

Shadow Dorset Council

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

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

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