; Officer responsible for democratic services
9.6 (a), (b) Determining who should respond to a question	Any Chief Officer
9.12 (c) Arranging circulation of a written answer	Officer responsible for democratic services
10.2 (a) / 10.9 Receipt of deputation information	Officer responsible for democratic services
10.5 (a) Consideration as to whether to reject a deputation	Monitoring Officer; any other Chief Officer; Officer responsible for democratic services
10.5 (b) Keeping record of deputations	Officer responsible for democratic services
10.6 (a) Deciding who should respond to a deputation	Any Chief Officer
10.6 (b) Providing information on deputation to a Member	Officer responsible for democratic services
10.8 Deciding whether to refer a matter to another Committee and referring it.	Officer responsible for democratic services; Head of Paid Service
10.13 (b) Arranging circulation of a response to a deputation	Officer responsible for democratic services
12.2 (a) Arranging for items to be included in an agenda	Officer responsible for democratic services;
13.2 (a) / (b) Receipt of valid member question	Officer responsible for democratic services; Head of Paid Service
13.2 (d) Providing information on a valid members question	Officer responsible for democratic services; Head of Paid Service
14.2 (a); (b) Receipt of and deciding whether to allow valid member motion	Officer responsible for democratic services; Head of Paid Service
14.3(b) Deciding whether to refer a matter to another Committee and referring it	Officer responsible for democratic services; Head of Paid Service
15 Notice of amendment to budget	Officer responsible for democratic services; Section 151 officer;
21 Record of members attending meeting	Officer responsible for democratic services; Head of Paid Service
31(a) (iii) notice of calling of extraordinary meeting	Head of Paid Service
36(2) (a) / (b) Receipt of and deciding whether to allow valid committee question	Officer responsible for democratic services; Head of Paid Service
36(2) (d) Providing copy of valid committee question	Officer responsible for democratic services;
Access to Information Procedure Rules	
5.2 Making reports available	Officer responsible for democratic services;
6.2 Deciding whether to make information available for a charge	Officer responsible for democratic services;

10 Excluding public access to report	Any Chief Officer; Officer responsible for democratic Services
13.1 / 13.2 General exception to information not in forward plan`	All Chief Officers; Officer responsible for democratic services;
16 Recording executive decisions	Officer responsible for democratic services;
17.2, 17.3, 17.4 Procedure for Executive Briefing	Officer responsible for democratic services; All Chief Officers
19.5 limitation on meeting of executive	Officer responsible for democratic services; Head of Paid Service
19.6 presence of person to record meeting	Officer responsible for democratic services; Head of Paid Service
20.2 recording details of Executive Briefing	Officer responsible for democratic services; Head of Paid Service
22.1 Member access to information	All Chief Officers; Officer responsible for democratic services
Budget and Policy Framework Procedure Rules	
2.2 Referring executive comments to Full Council	Officer responsible for democratic services; Head of Paid Service
2.5, 2.6 executive concerns to budget and convening further meetings	Head of Paid Service
Executive Procedure Rules	
10.1 Placing item on agenda of Executive	Officer responsible for democratic services; Head of Paid Service
Overview and Scrutiny Procedure Rules	
28 Annual report on call in and proposals for review	Officer responsible for democratic services; Monitoring Officer
30 Determining appropriate Overview and Scrutiny Committee	Monitoring Officer; Officer responsible for democratic services;
Officer Employment and Dismissal Procedure Rules	
5.2, 5.3, 5.4 Procedure for appointing statutory chief Officer	Officer responsible for democratic services; Officer responsible for human resources
Part 3(1) Responsibility for Council Functions (non executive)	
Responsibility for lists	Officer responsible for democratic services;
Part 3(2) Officer Scheme of Delegations	
10 Receipt of specific nomination provision	Monitoring Officer; Officer responsible for democratic services

Appendix 4
(Back to Scheme Contents)

Officer and Member Indemnity Provisions

1. Interpretation

1.1 For the purpose of these indemnities and undertaking:

(a) "Criminal proceedings" includes any interview or investigation by the Police, and any proceedings before a criminal court in the United Kingdom.

(b) "Member" means an elected member of the Council at the time of any neglect, act, error or omission;

(c) "Officer" means a person employed by the Council at the time of the neglect, act, error or omission, but does not include a person undertaking work for the Council through an agency or a person performing a service under a contract with the Council for the provision of that service other than a contract of employment directly with the Council; and

(d) a loss or damage shall be deemed to have arisen to the Member or Officer "in his/her capacity as a Member or Officer of the Council" where:

(i) the act or failure to act was outside the powers of the Council, or outside the powers of the Member or Officer, but the Member or Officer reasonably believed that the act or failure to act was within the Council's powers or within the powers of the Member or Officer at the time that he/she acted or failed to act; or

(ii) the act or failure to act occurred not in the discharge of the functions of the Member or Officer as a Member or Officer of the Council but in his/her capacity as a Member or Officer of another organisation, where the Member or Officer was, at the time of the act or failure to act, a Member or Officer of that organisation as a result of:

(A) his/her appointment by the Council; or

(B) his/her nomination to that organisation by the Council, or

(C) the Council formally accepting an invitation for a Member or Officer to be appointed to that organisation,

but only in cases where:

(1) such act or failure to act was within the power of that organisation; and/or

(2) that organisation has not itself secured adequate insurance for the benefit of the Member or Officer that is

available to and would cover the Member or Officer for the act or failure to act.

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1.2 These indemnities and undertakings shall apply during a Member's term of office or an Officer's employment by the Council, to any act or failure to act and shall continue to apply after the Member or Officer has ceased to be a Member or Officer of the Council.

2. Indemnity for loss or damage

2.1 Subject to the exclusions set out in paragraph 4 and to the terms in paragraph 5, the Council will indemnify all its Members and Officers against any loss or damage (including any award of costs and/or damages against the Officer or Member), suffered by a Member or Officer arising from his/her act or failure to act in his/her capacity as a Member or Officer of the Council.

3. Indemnity for civil and criminal proceedings

3.1 The Council will, subject to paragraphs 3.2 and 3.3 and to the exclusions and terms in paragraphs 4 and 5, indemnify all its Members and Officers against the reasonable costs which s/he may incur in securing appropriate legal advice and representation in respect of any actual or prospective civil or criminal proceedings arising from his/her act or failure to act in his/her capacity as a Member or Officer of the Council.

3.2. The indemnity in paragraph 3.1 applies for the defence of defamation proceedings by Members and Officers subject to the alleged statement being made in the Member's capacity as a Member or the Officer's capacity as an Officer; but not for the bringing of defamation proceedings.

3.3 The indemnity in paragraph 3.1 is subject to a condition that if the Member or Officer is convicted of a criminal offence in consequence of such proceedings and the conviction is not overturned on appeal, the Member or Officer shall reimburse the Council for any sums expended by the Council under this indemnity and the Member or Officer shall, if required by the Council, sign an agreement confirming this before the release of any money by the Council.

4. Exclusions

4.1 These indemnities will not include loss or damage directly or indirectly caused by or arising from:

(a) any criminal offence (to extent as provided for in paragraph 3.3 above), fraud or other deliberate wrongdoing or recklessness by the Member or Officer; and/or

(b) any act or failure to act by the Member or Officer otherwise than in his/her capacity as a Member or Officer (save where the Member or Officer is acting for another organisation as provided for above); and/or

(c) any motor vehicle claim in which an Officer or Member has used his or her own private vehicle on the Council's business; and/or

(d) an Officer defending or resisting any potential or actual disciplinary action taken by the Council against that Officer; and/or

(e) failure by the Member to comply with the Council's Code of Conduct for Members.

5. Terms

5.1 These indemnities will not apply if a Member or Officer, without the express permission of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim.

5.2 In the event that a Member or Officer is threatened with civil or criminal proceedings, the Member or Officer must immediately inform the Head of Paid Service and the Monitoring Officer and follow such reasonable instructions as may be given.

5.3 These indemnities shall not extend to any challenge or other claim against any decision of the Section 151 Officer and/or Monitoring Officer and/or the Council and/or the Council's insurers made pursuant to the provisions of these indemnities.

5.4 The indemnity will not automatically apply to any appeal or other challenge against the outcome of any claim or other proceedings unless in the opinion of the Monitoring Officer any such appeal or other challenge has a reasonable chance of success.

5.5 Where the Council arranges insurance to cover its liability under these indemnities references to the Council shall where appropriate include references to its insurer.

5.6 The Council or its insurers will be entitled to take over and conduct in the name of the Officer or Member the defence of any claim or other proceedings brought against the Officer or Member.

5.7 The Council undertakes not to sue (or join in action as co-defendant) an Officer or Member in respect of any negligent act or failure to act by the Officer or Member in his/her capacity as an Officer or Member subject to the following exceptions:

(a) any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the Officer or Member; or

(b) any act or failure by the Officer or Member otherwise than in his/her capacity as an Officer or Member of the Council.

5.7 The above indemnities and undertaking shall be without prejudice to the right of the Council:

(a) to take action against the Member through the Audit and Governance Committee for a breach of the Code of Conduct for Members or the breach of a local protocol; or

(b) to take disciplinary action against an Officer in respect of any neglect, act, error or omission.

6.0 Co-opted Member

6.1 The above indemnities and undertakings may be extended to apply to any co-opted Member on a case by case basis if the Council so determines.

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, intimidatory 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 your 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 authority 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 the financial interest or wellbeing of 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. Otherwise you 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 relative or close associate; or
   c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

   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 (referred to in paragraph 8 above*)* ***affects*** the 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. Otherwise you 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 an Other Registerable Interest or Non-Registerable 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]

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.
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

	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 — (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 and Property	Any beneficial interest in land which is within the area of the council. '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.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; 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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* ‘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 Registrable Interests

You must register as an Other Registerable Interest :

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body
(i) exercising functions of a public nature
(ii) 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)

of which you are a member or in a position of general control or management

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.

Arrangements for dealing with Code of Conduct complaints against Councillors

What is a Code of Conduct complaint?

Dorset Council has adopted a Code of Conduct for its Councillors and Co-opted Members, which is available for inspection on the council's website 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. what outcomes are available
5. how to make a complaint
6. how Dorset Council will deal with such complaints
    A. Initial Check
    B. Assessment
    C. No decision due to insufficient information
    D. Decision - no further action should be taken, and the complaint is dismissed.
    E. Decision – informal resolution
    F. Decision - refer complaint for investigation
    G. Changes during an investigation
    H. Investigation Report
    I. Monitoring Officer investigation decision
    J. Audit and Governance (Hearing) Sub-Committee
    K. Review Panel
7. how Dorset Council will learn from complaints

1. Who can you 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. Those Councillors and Co-opted Members are referred to as "Subject Member" throughout this Complaint Process.

2. What can you complain about?

You can complain about the conduct of a Subject Member who is in office at the time of your complaint.

The conduct complained of must be covered by the relevant council's Code of Conduct and must have occurred during the Subject Member's 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 Subject Member who is not in office at the time of the complaint cannot be considered;
- Complaints about conduct which happened before a Subject Member was 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.

4. What outcomes are available?

It is important to note that not every complaint about a breach of Code of Conduct will be referred for investigation or informal resolution. Each complaint will be checked and assessed before a decision is made about appropriate action.

While Dorset Council takes its duties and powers regarding the standards regime seriously (and the Procedure set out below ensures that there is a fair process for considering and dealing with standards complaints) there are limitations on the potential outcomes to standards complaints. There are also limitations to the potential sanctions where a Subject Member is found to have broken the Code.

The ability of the Council to impose and enforce meaningful sanctions or remedial action was severely curtailed by the changes to the standards regime introduced by the Localism Act 2011. This Act also repealed all of the preceding ethical governance legislation in its entirety.

Examples of available outcomes (a successful complaint may result in one or a number of these outcomes):

- An apology
- training for the Subject Member
- Mediation with the Subject Member
- Mentoring for the Subject Member
- Removal of the Subject Member from committees or sub-committees
- Removal of the Subject Member from any outside appointments
- Withdrawal of facilities (computer, website, email or internet access) from the Subject Member
- Withdrawal or restricted or chaperoned access to council offices or other premises or named officers
- formal censure of the Subject Member

Outcomes which are not available:

- Suspension of a councillor
- Disqualification of a councillor
- Removal of a councillor from office

5. How to make a complaint

Complaints must be submitted in writing to Dorset Council's Monitoring Officer using the Code of Conduct complaint form - Dorset Council.

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

- Your contact details. 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.
- The identity of the Subject Member you are complaining about. Where a complaint is made against more than one Subject Member, a separate complaint form must be completed in respect of each Subject Member.
- A description of the conduct that has caused you to complain including when and where it took place and any witnesses to the conduct.
- The part of the Code of Conduct you think has been breached (please see the relevant council's website for details of their code of conduct for councillors).
- What remedy or outcome you are asking for (please see section 4 above).

You should submit any written evidence or documents that you have, with your complaint.

It is very important that you set your complaint out fully and clearly and provide as much information as you can 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:

E-mail: councillorcomplaints@dorsetcouncil.gov.uk

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 01305 224181 for assistance.

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 Subject Member complained of who is entitled to properly understand the complaint against them and respond to it, with your rights as Complainant. This normally means that the Subject Member will need to be told about the complaint, including who is making the complaint. You will be informed if your complaint cannot be investigated without disclosing your identity and you will be provided with the opportunity to proceed or withdraw your complaint.

6. How Dorset Council will deal with complaints

A. Initial Check

At this stage your complaint is confidential. You and the Subject Member complained of should not disclose information about the complaint or the outcome of the initial check to anyone else.

The Monitoring Officer will arrange initial checks to ensure that your complaint is covered by the Code of Conduct and these complaint arrangements. An Independent Person will be consulted before any decision is made about next steps.

(An Independent Person is someone appointed by the Council to give an independent view on complaints about Subject 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 Subject Member if their behaviour is the subject of a complaint.)

The initial checks are:

- Is the complaint about a current, individual Subject Member?
- Is the conduct complained of covered by the council's Code of Conduct for councillors?
- Did the conduct complained of occur during the Subject Member's time in office?
- Does the complaint relate to matters where the Subject Member was acting or has given the impression of acting as a councillor or representative of the Council in their official capacity or were they acting in their private capacity?
- 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? A referral should be made to Dorset Police and progress of your complaint may be delayed until their advice is received or until they have concluded their processes.
- Does the complaint raise concerns or allegations about someone who works with a child? A referral may be made to the Local Authority Designated Officer ("LADO"), and progress of your complaint may be delayed until their advice is received or until they have concluded their processes.
  The Local Authority Designated Officer (LADO) works within Children's Services and gives advice and guidance to employers, organisations and other

individuals who have concerns about the behaviour of an adult who works with children and young people.

- Does the complaint raise concerns or allegations of harm to an adult at risk? A referral may be made to Adult Safeguarding and progress of your complaint may be delayed until their advice is received or until they have concluded their processes.

The Council aims to acknowledge complaints within 5 working days of receipt. You will be informed of the outcome of the initial check and whether your complaint is covered by the Code of Conduct and complaint process or not.

Outcomes

Complaint will not proceed to Assessment
You will be informed of a decision that your complaint is not covered by the Code of Conduct and these complaint arrangements, with reasons. This will conclude your complaint and there is no right of appeal.

If your details can be disclosed, the Subject Member will also be informed of your complaint and that it will not proceed.

Complaint proceeding to Assessment
If your complaint is covered by the complaint process, you will be given details of next steps and timescales, including any possible delay (for example, due to a referral to Dorset Police, LADO or Adult Safeguarding). If you have asked for your details to be withheld or to remain anonymous you will be informed if this is agreed. You may also be asked to provide further details of your complaint.

If your details can be disclosed and there is no referral to another agency, the Subject Member will be notified of your complaint (with a copy of the complaint) with details of next steps and timescales. The Subject Member will be provided with contact details for an Independent Person, who they can contact for a view throughout the complaint process. The Subject Member will be asked to provide an initial and brief response to the complaint, details of any witnesses and relevant documents within 10 working days.

If your complaint relates to a Subject Member of a town or parish council, and if your details can be disclosed, the Clerk of the town or parish council will be notified of the outcome of the initial check. If your complaint is proceeding to assessment the Clerk will be invited to provide any relevant factual information within 10 working days.

B. Assessment

The Monitoring Officer will arrange for your complaint to be assessed. As part of the assessment, some preliminary enquiries may be made; for example, relevant parts of the Code of Conduct, any relevant public meeting records or relevant register of interest may be checked.

The likely types of questions and criteria to considered when assessing your complaint are listed below. The list is not exhaustive, and not all questions will be relevant to every complaint:

- Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code of Conduct?
- Does the complaint relate to conduct during a meeting or political debate where a Subject Member may have greater right to freedom of expression (but not personal abuse)?
- Is the complaint the same or substantially the same as a previous complaint which has been dealt with and no new evidence has been provided?
- Has a similar complaint involving the same Subject Member and the conduct or incident been assessed and referred for investigation?
- Does the complaint appear to be malicious, politically motivated, tit-for-tat or have another improper motive?
- Has the Subject Member offered or provided a satisfactory or reasonable remedy to the complaint?
- Is the complaint about a Subject Member who is seriously ill?
- would investigation be in the public interest? For example, does the complaint disclose a minor or technical breach of the Code of Conduct or one which is not serious, or is the conduct a one-off or pattern of behaviour?
- Has there been a general breakdown in relationships at the Subject Member's council or are the allegations about how the conduct of governance of meetings?
- Does the Subject Member lack experience or training?
- Is the issue political?
- Has the Subject Member failed to agree or carry out local resolution?

After consultation with an Independent Person (either in person or electronically), and within the timescale specified, a decision will be made. The possible decisions are set out in sections C – J below.

Exceptionally, if it is not possible for a decision to be made, the complaint may be referred to a Review Panel of the Monitoring Officer, who will make a decision in consultation with the Independent Person and 3 members of the Audit and Governance Committee. This consultation may be in writing or in a meeting. Information provided to the Review Panel will include but not be limited to:

- A summary of the complaint;
- The Initial Check outcome;
- Any initial Subject Member response;
- Any information provided by a town and parish council Clerk (if relevant);
- the likely relevant paragraphs of the Code of Conduct;
- any preliminary enquiries (if relevant);
- the current Assessment (including criteria considered and reason for any view);
- the view of the Independent Person and whether this differs from the current assessment view.

C. No decision due to insufficient information.

The Council will aim to provide you with an assessment decision within 5 working days of the date for the Subject Member (or if relevant the town or parish clerk) to provide further information. You will be informed if an assessment decision cannot be made due to insufficient information. You may be given a further opportunity to provide information.

If you do not provide further information, you will be informed that no further action will be taken, and your complaint will be closed. If the complaint is closed that concludes your complaint and there is no right of appeal.

If you do provide further information this will be reviewed, a fresh view of the Independent Person will be obtained, and a decision will be made.

If your details can be disclosed, the Subject Member (and town or parish council clerk if relevant) will also be informed if a decision cannot be made due to insufficient information, if your complaint is closed, or if a decision is made in light of further information provided by you.

At this stage your complaint is confidential. The Subject Member has the option to request publication of the complaint and outcome, but if not, the complaint and outcome will remain confidential and should not be disclose to anyone else.

D. Decision - no further action should be taken, and the complaint is dismissed.

The Council will aim to provide you with any decision to dismiss your complaint within 5 working days of the last date for you, the Subject Member, or if relevant, the town or parish clerk to provide further information.

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

- There is not sufficient information to demonstrate potential breach of the Code of Conduct.
- The complaint is the same or substantially the same as a complaint previously dealt with or one which has already been referred for investigation and it is not in the public interest to progress the complaint.
- The complaint is trivial or discloses such a minor or technical breach of the Code that it is not in the public interest to progress the complaint.
- The complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and does not disclose sufficiently serious potential breaches of the Code to merit further consideration.
- The Subject Member 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, for example, serious illness of the Subject Member.

You will be informed of the decision to dismiss your complaint with reasons. If your details can be disclosed, the Subject Member and, if relevant, a town or parish clerk will also be informed. The decision is final and there is no right of appeal.

At this stage your complaint is confidential. The Subject Member has the option to request publication of the complaint and outcome, but if not, the complaint and outcome will remain confidential and should not be disclose to anyone else.

E. Decision – informal resolution

There may be occasions where there is evidence of a potential breach, but instead of an investigation, informal resolution may be appropriate.

Types of informal resolution could include:

- An apology
- Mediation
- Training or mentoring
- Referral to a political group leader
- Referral to the town or parish clerk

Below are some examples of where informal resolution may be appropriate:

- Less serious complaints where the Subject 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 the Subject Member lacks experience or 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 about several Subject Members in the same council, indicating a poor understanding of the Code and authority's procedures.

Informal resolution may be arranged where you and the Subject Member agree to it, but it may also be arranged without your agreement if it is considered to be an appropriate outcome. For example, an apology from the Subject Member could be an appropriate outcome even if you indicate that you may not be satisfied.

At this stage your complaint is confidential.

Intention to arrange Informal Resolution

The Council will aim to notify you of any intention to refer your complaint for informal resolution within 5 working days of the last date for you, the Subject Member, or if relevant, the town or parish clerk to provide further information. The notification will

include reasons for the decision, details of the recommended type of informal resolution and a proposed date for it to be completed. You and the Subject Member will be asked to respond with your agreement or refusal within 5 working days.

Following a fresh view of the Independent Person, the Council will aim to provide you with a decision about informal resolution within a further 5 working days; this decision may be to continue with informal resolution, or to refer your complaint for investigation.

Decision to arrange Informal Resolution

You and the Subject Member will be notified of any decision to arrange informal resolution, with reasons, details of the type of informal resolution and a date for it to be completed.

Informal resolution is completed

If the informal resolution is completed by the required date (including any extension), this will be confirmed in writing to you, the Subject Member (and if relevant the town or parish council clerk) and will conclude your complaint, with no right of appeal.

Your complaint will be confidentially reported for noting at a meeting of the Audit and Governance Committee of Dorset Council (and if relevant, to a meeting of the town or parish council), unless the Subject Member asks for the decision to be published.

Informal Resolution is not completed

If the informal resolution does not take place by the required date, your complaint will be re-assessed, including the reasons the informal resolution has not be completed, and a fresh view from an Independent Person.

The Council will aim to inform you, the Subject Member (and if relevant the town or parish clerk) of the outcome of the re-assessment within 5 working days of the date for informal resolution to be completed, which may result in:

- the timescale for completion of the informal resolution being extended, which will be monitored for completion;
- the complaint being dismissed (which would conclude the complaint with no appeal);
- referral for investigation.

F. Decision - refer complaint for investigation

If your complaint is assessed as raising a potential breach of the Code of Conduct it may be referred for investigation. Below are some examples where a referral for investigation may be appropriate:

- The complaint is serious enough to warrant investigation;
- A Subject Member has failed to agree to or carry out local resolution.

The Council will aim to notify you of a decision to refer your complaint for investigation, with reasons and the name of the Investigating Officer within 5 working days of the

last date for provision of further information, or the date for completion of informal resolution.

If your details can be disclosed, the Subject Member and, if relevant, a town or parish clerk will also be informed. The Subject Member is expected to cooperate with the investigation and may be accompanied or represented at any meetings with the Investigating Officer. If the Subject Member fails to co-operate with an investigation, it will proceed, and report will be prepared.

Where a decision is made to refer your complaint for investigation an Investigating Officer will be appointed. This could be an appropriately skilled council officer from this or another council, or another external investigator.

The Investigating Officer will contact you and (if your details can be disclosed) the Subject Member as part of their investigation. The conduct of the investigation will depend on the details of your complaint and may include, interviews, gathering of information and witness details, preparation of a chronology of events or documents and a written report with recommended findings.

Your complaint remains confidential during the investigation at least until the Investigation Report has been finalised.

G. Changes during an Investigation

Sometimes circumstances change during an investigation. These could include:

- The case appears to the Investigating Officer to be less serious than it initially seemed;
- There may be no direct evidence;
- It may become clear the actions complained of were private and not conducted in the Subject Member's official capacity;
- The Subject Member may be too ill to engage with the complaint process;
- The Subject Member may have resigned or left office as a result of an election;
- The Subject Member may wish to make an apology;
- Evidence may be uncovered which requires referral to Dorset Police, the LADO or Adult Safeguarding;
- Additional possible breaches of the Code of Conduct may be discovered.

If a change of circumstances occurs the Investigating Officer should refer to the Monitoring Officer, who should seek the views of the Independent Person before continuing, halting or pausing the investigation.

If additional possible breaches are discovered the Investigating Officer will need to refer to the Monitoring Officer for a view about adding the allegation to the investigation or requesting a further complaint form be submitted (to be checked and then assessed in the normal way).

The Monitoring Officer will inform you, the Subject Member, and if relevant the town or parish council clerk of any decision to continue, pause or halt an investigation, add an allegation to the investigation or request a further complaint form, with reasons and timescales.

H. Investigation Report

The Investigation Report should contain:

(a) a summary of the complaint;
(b) the relevant sections of the Code of Conduct;
(c) relevant evidence, legislation, policies, protocols and case law;
(d) a chronology of events leading to the complaint;
(e) a chronology of the complaint process;
(f) summary of any interviews (including any lack of cooperation);
(g) the agreed and non-agreed facts (finding of facts);
(h) any conflicting evidence;
(i) a recommendation about whether a breach has occurred (on a balance of probabilities);
(j) reasons for the recommendation.

The Investigating Officer will aim to send their draft report to the Monitoring Officer and Independent person within 6 months of the decision to refer your complaint for investigation (unless a change in circumstances has occurred or the Monitoring Officer has agreed to an extension). The Monitoring Officer and Independent Person will review the report and confirm if the investigation is of acceptable standard and meets the scope of the complaint or if they have other comment.

The draft report will then be supplied to you and the Subject Member with a timescale for response. Any response will be considered before the Investigating Officer finalises their report and submits it to the Monitoring Officer.

I. Monitoring Officer Investigation Decision

Having received the Investigation Report the Monitoring Officer will ask the Independent Person and the Chair of Audit and Governance Committee (or Vice Chair in their absence) for their view about the recommendation and will then make one of the following decisions:

- No breach of the Code of Conduct and the complaint is dismissed.
- Breach of the Code of Conduct but no further action.
- Breach of the Code of Conduct and a referral for informal resolution.
- Breach of the Code of Conduct and referral for hearing by the Audit and Governance (Hearing) Sub-Committee.

The Monitoring Officer will aim to issue the decision to you, the Subject Member, the Independent Person and if relevant, the town or parish clerk within 10 working days of receiving the Investigation Report.

For any decision of no breach, breach but no further action, or breach and referral for informal resolution this decision is final with no right of appeal. A confidential summary of the outcome will be provided to the Audit and Governance Committee (and if relevant a town and parish council). The decision will not be published unless the Subject Member requests it.

Where the decision is to refer the complaint for informal resolution, the process in Section E above (from Decision to arrange Informal Resolution) will apply.

Where the decision is to refer the complaint for hearing by the Audit and Governance (Hearing) Sub-Committee the Monitoring Officer will notify Democratic Services and ask them to aim to arrange a (Hearing) Sub-Committee and a hearing date within 3 months of the date of the Investigation Report (unless the hearing must be delayed due to other parallel investigations e.g. Dorset Police).

J. Audit and Governance (Hearing) Sub-Committee

Once notified of a referral for hearing Democratic Services will:

- Establish a (Hearing) Sub-Committee (consisting of 3 members of the Audit and Governance Committee);
- Arrange an informal private pre-meeting or briefing for the (Hearing) Sub-Committee with the Monitoring Officer or Deputy (who will be legally advising the Sub-Committee at the hearing) no less than 3 weeks before the hearing date;
- Aim to arrange a hearing date within 3 months of the date of the Investigation Report.

You, the Independent Person, the Investigating Officer and if relevant the town or parish clerk will be notified of the date and procedure for the hearing. The Investigating Officer will be asked if they will be calling witnesses.

The Subject Member will be notified of the date and procedure for the hearing, and will be asked to provide the following information within a set period of time:

- a brief written response;
- if they will be accompanied or represented at the hearing;
- if they wish to give written or verbal evidence at the hearing;
- if they wish to call any relevant witness who has been interviewed by the Investigating Officer and whose evidence appears in the Investigation Report;
- if they want to request any part of the Investigation Report, or documents or hearing be held in private session, with reasons.

Informal and Private Pre-meeting or briefing

The main purpose of the informal and private meeting or briefing is to enable the (Hearing) Sub-Committee to prepare and deal with matters more fairly and economically at the hearing including:

- Deciding whether any findings of fact in the report are in dispute and how relevant they will be at hearing;
- Identifying any additional evidence the (Hearing) Sub-Committee wants to see;
- Identifying any witnesses it wants to hear from;
- Deciding any limit on numbers of witnesses;
- Deciding the relevance of any witnesses who the Subject Member or Investigating Officer wants to call bearing in mind proportionality;

- Identifying any parts of the hearing which are likely to be held in private or parts of reports to be withheld from public “exempt” – the (Hearing) Sub-Committee have final decision at the hearing;
- Identify any potential conflicts of interest;
- Consider who will likely Chair the hearing.

The meeting or briefing may be in person, on-line or paper based and will be supplied with any updated information received from you and the Subject Member. The meeting or briefing is attended by the (Hearing) Sub-Committee, Monitoring Officer or Deputy and Democratic Service officer who is arranging and supporting the (Hearing) Sub-Committee meeting. You, the Subject Member, the Independent Person and Investigating Officer will not be invited to attend. The (Hearing) Sub-Committee will not be debating the merits of the complaint at this meeting or briefing and it is not a formal committee meeting.

Hearing

At least 2 weeks before the hearing date, you, everyone involved in the complaint will be notified of the date, time and place for the hearing, whether the Subject Member will be accompanied or represented, listing witnesses who will be asked to give evidence and an outline of the procedure for the hearing.

If the Complainant or Subject Member or their witness(es) are unable to attend the hearing on the date arranged they should contact the Democratic Services officer who is arranging the hearing as soon as possible, with reasons. The Monitoring Officer or Deputy will be notified, will consult with the (Hearing) Sub-Committee and decide if another date needs to be found or if they hearing will proceed on the date arranged. Depending on circumstances a hearing may proceed in the absence of a Complainant, Subject Member or their witness(es). All attendees will be provided with an update, and the decision will be reported at the hearing.

The hearing is a formal Committee meeting and normal Committee rules will apply including publication of an agenda in advance of the hearing, and publication of a minute after the meeting.

The hearing will be a public meeting unless the Subject Member requests the hearing takes place in confidential session and the (Hearing) Sub-Committee agrees.

All those attending, including the (Hearing) Sub-Committee will have received the Investigation Report in advance of the hearing, but it is not published as part of the Agenda in advance of the hearing. This is to allow the Sub-Committee opportunity to consider any request from the Subject Member to hold the hearing in closed confidential session.

At the hearing, the Investigating Officer will present their report and ask to hear from any witnesses. Questions may be asked of the Investigating Officer and their witnesses by the Subject Member (or their representative), the (Hearing) Sub-Committee and the Independent Person. The Subject Member (or their representative) will be invited to present their response and ask to hear from any

witnesses. Questions may be asked of the Subject Member and their witnesses by the Investigating Officer, the (Hearing) Sub-Committee and the Independent Person.

The (Hearing) Sub-Committee will seek any legal and procedural advice from the Monitoring Officer or Deputy and the view of the Independent Person in the open hearing before they retire with the Monitoring Officer or Deputy, Independent Person and Democratic Services officer supporting the meeting, to make their decision about whether a breach of the Code of Conduct has occurred (on balance of probabilities). The Monitoring Officer or Deputy and the Independent Person attends the private deliberation to enable the (Hearing) Sub-Committee to ask for advice and seek views if necessary. The Monitoring Officer or Deputy and Independent Person do not take part in decision making about whether a breach has occurred.

Any legal or procedural advice from the Monitoring Officer or Deputy or view of the Independent Person given during the private deliberation will be repeated to the public meeting.

The (Hearing) Sub-Committee may return to the hearing to ask further questions and recommence their private deliberations.

If the (Hearing) Sub-Committee decide that no breach has occurred, that decision will be final, will conclude the hearing and the complaint with no right of appeal.

If the (Hearing) Sub-Committee decide that a breach has occurred, they will invite representations about aggravating or mitigating factors from the Investigating Officer and Subject Member (or their representative). As above, the (Hearing) Sub-Committee will seek any legal and procedural advice and view of the Independent Person in the open hearing before retiring with the Monitoring Officer or Deputy, Independent Person and Democratic Services officer supporting the meeting, to make their decision about an appropriate sanction.

Any sanction should be reasonable, proportionate and relevant to the Subject Member's conduct which is the subject of the complaint. A (Hearing) Sub-Committee may decide to issue one or a number of sanctions. Typical sanctions include (but are not limited to):

- Issue (or recommend the parish council issue) formal censure;
- Recommend to a Subject Member's group leader (or council if ungrouped) they be removed from any or all committees or sub-committees (or recommend this action to the town or parish council);
- Recommend to the Leader of the council that the Subject Member be removed from positions of responsibility;
- Instruct the Monitoring Officer to (or recommend the town or parish council) arrange training for the Subject Member;
- Recommend to the Subject Member's Group Leader (or recommend to the town or parish council) that the Subject Member be removed from all outside appointments;
- Instruct (recommend to the town or parish council) the Chief Executive of the council to arrange withdrawal of facilities from the Subject Member for a specified period (e.g. computer, website, email or internet access);

- Instruct (recommend to parish council) the Chief Executive of the council to arrange exclusion of the Subject Member from the council's offices or other premises for a specified period with the exception of meeting rooms necessary for attending council, committee and sub-committee meetings or restricts contact with officers to named officers only;
- If relevant recommend to the secretary or official of a political group that the Subject Member be removed as a group leader or other position of responsibility.

Any legal or procedural advice from the Monitoring Officer or Deputy or view of the Independent Person given during the private deliberation will be repeated to the public meeting.

The (Hearing) Sub-Committee will aim to provide their decisions (in writing) about breach and any sanction at the hearing but may reserve their decisions to a later date.

The decision of the (Hearing) Sub-Committee is final and there is no right of appeal.

The Council will aim to provide you, the Subject Member and the Independent Person with the full written decision and minutes of the hearing within 5 working days of the hearing. The decision, minutes and Investigation Report (if the hearing was open to the public and subject to any necessary redaction for data protection purposes) will be published on Dorset Council's website in accordance with normal committee publication arrangements.

If the complaint relates to a Dorset Council Subject Member and the hearing was open to the public the decision will be reported to the next Dorset Council meeting for information only (subject to any necessary redaction for data protection purposes)

If the complaint relates to a town or parish council Subject Member, the Council will aim to provide the town or parish council clerk with a full written decision within 5 working days of the hearing. The clerk will be informed if the hearing was held in open or closed session and of any actions or decisions which need to be taken by the town or parish council. The decision should be taken to the next full council meeting of the town or parish council.

A town or parish council must meet to decide whether to impose a recommended sanction. If they do not wish to agree the recommended sanction, they should first take advice from the Monitoring Officer. A town or parish council cannot overturn a Sub-Committee decision about whether a breach of their Code of Conduct occurred.

A town or parish council clerk should report back to the Monitoring Officer within 3 months of the (Hearing) Sub-Committee to confirm their council has met to decide on sanction and to confirm when the sanction has been fulfilled.

Failure of a Subject Member to comply with a sanction may be a further breach of the relevant council's Code of Conduct.

7. 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 Subject Member, but it is also important for all councillors and co-optees 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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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 confidentially, 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 shall 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 shall normally be notified at the outset of the exercise.

7. **Access to Premises**

7.1 Officers have the need as part of their work to enter the Council's land and premises. In some instances access to certain Council land and premises will be limited for operational reasons to specific officers only.

7.2 Members have a right to access the Council Chamber and meeting rooms at County Hall.

7.3 Members are also provided with passes that enable them to access staff offices and other Council premises. Members are reminded that these offices and premises are people's place of work. The Chief Executive as Head of Paid Service owes a duty of care towards staff and there may be circumstances where it is necessary to remove or place limitations upon a member's access to offices and premises.

7.4 Sometimes members take part in visits to operational premises, either as part of a wider visit open to other members or as an individual. When making an individual visit members should, notify and make advance arrangements with the appropriate manager or officer in charge. For any visit members must:

- Comply with health and safety, security and other workplace rules and;
- Not interfere with the services or activities being provided at the time of the visit

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

Sexual Harassment policy

Guidance for councillors

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Introduction

Dorset Council is committed to providing an inclusive and supportive working environment for everyone who works here including officers and councillors. This includes a zero-tolerance approach to sexual harassment and what appropriate steps should be taken to achieve this. All workplaces should be free from any form of harassment and Dorset Council is no exception. We will treat such matters very seriously.

A separate policy on sexual harassment is available to officers. This document is based on the officer policy but is specifically focused towards councillors and includes ways that members can seek support and report any unwanted behaviours.

The policy aims to:

- reinforce Dorset Council's commitment to take prompt and appropriate action in response to any allegation of sexual harassment
- ensure everyone understands what sexual harassment is, can openly and confidently discuss concerns about inappropriate behaviour in the workplace, and are clear on Dorset Council's policy and practices.
- reinforce the council's role in setting a wider example to our communities, aiming to set a structural example as part of wider change in the community regarding sexual harassment and assault.

The policy is part of Dorset Council's commitment to equality and diversity. We are committed to creating a workplace that respects and values differences, that promotes dignity and combats prejudice, discrimination, and harassment.

Councillors are not employees but the policy aims to make clear the standards of behaviour expected from councillors, consistent with the council's core behaviours and the LGA's model code of conduct.

Issuing this guidance to councillors is one of the ways in which the Chief Executive as Head of Paid Service discharges their duty of care and responsibility to ensure a safe working environment for employees.

We do not tolerate sexual harassment at Dorset Council, and we will always investigate and take appropriate action.

What is sexual harassment?

Sexual harassment is unwanted behaviour of a sexual nature.
The law (Equality Act 2010) protects the following people against sexual harassment at work:

- employees
- agency workers and contractors
- self-employed people hired to personally work for the council
- job applicants

While not employees or other types of workers referred to in the Act, we also expect our councillors to be able to carry out their duties within the council without harassment.

To be classed as sexual harassment, the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

It can be carried out or experienced by anyone of the same gender or different gender. The person engaging in unwelcome behaviour does not have to intend to be sexually harassing the other person for the behaviour to be considered sexual harassment. Regardless of what was intended, sexual harassment is defined by the nature and the impact of the behaviour, not the intention behind it.

A key element of sexual harassment is that it is unwelcome.

It is important to note that if a person does not object to inappropriate behaviour at the time; it should not be assumed that they are giving their consent. Consent exists where clear and unambiguous consent has been freely given and continues to be given.

It is possible that a person does not object to inappropriate behaviour at the time due to reasons such as, feeling of shame, powerlessness, embarrassment, lack of confidence and inability to feel as though they can challenge a colleague or superior.

Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:

- insinuate, propose or demand sexual favours of any kind.
- invade another person's personal space (e.g. inappropriate touching).
- stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- send or display sexually explicit objects or messages.
- online sexual harassment, where digital technologies are used to facilitate both virtual and face to face harassment, for example the sharing of unsolicited sexual images, videos, messages, the non-consensual creation and/or distribution of sexual images, or sexual coercion, threats and intimidation online.
- comment on someone's looks, dress, sexual orientation, or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- make obscene comments, jokes or gestures that humiliate or offend someone.
- pursue or flirt with another person persistently without the other person's willing participation. Also, flirting with someone at an inappropriate time (e.g. in a meeting) is considered sexual harassment, even when these advances may have been welcome in a different setting.

The most extreme form of sexual harassment is sexual assault. This is a serious crime and Dorset Council will support employees and councillors who want to press charges against offenders.

Roles and responsibilities

All councillors are responsible for:

- modelling appropriate behaviour
- taking personal responsibility to raise concerns about any sexual harassment in the workplace, whether this was experienced personally or witnessed. Concerns should be raised with the Chief Executive, Monitoring Officer or the Deputy Monitoring Officer
- contributing to a respectful and productive working environment
- being willing to help and support their colleagues
- treating any allegations or complaints of sexual harassment with appropriate confidentiality
- ensuring that a person is not victimised for making or being involved in a complaint of sexual harassment

Councillors have a defining influence on the working culture and setting the tone for expectations around dignity and respect. It is expected that councillors will take a visible lead on the issue and set the tone for fostering a working environment where people feel empowered to speak up. The role-modelling of respectful behaviour will be instrumental in setting the right expectations for everyone.

If you've been sexually harassed at the council

If you've experienced sexual harassment at the council from an officer, councillor or member of the public, you can make a complaint. Please inform Catherine Howe, the Chief Executive, (01305 224200 or catherine.howe@dorsetcouncil.gov.uk), Jonathan Mair, the Monitoring Officer (01305 838074 or jonathan.mair@dorsetcouncil.gov.uk) or Grace Evans, Deputy Monitoring Officer (01305 225021 or grace.evans@dorsetcouncil.gov.uk)

You may also wish to report an instance of sexual harassment through our whistleblowing policy. Please see our whistleblowing policy for more information.

Dorset Council will take your complaint very seriously and will handle it fairly, sensitively and confidentially.

Make a note of what happened

It's a good idea to make a note of what's happened. This should include dates, times and names, including any witnesses. Making a note can be especially helpful if you find talking about the experience particularly distressing.

If you're thinking about recording what's happened you should be aware of the risks of recording, or secretly recording – for example on your phone. This is a complicated area of the law. It is advised that you follow guidance provided by Dorset Police or the Sexual Trauma and Recovery Service (STARS).

Witnessing sexual harassment in the council

If you see someone being sexually harassed at the council, you could step in and try to stop it happening, if you feel it's safe to do so.

After it's happened, you can:

- support a complaint made by the person who experienced the sexual harassment
- report what you've seen
- give evidence as a witness, for example at a hearing
- make a sexual harassment complaint yourself because what you've seen has violated your dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for you

If you're making a complaint yourself, you do not need the permission of the person who's been sexually harassed.

You must not be victimised if you make or support a complaint, or act as a witness. This means you must not be:

- stopped from giving evidence
- treated unfairly because you've made a complaint, given evidence or supported a complaint

Ways you could support someone else's complaint include things like:

- making a statement, which may or may not mean you appear as a witness at a hearing
- giving evidence that the person accused of sexual harassment had also sexually harassed you in another incident
- comforting or supporting someone who's experienced sexual harassment

Bystander intervention

Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

When safe to do so, bystanders that are aware of sexual harassment are encouraged to:

- provide support to the colleague who is being subjected to sexual harassment,
- challenge concerning behaviour, and
- report sexual harassment

In some situations, a witness may wish to remain anonymous and where appropriate, anonymity will be provided. However, it may not be possible in all circumstances to keep the identity of a person, or people providing information, confidential.

In some situations, it may be the case that full details of allegations are required for appropriate inquiries to be made or so that a respondent is afforded procedural fairness and natural justice.

If you are witness to a problematic or potentially problematic situation you should:

- Notice: pay attention to what is going on around you
- See it as a problem: recognise the situation as a problem
- Assume personal responsibility: do not assume someone else will do something
- Know how to help: make sure you can keep yourself safe
- Implement the help: act in one of the following ways:
    - Direct – this involves direct intervention, for example, going and talking in a calm way to the people involved
    - Distract – point out something else, distract the instigator, for example with re-directing them with a work issue
    - Delegate – if there is someone else with more power available, make them aware
    - Delay – always make sure that the person who experienced harassment is ok afterwards and check in on them

Confidentiality

Disclosures of sexual harassment will be treated in confidence. However, in some instances, a matter may need to be escalated or referred without agreement from the employee, particularly in circumstances that may:

- constitute a criminal offence,
- constitute an occupational health and safety risk, or
- require disciplinary action

If for instance a complaint needs to be escalated to the police we will work with them to ensure that the confidentiality of victims and witnesses are respected as part of their

processes. If we need to escalate a complaint we will notify the person who made the disclosure who it is we have escalated it to and why.

Help after sexual assault or rape

You can get help and information from:

- Galop – LGBT+ sexual violence support
- Rape Crisis England and Wales
- SurvivorsUK – male rape and sexual abuse support
- Victim Support
- STARS Sexual Trauma and Recovery Services (STARS) (starsdorset.org)

Find out about other help after rape and sexual assault on the NHS website.

To contact the police:

- call 999 if you or someone else is in immediate danger
- call 101 if it's not an emergency

To report a crime online, visit:

- Police.uk for England and Wales

When you're reporting a crime, you can ask to speak to a specialist officer who's trained to deal with sexual violence.

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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 Chair 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 Chair 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 in the same way as any other application.

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 applications by Members, their spouse or civil partner and applications by a Chief Officer or an officer directly involved in the processing or determination of the application (or their spouse or civil partner) will be reported to and determined by the relevant Planning Committee.

(b) while any application from a Member or an Officer identified under paragraph (a) above, 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 Chair 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.

Part 5. Scheme of Members' Allowances

Dorset Council
Members' Allowances Scheme 2026/27

1. The payment of allowances to elected members of local authorities is governed by the Local Government (Members' Allowances) (England) Regulations 2003 ("the Regulations"). This scheme is for 2026/27 and is effective from 1 April 2026.

Entitlement to Allowances

2. This scheme provides guidance in respect of:

- a basic allowance;
- special responsibility allowances;
- a dependant carers' allowance;
- travel allowances for duties undertaken within Dorset Council area;
- travel and subsistence allowances for duties undertaken outside the Dorset Council area; and,
- an allowance to co-opted and independent members.

Basic Allowance

3.1 Elected members of Dorset Council receive a basic allowance to recognise the time devoted to carry out their work as councillors, including attendance at meetings, and ward activities. It is also intended to cover incidental costs such as in-area subsistence, use of members' homes and private telephones and any IT consumables.

3.2 For 2026/27 the basic allowance of £16,528.08 will be paid in equal monthly instalments. No individual may receive more than one basic allowance.

3.3 The basic allowance will be updated annually to reflect the annual pay award to local government officers. Where a consolidated fixed sum pay award is made, the basic allowance will be increased by the percentage increase applied to salary scale point 43.

3.4 The basic allowance will be adjusted with effect from 1 April 2026 and will continue to be adjusted on an annual basis for the period up to 31 March 2029.

Special Responsibility Allowances

4.1 Special Responsibility Allowances (SRAs) are paid in addition to the basic allowance to members who hold positions with significant responsibilities over and above the general duties of a councillor and are also paid in equal monthly instalments.

4.2 Members may not receive more than one SRA.

4.3 With effect from 1 April 2026, SRAs are payable as follows:

	£ per annum
Leader of the Council	39,254
Executive / Cabinet Members (including Deputy Leader)	24,275.50
Chair of the Council	11,363
Vice-chair of the Council	5,681.50
Chairs of Audit and Governance Committee, Overview committees, Scrutiny committees and all planning committees (including strategic)	11,363
Chair of the Licensing and Gambling Acts Committee	7,747.50
Chairs of all other committees listed in Article 8 and the Dorset Police and Crime Panel and the Corporate Parenting Board in Article 11 of the Dorset Council Constitution	5,681.50
Minority Group Leaders (Note: minority parties must have a membership of not less than 10% of Dorset Council for their Leader to receive an SRA)	5,681.50

4.4 No SRAs are paid to vice-chairs of committees.

4.5 The SRAs will be updated annually to reflect the annual pay award to local government officers. Where a consolidated fixed sum pay award is made, the SRAs will be increased by the percentage increase applied to salary scale point 43.

4.6 The SRAs will be adjusted with effect from 1 April 2026 and will continue to be adjusted on an annual basis for the period up to 31 March 2029.

4.7 Where a member is suspended or partially suspended from their duties as a member of Dorset Council in accordance with Part III of the Local Government Act 2000, or regulations made under that part, the part of the SRA payable to them in respect of the period for which they are suspended or partially suspended shall be withheld.

Travelling Allowance

5.1 Travelling allowance is paid in line with the HMRC Mileage Allowance Payments (MAP). The current MAP approved amounts are:

i) car (including electric vehicles) – 55p per mile up to 10,000 and 25p per mile thereafter;

ii) passenger payments – up to 5p per mile per passenger (up to a maximum of four) to be claimed only for passengers who would otherwise be eligible for travelling allowance;

iii) motorcycle – 24p per mile;

iv) bicycle – 20p per mile;

v) in relation to public transport (including rail and bus) - standard fare; and

vi) parking fees – actual cost.

5.2 Travelling allowance can be claimed for the following approved duties:

a) attendance at meetings of the Council, the Cabinet/Executive, and of those committees and sub-committees, panels, joint committees, consultative bodies and working groups of which the claimant is a member, or has a right to attend, under the council's Constitution;

b) attendance at meetings of the Cabinet/Executive, and of those committees and sub-committees, panels, joint committees, consultative bodies and working groups when expressly invited to attend and speak;

c) attendance at meetings of the Cabinet/Executive and committees, where a member who is not a member of the Cabinet/Executive or the committee, has attended to speak or observe;

d) attendance for a meeting with an officer or a member in receipt of an SRA, for the purpose of discussing matters relating exclusively to council business, in which it is reasonable to expect the member to have an interest;

e) duties undertaken by members appointed to serve on partner and other organisations except where those bodies pay travelling and/or subsistence allowances and members should therefore claim those allowances direct from those bodies and not from the council;

f) attendance at parish meetings and town or parish council meetings in a member's ward (when they are not a member of that town or parish council);

g) attendance at conferences, seminars and training events authorised by the Director – Legal and Democratic and Monitoring Officer after consultation with the relevant member of the Executive/Cabinet;

h) attendance at seminars and briefing meetings for members convened by the Chief Executive, a director or service head, e.g. on service planning, new legislation and on service and policy issues, and at meetings to discuss particular local issues;

i) exhibitions, official openings and visits to premises, or similar events, to

which members have been invited or approved to attend by the Chief Executive, a director or a service head;

j) attendance at consultation meetings with the public or other organisations arranged by the Chief Executive, a director or a service head; and

k) attendance at the opening of tenders when specifically requested in accordance with Article 14 of the council's constitution.

Notes:
a) Travelling allowances may not be claimed for political group meetings;
b) except in the case of meetings of a single party Cabinet/Executive, travelling allowances may not be claimed for meetings to which members of only one political group have been invited; and
c) if any member is in any doubt about a particular duty please check with the Democratic Services Team.

5.3 Where a member is suspended or partially suspended from their duties as a Dorset Councillor in accordance with Part III of the Local Government Act 2000, or regulations made under that part, the part of travelling allowance payable to them in respect of the period for which they are suspended or partially suspended shall be withheld.

Subsistence Allowances

6.1 Subsistence allowances for meals and accommodation can be reimbursed to Dorset Council members for duties undertaken outside the ceremonial Dorset county (which includes the unitary council area of Bournemouth, Christchurch and Poole). This allowance reflects the scheme in place for officers of Dorset Council.

6.2 Members of Dorset Council are entitled to claim subsistence if their duties mean that they are away from the ceremonial Dorset county for at least 5 hours, preventing them from following their normal meal arrangements AND they have to incur expenditure which is in addition to their normal outlay.

6.3 Any claims for subsistence costs must be for the actual amount paid (up to the maximum amount claimable) and supporting receipts of this cost must be kept by the member. The amounts claimable are cumulative across meal times. Therefore, one amount can be claimed depending on the length of time away. The reimbursement of costs associated with alcohol will not be paid under any circumstances.

6.4 The maximum amounts that be claimed are as follows:

Length of trip (for each day midnight to midnight)	**Maximum amount claimable**
At least 5 hours outside of the ceremonial county*	£6.17*

At least 10 hours outside of the ceremonial county*	£12.34*
At least 15 hours outside the ceremonial county*	£18.51*
* Supplement where journey ends After 8pm (can be claimed in addition to above amounts if staying overnight)	£12.34
Accommodation (room only)	£113.50 including VAT (or £148 including VAT for Greater and Inner London)

Where the qualifying journey in respect of the claim lasts beyond 8pm an additional supplementary amount of up to £12.34 can be claimed to cover additional expenditure expenses incurred as a result of working late, this additional expenditure must be supported by receipts.

6.5 Where a member is suspended or partially suspended from their duties as a Dorset Councillor in accordance with Part III of the Local Government Act 2000, or regulations made under that part, the part of subsistence allowance payable to them in respect of the period for which they are suspended or partially suspended shall be withheld.

Dependant Carers' Allowance

7.1 The dependant carers' allowance is designed to compensate members for expenses incurred while providing care for dependants or requiring specialist care themselves, ensuring that members can fulfil their duties without financial disadvantage.

7.2 This scheme provides a distinction between formal specialised care and informal care as follows:

- Formal specialised care - the allowance provides for the reimbursement of the actual expenditure, subject to prior agreement with the Service Manager for Democratic and Electoral Services and the provision of appropriate invoices/receipts and certification by the member that the amounts claimed have actually been incurred

- Informal care - the maximum allowance payable shall be the national minimum wage (£12.71 per hour as at April 2026) and is payable subject to the carer providing a written receipt (as agreed by the Service Manager for Democratic and Electoral Services and the member making the claim) and certification that the amounts claimed have actually been incurred

In respect of informal care, the claimant's own household are not excluded, except where a person acting as a carer already has joint

caring responsibilities - payment is subject to the prior agreement of the Service Manager for Democratic and Electoral Services.

7.3 Both elements of this allowance are payable for the care of dependants whether children, elderly people or people with disabilities while the member is on council business and where travel allowances are payable or otherwise by prior agreement with the Service Manager for Democratic and Electoral Services.

7.4 Any members of the council requiring specialist care or support for themselves should agree this provision with the Service Manager for Democratic and Electoral Services and the actual cost will be reimbursed upon production of receipts.

Co-opted and Independent Members' allowance

8.1 Co-opted and independent members of committees and other persons appointed to sit on panels and for a constituted meeting by the council, are entitled to claim travelling and carer's allowances in accordance with this scheme. They may also claim subsistence allowance for attendance at meetings.

8.2 A separate allowance, as set out below, is payable to:

	£ per annum
The co-opted members of the overview and scrutiny committees with oversight of education matters	516.60
The co-opted members of the Dorset Police and Crime Panel	2066
The independent persons appointed to contribute to the arrangements of promoting and maintaining high standards of conduct	1033
The independent persons appointed to the Harbours Advisory Committee	1033
The co-opted members appointed to the Audit and Governance Committee	2066

8.3 The allowance for co-opted and independent members will be updated annually to reflect the annual pay award to local government officers. Where a consolidated fixed sum pay award is made, the allowances will be increased by the percentage increase applied to salary scale point 43.

8.4 The allowances will be adjusted with effect from 1 April 2026 and will continue to be adjusted on an annual basis for the period up to 31 March 2029.

Submission of Claims

9.1 Claims for allowances must be made electronically.

9.2 Claims must be made on a monthly basis.

9.3 When submitting claims electronically, VAT receipts for fuel, car park tickets/receipts and those for public transport and subsistence must be retained by the individual member and be made available for verification upon request. In the case of claims submitted on a claim form, these should be attached.

9.4 Hard copy claim forms will be made available for co-opted members.

Pensions

10. The Authority shall enable its members who are eligible to join the Local Government Pension Scheme.

Forgoing Allowances

11. Members of Dorset Council may, if they wish, forgo all or any part of their entitlement to any basic allowance or special responsibility allowance by giving notice in writing to the Director – Legal and Democratic and Monitoring Officer.

Taxation of Allowances and Social Security Benefits

12.1 Allowances will be subject to the normal PAYE and National Insurance regulations in force at the time.

12.2 In order to avoid over-payment of income tax or National Insurance contributions, claims for payment of allowances must be submitted monthly.

Enquiries

13. If you have any queries about this scheme please contact the Democratic and Governance Services Team.

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Part 6 – Management Structure

The management structure is currently being updated.

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