

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.

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 the Officer responsible for Democratic Services.

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 and Scrutiny Committees (Article 7)
- Committees and Boards (Article 8)
- Standards (Article 9)
- Interim Arrangements / 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)

Article 10 contains various special provisions which take precedence over aspects of certain parts of the remaining Articles during the Interim Period (the meaning of which is defined in Article 10). Article 10 also contains provisions that impact upon the delegation of certain Council functions - Functions of the Council – Part 3 of the Constitution during the Interim Period. During the Interim Period the details as to How the Council operates will therefore differ to that set out below.

How the Council operates

The Council is composed of 82 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 various overarching 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 also be able to exercise executive powers. 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 determined, these will normally be published on a Forward Plan, in so far as they can be anticipated. The Executive usually takes the lead in determining 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 matters which have been identified as being of particular importance, and/ or to the extent that the law requires, 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 4 Overview and Scrutiny Committees that supports the Council. The Overview and 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. Any of the Overview and Scrutiny 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' process in respect of various executive decisions that normally enables certain decisions that have been made but not yet implemented to be called in for review. The call-in process enables an Overview and Scrutiny Committee to usually make recommendations to the Leader/Executive regarding decisions that have been called-in.

Other arrangements

In addition to its Overview and Scrutiny Committees, the Council has a number of other Committees which make decisions and carry out various other audit activities. These tend to have a focus on matters of a quasi-judicial nature in respect of which the Council has responsibility. The Council also has a Health and Well-Being Board which works with external partners in relation to various health related matters.

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, town/parish councils and local communities so that issues are addressed holistically and for there to be appropriate levels of engagement in decisions. 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.

Article 10 - Interim Arrangements – Part 1 of the Constitution contains various special provisions which take precedence over aspects of certain parts of the other Articles during the Interim Period (which is defined in Article 10) Article 10 also contains provisions that impact upon the delegation of certain Council functions - Functions of the Council – Part 3 of the Constitution during the Interim Period.

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.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

- (a) **Composition.** Until the 4th day after elections in May 2019 the Council consists of 206 Members (32 of whom were previously Members of the County Council and a District/Borough Council). After that date shall consist of 82 Members, otherwise called councillors. 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.

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.

2.05 Allowances

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

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.

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) Annual Library Plan;
 - (ii) Children and Young People’s Plan;
 - (iii) Crime and Disorder Reduction Strategy;
 - (iv) Development plan documents;
 - (v) Licensing Authority Policy Statement (Gambling Act 2005);
 - (vi) Housing Allocation Policy;
 - (vii) Local Transport Plan; and
 - (viii) 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 Chairman and Vice-Chairman 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.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Appointment of Chairman and Vice Chairman

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

5.2 Responsibilities

The Chairman of Council and in his/her absence the Vice-Chairman 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 Portfolio Holders (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-Chairman of Council) as the Council and s/he determines appropriate.

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 Chairman and Vice-Chairman 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 Chairman and Vice-Chairman

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

There shall be no power to appoint substitutes to the Executive.

6.7 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 Chairman and Vice-Chairman 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.

6.8 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.

6.9 **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.

6.10 **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 Portfolio Holder role. The number of Portfolio Holder posts shall be determined by the Leader and may be varied by him/her at any time and from time to time.
- (c) A Portfolio Holder will have responsibility for one or more areas of the Council's work. The specific responsibilities for each Portfolio Holder will be decided by the Leader.

6.11 **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.

6.12 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.

6.13 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.

ARTICLE 7 – OVERVIEW AND SCRUTINY COMMITTEES

7.1 Role/Terms of Reference

- (a) The Council will appoint 4 Overview and Scrutiny Committees.
- (b) The combined role of these Overview and Scrutiny Committees will be to perform all those functions conferred on an Overview and Scrutiny Committee 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 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.
- (c) Each of the Overview and Scrutiny Committees shall have primary responsibility for different theme areas, namely:
 - (i) Health;
 - (ii) People;
 - (iii) Place; and
 - (iv) Resources.
- (d) 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 and Scrutiny Committee shall not prevent any of the Overview and Scrutiny Committees from considering any matter that may cut across different theme areas.
- (e) No Overview and Scrutiny Committee may discharge any functions other than those permitted by legislation.
- (f) In exercising or deciding whether to exercise its functions each Overview and Scrutiny Committees should have regard to any guidance for the time being issued by the relevant Secretary of State.
- (g) In the absence of any alternative joint arrangements having been entered into, the Overview and Scrutiny Committee with primary responsibility for:
 - (i) “place” shall be the Council’s Overview and Scrutiny Committee for the purposes of fulfilling the Council’s statutory duties in relation to crime and disorder;
 - (ii) “health” shall be the Council’s Overview and Scrutiny Committee for the purposes of fulfilling the Council’s statutory powers in relation to health scrutiny; and

- (iii) “people” shall be solely responsible for the performance of overview and scrutiny functions relating to education matters.

7.2 **Membership**

- (a) Each Overview and Scrutiny Committee shall consist of 10 Members including its appointed Chairman and Vice Chairman. The quorum of each Committee is 3. 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. In relation to the exercise of overview and scrutiny functions relating to education matters, the membership of “people” Overview and 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
- (b) No Overview and Scrutiny Committee shall include any Member of the Executive whilst so appointed.
- (c) 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 and Scrutiny Committee may include persons who are not Members who may both speak and vote. 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 and Scrutiny Committee may determine the appointment of its non-Members.
- (d) There shall be no power to appoint substitutes to any Overview and Scrutiny Committee.

7.3 **Appointment of Chairman and Vice Chairman**

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

7.4 **Sub-Committees**

- (a) An Overview and 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 and Scrutiny Committee may not discharge any functions other than those conferred on it by the Overview and Scrutiny Committee that appointed it.
- (c) The Chairman and Vice-Chairman of an Overview and Scrutiny Sub-Committee shall be appointed by the Sub-Committee unless the appointing Overview and Scrutiny Committee expressly determines otherwise.
- (d) Subject to any limitations that may apply an Overview and 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.

7.5 **Meetings**

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

- (b) The Chairman of each Overview and Scrutiny Committee shall have the power to call one or more special meeting(s) of Overview and Scrutiny Committee of which s/he is the Chairman.
- (c) The Chairman of an Overview and Scrutiny Committee may determine that any of its meetings should be cancelled for insufficient business.

7.6 Proceedings and Reporting

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

7.7 Call-in

- (a) Each of the Overview and Scrutiny Committees has the authority to review individual decisions and seek their Call In for reconsideration as provided for in the Overview and Scrutiny Procedure Rules – Part 2 of this Constitution.
- (b) A Chairman of one of the Overview and 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).

7.8 Delegated powers and powers to recommend

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

may delegate or refer any of its powers to any Officer(s). The discharge of the Council's health scrutiny functions to the extent as identified in the National Health Service Act 2006 and its relevant regulations shall not be delegated to any Officer

7.9 Member Interests

Where a review of a decision or action by an Overview and Scrutiny Committee includes a matter in which one or more of the Members appointed to that Overview and Scrutiny Committee participated then each such Member must declare an interest.

7.10 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.

7.11 Finance and Resources

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

ARTICLE 8 –COMMITTEES AND BOARDS

8.1 Committees / Boards

- (a) The Council has established the following Committees and Boards for the purposes of primarily undertaking the roles identified below. Various 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) Legislation allows the Council to make arrangements to progress matters on a limited geographical basis. There is considerable choice as to how this can be done including by way of Area Committee or forums. To the extent that the Council has made any non-executive area arrangements these are set out below. Further details on area arrangements can also be found in The Executive – Article 6 Part 1 of this Constitution. Some area arrangements may not be identified where they are established for a limited period or are of a transitional nature.
- (c) 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.
- (d) 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 Chairman and Vice-Chairman 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 and no later than 4pm on the working day before the meeting to which the substitution relates. In the event of advance notification not being provided/received 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.
- (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 Chairman and Vice-Chairman**

The Chairman and Vice-Chairman 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) The Chairman of the Appeals Committee shall have the power to call one or more special meeting(s) of the Appeals Committee.
- (c) The Chairman 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 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 Chairman and Vice-Chairman

- (a) The Chairman and Vice-Chairman of the Audit and Governance Committee shall be appointed by Full Council unless Full Council otherwise determines.
- (b) The Chairman of the Audit and Governance Committee shall be from the largest political party that is different to that of the Leader.

8.12 Meetings

- (a) The number of ordinary meetings of the Audit and Governance Committee each year will normally be determined by Full Council.
- (b) The Chairman 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 Chairman of the Audit and Governance Committee may determine that a meeting should be cancelled for insufficient business.

8.13 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.

8.14 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 COMMITTEE

8.15 Role/Terms of Reference and Membership

- (a) The Harbours Committee shall be primarily responsible for 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 Committee shall have the power to determine income and expenditure matters relating to the harbours for which it is responsible but:

- (i) in the case of income, only to the extent that Full Council has expressly resolved that such matters may be determined by the Harbours Committee; and
 - (ii) in the case of expenditure only up to its budget.
- (c) The Harbours 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 Committee shall be no less than 3 persons appointed to the Harbours 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 Committee.
- (f) Arrangements shall be made to identify a designated person in relation to the Port Marine Safety Code in connection with the harbours. Such person shall be the Proper Officer identified as having the powers for such purposes in the Officer Scheme of Delegations – Part 3(2) of the Constitution or such other arrangements as the Council may from time to time decide.

8.16 Duty Holder in relation to Harbours

The Harbours Committee 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.

8.17 Appointment of Chairman and Vice-Chairman

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

8.18 Meetings

- (a) The number of ordinary meetings of the Harbours Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Harbours Committee shall have the power to call one or more special meeting(s) of the Harbours Committee.
- (c) The Chairman of the Harbours Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No person shall sit as a member of the Harbours Committee unless s/he has received Port Marine Safety training provided to that person for this purpose.

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

8.19 Delegated powers and powers of recommendation of the Harbours Committee

- (a) The Harbours 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 Harbours Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

HEALTH AND WELLBEING BOARD

8.20 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.
- (b) The Health and Wellbeing Board will consist of 18 persons made up of:
 - (i) 3 Members (all of whom shall be nominated by the Leader, of which 1 may be the Leader);
 - (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) 7 NHS representatives made up of 3 from Locality Executive Teams (GPs), 1 from the Dorset Clinical Commissioning Group Board, the Clinical Commissioning Group Accountable Officer; 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.

8.21 **Appointment of Chairman and Vice-Chairman**

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

8.22 **Meetings**

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

8.23 **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

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

- (a) The 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 Licensing Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by any legislation (e.g. the Licensing Act 2003 and the Gambling Act 2005). In such cases, the Licensing Committee may arrange for the discharge of any of those functions as it sees fit provided it is in accordance with the law. Where the Licensing Committee makes arrangements for the discharge of its functions it shall without delay seek to notify the Head of Paid Service. The Constitution sets out the current position with regard to such matters.
- (c) The Licensing 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.
- (d) The Licensing Committee will consist of 15 Members appointed by Full Council.
- (e) The quorum of the Licensing Committee shall be 3.

8.25 Appointment of Chairman and Vice-Chairman

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

8.26 Meetings

- (a) The number of ordinary meetings of the Licensing Committee each year will normally be determined by Full Council.
- (b) The Chairman of Licensing Committee shall have the power to call one or more special meeting(s) of the Licensing Committee.
- (c) The Chairman of Licensing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No Member shall sit as a member of the 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 Licensing Committee.

8.27 Licensing Sub-Committees

- (a) At its first meeting after each Annual Council the Licensing Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective operation of the Council's licensing duties.

- (b) Where more than one Licensing Sub-Committee has been appointed they shall sit in rotation. Each 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 Licensing Sub-Committee from the membership of the Licensing Committee.
- (d) For the avoidance of doubt, all Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.28 Delegated powers and powers to recommend of the Licensing Committee

- (a) The Licensing 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 Licensing 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).

PENSION FUND COMMITTEE

8.29 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.

8.30 Appointment of Chairman and Vice-Chairman

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

8.31 Meetings

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

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

8.32 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

8.33 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 of the Dorset Council in accordance with the appropriate procedures set out in the Officer Employment and Disciplinary Procedure Rules – Part 5 of the Constitution;
 - (ii) undertaking the selection process for the appointment and making the appointment and dismissal of any other statutory Chief Officer or Deputy Chief Officer of the Dorset Council in accordance with the appropriate procedures set out in the Officer Employment and Disciplinary Procedure Rules – Part 5 of the Constitution;
 - (iii) hearing and determining any appeals by the Head of Paid Service, Chief Finance Officer, Monitoring Officer, statutory Chief Officers and Deputy Chief Officers under the Dorset Council policies and procedures;
 - (iv) hearing and dealing with disputes registered with the Dorset Council by recognised Trade Unions.
- (b) The membership shall comprise the Chairman and Leader of the Dorset Council or their nominees and three other members to be nominated by

the Group Leaders on each occasion (one of whom should be the relevant Cabinet member).

- (c) The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 provide that the Head of Paid Service, Monitoring Officer and Chief Finance Officer may not be dismissed unless a procedure set out in the regulations has been followed. That procedure includes obtaining advice from a panel, the membership of which must include independent persons appointed under section 28(7) of the Localism Act 2011. Accordingly, in relation to these officers the Staffing Committee may not impose the sanction of dismissal as this is a matter for the Full Council.

8.34 Appointment of Chairman and Vice-Chairman

The Chairman of the Staffing Committee shall be the Leader if appointed to the Staffing Committee. Full Council shall be responsible for the appointment of the Chairman in any other case and also Vice-Chairman unless Full Council otherwise determines.

8.35 Meetings

- (a) The number of ordinary meetings of the Staffing Committee each year will normally be determined by Full Council.
- (b) The Chairman of the Staffing Committee shall have the power to call one or more special meeting(s) of the Staffing Committee.
- (c) The Chairman of the Staffing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) There shall be no power to appoint substitutes to the Staffing Committee or to any Staffing Sub-Committee.

8.36 Delegated powers and powers of recommendation of the Staffing Committee

- (a) The Staffing 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 Staffing Committee and any of its Sub-Committees can delegate any of their powers to any Officer.

STRATEGIC AND AREA PLANNING COMMITTEES

8.37 Role/Terms of Reference and Membership

- (a) The Council has 1 Strategic 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) 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 including any application and/or any enforcement issue in relation to:

- (i) town and country planning;
- (ii) rights of way including the definitive map; and
- (iii) highway matters,

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

- (c) An Area Planning Committee shall deal with only those matters (and in the case of an application whose red line) falls wholly within their area. The current boundaries of each of the Area Planning Committees can be found as an appendix to this article. In the event of any uncertainty / dispute as to whether an application falls to be determined by the Strategic 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 Chairman of the Strategic Planning Committee shall be final.
- (d) The Strategic 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.
- (e) 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.
- (f) The quorum of the Strategic Planning Committee and each Area Planning Committee shall be 6 Members.

8.38 Appointment of Chairman and Vice-Chairman

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

8.39 Meetings

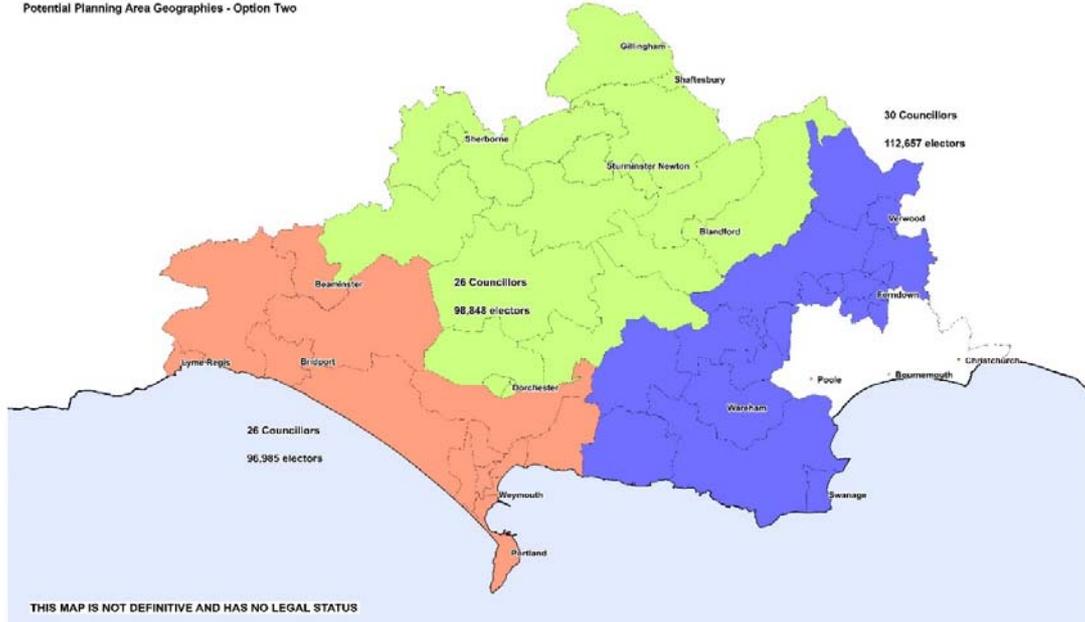
- (a) The number of ordinary meetings each year of the Strategic Planning Committee and every Area Planning Committee will normally be determined by Full Council.
- (b) The Chairman of the Strategic Planning Committee and each Area Planning Committee shall have the power to call one or more special meeting(s) of the Committee of which s/he is the Chairman.
- (c) The Chairman of the Strategic 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 Chairman 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 Planning Committee and any Area Planning Committee may only be appointed from any of the Area Planning Committees.

8.40 Delegated powers and powers to recommend of the Strategic Planning Committee and each Area Planning Committee

- (a) The Strategic 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 Planning Committee and each of Area Planning Committees; and
 - (ii) unless limited by the creating Strategic Planning Committee or the Area Planning Committee (as the case may be), any Sub-Committee of the Strategic 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 - Option Two



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

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

Ref:	10/09/2019
Date:	10/09/2019
Scale:	1:353550
Drawn By:	
Cent X:	377185
Cent Y:	161281

GEOGRAPHICAL INFORMATION SYSTEMS
Dorset County Council
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ARTICLE 9 – STANDARDS

9.01 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.

9.02 Complaints against Members

- (a) The Council has adopted a complaint process which will usually be followed in relation to new and any outstanding complaints against Members. This process will also normally be followed in relation to investigations which the Council is required to undertake in respect of any alleged breaches by Parish and Town 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.

ARTICLE 10 – INTERIM ARRANGEMENTS/COMMUNITY ENGAGEMENT

10.1 Introduction

- (a) Part 1 of this Article shall only apply during the Interim Period. For the purposes of this Article “the Interim Period” is the period 1 April 2019 to 6 May 2019 inclusive.
- (b) Part 2 of this Article shall apply from the expiry of Part 1 and shall continue to apply at all times thereafter.

PART 1 INTERIM ARRANGEMENTS

10.2 Interim Period definitions

In this Article:

- (a) “Predecessor Council” means a council dissolved on 1st April 2019 by article 9 of the Order;
- (b) “the Order” means The Bournemouth, Dorset and Poole (Structural Changes) Order 2018; and
- (c) “the Shadow Dorset Council” means the shadow authority for the purposes of Part 6 of the Order.

10.3 Interim Arrangements

- (a) During the Interim Period the other provisions of the Constitution will be modified by the arrangements in this Article.
- (b) If there is any uncertainty about the interpretation or application of this Article, the decision of the Monitoring Officer shall be determinative.

10.4 Executive

- (a) Unless replaced in accordance with the Order:
 - (i) the Leader shall be the leader of the Shadow Dorset Council as at 31st March 2019;
 - (ii) the Executive shall consist of 20 Members made up of the Leader and 19 Executive Members being those Members who as at 31st March 2019 made up the shadow executive committee as defined in the Order; and
 - (iii) each Executive Member shall be a portfolio holder with the portfolio held by him/her as at 31st March 2019, or such other portfolio as the Leader may at any time determine.

- (b) The quorum of a meeting of the Executive shall be the same as for the shadow executive committee of the Shadow Dorset Council.
- (c) The Leader will maintain an up to date list of executive arrangements during the Interim Period relating to:
 - (i) the Deputy Leader who shall also be identified by the Leader in that list;
 - (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.

10.5 **Licensing Committee**

No Member appointed to the Licensing Committee shall take part in any meeting of the Licensing Committee unless either:

- (a) they have received licensing training provided for the purpose of participating in this Licensing Committee; and/or
- (b) were appointed to a licensing committee of a Predecessor Council as at 31st March 2019.

10.6 **Overview and Scrutiny Committee**

- (a) The Council shall only have 1 Overview and Scrutiny Committee consisting of 16 Members during the Interim Period.
- (b) The Overview and Scrutiny Committee shall have the powers of all 4 Overview and Scrutiny Committees identified in Article 7 - The Overview and Scrutiny Committee – Part 1 of the Constitution and Functions of the Council – Part 3(1) of the Constitution.
- (c) Unless the Council determines otherwise, the Chairman, Vice-Chairman and membership of Overview and Scrutiny Committee shall be those Members who as at 31st March 2019 were appointed to those posts by the Shadow Dorset Council.
- (d) The quorum of a meeting of the Overview and Scrutiny Committee shall be the same as the quorum of the overview and scrutiny committee of the Shadow Dorset Council.

10.7 Planning Committee

- (a) The Council shall have 1 Planning Committee consisting of 12 Members.
- (b) The Planning Committee shall have all the powers of the Strategic Planning Committee and the 3 Area Planning Committees identified in Article 8 – Committees and Boards – Part 1 of the Constitution and Functions of the Council – Part 3(1) of the Constitution.
- (c) The quorum of a meeting of the Planning Committee shall be 6 Members.
- (d) Unless the Council determines otherwise:
 - (i) the membership of the Planning Committee shall be as determined by the Shadow Dorset Council; and
 - (ii) the Chairman and Vice Chairman of the Planning Committee shall be such Members as are appointed by the Shadow Dorset Council, or if not so appointed shall be such persons as the Planning Committee itself shall determine.
- (e) No Member appointed to the Planning Committee shall take part in any meeting of the Planning Committee unless either:
 - (i) they have received planning training provided for the purpose of participating in this Planning Committee; and/or
 - (ii) were appointed to a planning committee of a Predecessor Council as at 31st March 2019.

10.8 Senior Appointment and Dismissal Committee

- (a) During the Interim Period the Council shall have 1 Senior Appointment and Dismissal Committee consisting of 8 Members instead of a Staffing Committee.
- (b) The Senior Appointment and Dismissal Committee shall have the following powers of the Staffing Committee:
 - (i) to determine the appointment of any Officer post as may be provided for in accordance with any relevant policy of the Council;
 - (ii) 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; and

- (iii) 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 and the amount of any discretionary compensation, additional pension or any other discretionary payment that may be available should be paid to an Officer upon the cessation of his/her employment; and
 - (D) the terms of any agreement relating to any cessation of employment of any Officer.
- (c) The quorum of a meeting of the Senior Appointment and Dismissal Committee shall be 5 Members.
- (d) There shall be no power to appoint substitutes to the Senior Appointment and Dismissal Committee.
- (e) Unless the Council determines otherwise:
 - (i) the membership of the Senior Appointment and Dismissal Committee shall be as determined by the Shadow Dorset Council; and
 - (ii) the Chairman and Vice Chairman of the Senior Appointment and Dismissal Committee shall be such Members as are appointed by the Shadow Dorset Council, or if not so appointed shall be such persons as the Senior Appointment and Dismissal Committee itself shall determine.

10.9 **School Transport Appeals Committee**

- (a) During the Interim Period the Council shall have 1 School Transport Appeals Committee consisting of 8 Members.
- (b) The School Transport Appeals Committee shall have those powers of the Appeals Committee identified in Article 8 – Committees and Boards – Part 1 of the Constitution and Functions of the Council – Part 3(1) of the Constitution relating to:
 - (i) the determination of any appeal concerning the provision of school transport; and
 - (ii) the approval (with or without modification) of any protocol or procedure in connection with any such appeal.

- (c) No Member determining an appeal relating to school transport shall have had previous involvement in any determination relating to that matter.
- (d) There shall be no power to appoint substitutes to the School Transport Appeals Committee.
- (e) The quorum of a meeting of the School Transport Appeals Committee shall be 3 Members.
- (f) Unless the Council determines otherwise:
 - (i) the membership of the School Transport Appeals Committee shall be as determined by the Shadow Dorset Council; and
 - (ii) the Chairman and Vice Chairman of the School Transport Appeals Committee shall be such Members as are appointed by the Shadow Dorset Council, or if not so appointed shall be such persons as the School Transport Appeals Committee itself shall determine.

PART 2 – COMMUNITY ENGAGEMENT

- 10.10 The Council is committed to ensuring effective and efficient engagement with its community and citizens.
- 10.11 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.
- 10.12 The Council recognises that differing aspects of local government may require more than one mechanism for consultation and delivery. The Council will therefore create appropriate systems which will include provision for Area Forums and other arrangements.
- 10.13 To the extent that community engagement mechanisms developed for the purposes of this Article involve the creation of any Committee and/or the referral/delegation of any powers then arrangements will be put in place to maintain a list of such mechanisms and that list shall be deemed to form part of the Constitution.

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 DORCHESTER MARKETS INFORMAL JOINT PANEL

- (a) This Panel will carry out its functions subject to the Lease dated 26 June 2001 to T. Ensor and Son (Dorchester) Limited and any subsequent variation, renewal or replacement of that Lease.
- (b) Constitution. Six (6) elected members to be appointed by the Dorchester Town Council. Eight (8) Members of the Council, of whom two (2) should represent wards wholly or mainly within the area of the former Dorchester Borough Council (except where such appointment would result in an appointee being a member of the town council). Where such an appointee subsequently becomes a member of the Dorchester Town Council that member shall cease to be a member of the Informal Joint Panel and Dorset Council shall then consider the appointment of an alternative member not being a member of the town council.
- (c) Previous operational duties of the Panel (now currently exercised by T. Ensor and Son (Dorchester) Limited under the terms of their Lease)
 - (i) 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 1st October 1978.
 - (ii) Hours of opening.
 - (iii) Arrangement of stalls.
 - (iv) Agreements and licences for market tenants.
 - (v) Insurance pertaining to Market days.

- (d) Duties of the Panel that are still to be exercised by the Panel
 - (i) Appointment to the posts of Clerk of the Markets and Deputy Clerk of the Markets and other markets personnel.
 - (ii) 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.
 - (iii) Frequency of meetings and times.
- (e) Duties of the Panel that are now to be exercised in conjunction with Dorset Council or Town Council
 - (i) Grant or renewal of leases, tenancies, etc. for periods not exceeding 3 years.
 - (ii) Matters affecting food hygiene and food safety. (NB: Subject to the powers and duties of Dorset Council under the relevant statutes and at common law).
 - (iii) Extension of days on which markets operate.
 - (iv) Arrangements for market and car parks on market days.
 - (v) Financial regulations and audit.
 - (vi) the making of byelaws and regulations governing the use of the market.
 - (vii) Prosecution under market byelaws and legal proceedings within the purview of the committee subject to proper legal advice.
 - (viii) Insurance pertaining to non-Market days.

11.6 THE STOUR VALLEY AND POOLE PARTNERSHIP JOINT COMMITTEE

- (a) The Stour Valley Partnership Joint Committee (“the SVPPJC”) is established between the Council and Bournemouth Christchurch and Poole Council (“the Participating Councils”). In the case of this Council, Members are Executive Members.
- (b) The constitution of the SVPPJC is set out in the Stour Valley and Poole Partnership Agreement of 1 April 2014 and as amended.
- (c) The functions delegated to the SVPPJC by the Participating Councils are set out in the Delegated Functions Pro forma attached to the Collaboration Agreement, which are as follows. Save as otherwise mentioned the SVPPJC's functions shall comprise the statutory functions of each of the Participating Councils under each of the following enactments (which for

the avoidance of doubt shall include any modification or re-enactment of the same and all subordinate legislation made under the relevant enactment):

- (i) Collection of Local Taxes - Local Government Finance Act 1992;
 - (ii) Business Rates - Local Government Finance Act 1988;
 - (iii) Housing Benefits - The Social Security Contributions and Benefits Act 1992 ;
 - (iv) Sundry debtor recovery;
 - (v) On-street and off-street parking enforcement – Bournemouth Christchurch and Poole Council only;
 - (vi) Local Government Act 1972 s.111, in so far as its use is calculated to facilitate or is incidental or conducive to the discharge of any of the functions referred to in paragraphs (a) and (b) of paragraph 9 of Part II of this Appendix; and Local Government Act 2000 s.2, in so far as its use relates to the promotion or improvement of the economic, social and/or environmental well-being of the whole of the Participating Councils areas or any part thereof in respect of matters directly related to the discharge of the functions delegated.
- (d) In performance of the statutory functions referred to in Part I the SVPPJC shall also undertake the following activities on behalf of the Participating Councils:
- (i) manage contracts for the delivery of a revenues and benefits service across the administrative areas of the Participating Councils;
 - (ii) supervise and monitor the Responsible Council and the Head of Revenues and Benefits in the performance of their duties and functions under the Collaboration Agreement;
 - (iii) approve and implement the Business Plan;
 - (iv) approve and implement the annual action plan;
 - (v) seek to influence and advise central government on revenues and benefits policies;
 - (vi) commission research and associated public opinion surveys etc. on revenues and benefits;
 - (vii) ensure that the legal and statutory functions delegated to it by the Participating Councils are being discharged effectively;

- (viii) liaise with the Head of Revenues and Benefits to ensure that a strategic policy for revenues and benefits is formulated and approved;
- (ix) assist the Participating Councils in meeting their respective responsibilities (including but not limited to) under the Local Government Act 1999 (best value duty); Local Government Act 2003 (duties under the Code of Practice for Workforce Matters); and
- (x) authorising Officers under the Local Government Act 1972 section 223, Local Government Finance Acts 1998 and 1992 and any other enactments directly or indirectly relating to the delegated functions and activities of the Stour Valley Partnership Joint Committee, to act on behalf of each of the participating councils in relation to the exercise of the whole or any part of such functions and activities, including in particular but without prejudice to the generality of the foregoing: to appear on behalf of the participating councils or any one or more of them in recovery proceedings for Council Tax and Non-Domestic Rates; to sign completion notices for Council Tax and NNDR purposes; and to sign Attachment of Earnings Orders for Council Tax.

Terms of Reference

- (e) The SVPPJC will be responsible for:
 - (i) The delivery of those delegated functions that the Participating Councils have agreed should be delivered through the SVPPJC within the budget and to the agreed standards as set out in Appendix E of the relevant Delegated Function Proforma;
 - (ii) making recommendations on changes to service standards, significant investment in Information Technology or other assets; and the performance of services for third parties; and
 - (iii) ensuring all Participating Councils remain fully informed and engaged.

Proceedings of SVPP Joint Committee

- (f) the proceedings of the SVPPJC can be found in the Stour Valley and Poole Partnership Agreement of 1 April 2014.

11.8 **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.

11.9 TRICURO EXECUTIVE SHAREHOLDER GROUP

- (a) Terms of reference: the purpose of the Executive Shareholder Group (“ESG”) is to act on behalf of the shareholder Councils – Dorset Council and Bournemouth Christchurch and Poole Council) in scrutinising performance against the care contract and Business Plan, review value for money and investment plans, define the strategic direction of Tricuro Support Limited and Tricuro Limited, review risks and approve reserved matters (listed within the Shareholders’ Agreement). The terms of reference are set out below.
- (b) Membership: the ESG will have a membership consisting of 10 Elected Members; 5 from Dorset Council and 5 from Bournemouth Christchurch and Poole Council.
- (c) The chairperson of the ESG shall be selected from the members of ESG and shall rotate between a member nominated by each of the Councils on an annual basis.

11.10 DORSET LOCAL ENTERPRISE PARTNERSHIP

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

11.11 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. 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 partner 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 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

11.12 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

11.13 PENSION BOARD

Role/Terms of Reference and Membership

- (a) The 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 Pension Board shall not have any responsibility for any operational investments of any pension scheme.
- (c) The Pension Board will consist of 6 persons consisting of 3 member representatives and 3 employer representatives. Of the 3 employer representatives, 1 shall be a nominated representative of Dorset Council, 1 shall be nominated by Bournemouth, Christchurch and Poole Council and 1 by the remaining scheme employers. 1 of the 3 member representatives shall be from a trade union recognised by Dorset Council and Bournemouth, Christchurch and Poole Council.
- (d) The quorum of the Pension Board shall be 4 persons made up of an equal number of member representatives and employer representatives.
- (e) Save to the extent that the law expressly allows, the Pension Board cannot appoint any Sub-Committee.

11.14 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.
- (g) 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).

11.15 **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.

11.16 **CHILDREN OUT OF SCHOOL MANAGEMENT COMMITTEE**

Terms of Reference:

- (a) In relation to the Children Out of School Service;
- (b) To be consulted on all major policies and procedures for the Service (including attendance, behaviour, admission and curriculum);
- (c) To ensure compliance with relevant Council protocols and policies;
- (d) To adopt the 'support and challenge' function similar to a school governing body;
- (e) To be consulted on any significant inspection process e.g. OfSTED;
- (f) To report as necessary to the Director for Children's Services, and at least annually.

Membership:

Elected members (2)
Headteachers of maintained school (2)
Education Psychologist (1)
Head of Children Out of School Service (1)
Representative of the Connexions Service (1)
Representative of the Education Welfare Service (1)
Representative from the Lifelong Learning Service (1)
Representative from a local Further Education College (1)
Representative of the Health Service (1)
Parent representative (1)
Member of the Children Out of School Service staff (1)

Representative from the Dorset Youth Offending Team (1)
Representative from the Bournemouth, Dorset and Poole Learning Skills
Council (1)

11.17 **DORSET COMMUNITY SAFETY PARTNERSHIP**

Terms of Reference:

- (a) The purpose of the Community Safety Partnership is to deliver safer communities as set out in the Crime and Disorder Act 1998 and relevant legislation. In doing this the partnership will co-ordinate community safety activity in Dorset at a strategic level; to reduce crime and the fear of crime, to address the risk, threat and harm to victims and local communities, and also to facilitate the strengthening of Dorset's communities in the delivery of local initiatives.
- (b) To do this the Community Safety Partnership will:
 - i) Be a partnership body accountable for the delivery of safer communities including duties placed upon it by the Crime and Disorder Act 1998 and subsequent legislation in a transparent and open way.
 - ii) Deliver the functions related to the duties through the most relevant group within the overall community safety partnership structure.
 - iii) Develop strong linkages to local community safety partnerships and other partnerships/groups with similar objectives including the Partnership Co-ordinating Groups (PCGs) to assist in the delivery of local delivery priorities.
 - iv) Develop appropriate mechanisms for the engagement of communities in tackling crime and fear of crime and accountability of community safety partners to the community.
 - v) Hold partners accountable under section 17 of the Crime and Disorder Act 1998 for access to and use of resources and skills needed to mainstream community safety issues. This will include advice and recommendations to individual partners in appropriate circumstances. In this regard to ensure the effective and lawful share of information between partners about Dorset and its people to tackle crime.
 - vi) Monitor performance against community safety priorities at a local level and hold Partnership Co-ordinating Groups (PCGs) to account for delivery.
 - vii) To be responsible for reporting and explaining performance against a performance management framework across the Dorset Council area at the pan-Dorset Community Safety & Criminal Justice Board (CSCJB).
 - viii) To be sighted on emerging threats and issues in Dorset and bring these to the attention of the Community Safety and Criminal Justice Board (CSCJB) as required.

- ix) To meet the requirements of the Domestic Violence, Crime and Victims Act (2004) as amended and statutory guidance in relation to domestic homicide reviews (DHRs)
 - x) Contribute to the implementation of the Dorset Safeguarding Adults Board (SAB) and Local Safeguarding Children's Board Strategies by ensuring that all work undertaken by the CSP demonstrates clear links with the wider safeguarding agenda.
 - xi) Publish an annual Community Safety Plan, setting out the priorities for tackling crime and disorder and the projects being implemented.
- (c) Statutory Duties: Legislation places a number of statutory duties on CSPs. Although the Dorset CSP retains accountability for these, it utilises the pan-Dorset Community Safety & Criminal Justice Board to deliver some of them on its behalf (as detailed at 11.18 below).

Membership:

Core:

- (i) Dorset Council
- (ii) Dorset Police (Superintendent)
- (iii) Dorset Clinical Commissioning Group
- (iv) Dorset and Wiltshire Fire and Rescue Authority
- (v) Dorset, Devon and Cornwall Community Rehabilitation Company
- (vi) National Probation Service

The quorum for meetings of the CSP shall be 3 core members

Other members:

- (i) Other community safety partners such as the Youth Offending Service, Public Health, Adult and Children's Services, Office of the Police and Crime Commissioner, Dorset Association of Town and Parish Councils and Dorset and Wiltshire Fire and Rescue Service are invited to attend meetings of the Dorset CSP if they wish.
- (iii) A representative from each of the PCGs and lead officers for theme areas will be required to attend meetings in order to explain performance and actions.
- (iii) Members of the group will be supported by officers as required.

11.18 COMMUNITY SAFETY AND CRIMINAL JUSTICE BOARD (CSCJB)

Terms of Reference:

- (a) The purpose of the Community Safety & Criminal Justice Board is to coordinate the activity of community safety and criminal justice partners at a strategic level. The priority is to reduce and prevent crime, anti-social behaviour and the fear of crime and increase confidence in the Criminal Justice System.

- (b) To strengthen the relationship between the three Community Safety Partnerships and the local Criminal Justice Board and formulate joint strategic approaches to shared community safety and criminal justice issues;
- (c) To prepare a single Partnership Strategic Assessment covering the Dorset, Poole and Bournemouth areas and prepare and implement a shared Community Safety Plan;
- (d) To act as a mechanism to take forward pan-Dorset projects and initiatives including overseeing the development and implementation of strategies to address domestic abuse and sexual violence and work to deliver the Prevent agenda;
- (e) To take forward work to reduce re-offending across the pan-Dorset area including formulating and implementing a strategy for reducing reoffending;
- (f) To ensure good performance against key priorities and targets;
- (g) To meet minimum standards of community consultation and engagement on issues of crime and disorder;
- (h) To ensure that an information sharing protocol is in place and that each responsible authority has a designated information sharing liaison officer to promote and facilitate information sharing;
- (i) To promote compliance and seek to ensure that section 17 of the Crime and Disorder Act 1998 obligations are met by the relevant authorities;
- (j) To act as a link to Dorset's Police and Crime Commissioner facilitating the fulfilment of his/her statutory responsibilities in relation to Community Safety Partnerships.
- (k) To share good practice, explore and identify further opportunities to work together, share resources and expertise.
- (l) To contribute to the implementation of the both the Safeguarding Adults Board (SAB) and Local Safeguarding Children's Board Strategies by ensuring that all work undertaken by the CSCJB demonstrates clear links with the wider safeguarding agenda.

Membership:

The membership of the CSCJB will be:

- Core Membership (voting);
- Bournemouth, Christchurch and Poole Council 4

- Dorset Council 4
- Dorset Police 1
- Dorset Fire Authority 1
- Clinical Commissioning Group 1
- Community Rehabilitation Company 1
- National Probation Service 1
- Police and Crime Commissioner 1
- Dorset Fire and Rescue Service 1
- Regular Attendees (non-voting)
- Dorset Criminal Justice Board 2
- Public Health 1
- Drug and Alcohol Action Teams 1
- Youth Offending Teams 1
- Voluntary and Community Sector 1
- Adults Safeguarding Board 1
- Children's Safeguarding Board 1
- Dorset Civil Contingencies Unit 1

11.19 **COMPLAINTS REVIEW PANEL (statutory)**

Terms of Reference:

To consider representations (including complaints) made in respect of the discharge of social services functions or about any failure to discharge those functions, and to make recommendations to the Director for Adult and Community Services or Director for Children's Services (or the officers for the time being with such responsibilities) on any matters arising from a review.

Membership:

3, consisting of either:

- (i) ordinarily no less than two independent persons sitting with one elected member of the relevant Overview and Scrutiny Committee as applicable; or
- (ii) subject in each individual case to the agreement of the Chairman and Vice-Chairman of the Standards Committee, three independent persons where:
 - the Council has or could be deemed to have a financial interest in the outcome of the complaint; or
 - the Council's public reputation is likely to be affected by the outcome of the complaint; or
 - other circumstances exist which, in the opinion of the Director for Adult and Community Services or Children's Services (or the officers for the time being with such responsibilities), render it appropriate.

- (c) An independent person will always be the Chairman. A member of the relevant Scrutiny Committee will be drawn from a list of six members.

11.20 **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 the voice of children and young people influence 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 Lead Member 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.

11.21 **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 (eg. 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.

11.22 **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.

11.23 **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 Bournemouth, Dorset and Poole.
- (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.

11.24 **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.

11.25 **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

11.26 **COUNCIL FARMS LIAISON PANEL**

Terms of Reference:

- (a) To discuss policies and issues relating to the Council Farms Estate.
- (b) To provide the members for a Council Farms Interview Panel to select tenants for Council Farms on an ad-hoc basis. All members of the Panel are required to undertake appropriate training so that they can sit upon Interview Panels. These will comprise:
 - (i) in the case of starter farms, four members of the Liaison Panel, two being elected members, one of whom should be either the Chairman or Vice-Chairman if possible, and where possible the

Council Farms Tenants' Association representative and one other non-elected representative;

- (ii) in the case of Promotion Farms, three members of the Panel, two of these being elected members, one of whom should be either the Chairman or Vice-Chairman if possible, and one other non-elected representative other than the Council Farms Tenants' Association representative.

Membership:

- Members of the Council
 - 1 representative of the Council Farms Tenants' Association
 - 1 representative of the National Farmers' Union
 - 1 representative of the Country Landowners' Association
 - 1 representative of the Dorset Advisory Service (or an organisation with similar objectives)
- (c) In appropriate cases, the Transport and General Workers' Union will be consulted by the Principal Land Agent when the Liaison Panel is considering a policy which may have an impact on the Union's members.

11.27 **DORSET AONB PARTNERSHIP BOARD**

Terms of Reference:

- (a) To ensure the development and adoption of a statutory management plan for the Dorset AONB as required by the Countryside and Rights of Way Act 2000, by April 2004.
- (b) To develop and promote a vision for the Dorset AONB.
- (c) To co-ordinate and endorse the production and implementation of the Dorset AONB 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 AONB.
- (f) To accommodate new requirements resulting from changes in national legislation and policy relevant to the Dorset AONB.
- (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 AONB 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).

11.28 **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.

11.29 **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.

11.30 **LEARNING DISABILITY 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 Members

11.31 **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.

11.32 **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 Executive 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);

11.33 **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 neighbouring authorities in strategic planning matters where there are cross boundary issues and ensuring the legal duty to cooperate is met.

11.34 **JOINT ARCHIVES ADVISORY BOARD**

1. The Joint Archives Advisory Board will:-
 - (a) oversee the management delivery of the Archives Service in Dorset.
 - (b) consider and recommend plans and budget for the service.
 - (c) monitor and review the service delivery, performance and quality against approved plans and budgets.
2. Membership:
8, consisting of 4 members appointed by Dorset Council and 4 from Bournemouth, Christchurch and Poole Council. Provision is made for substitute members to attend to ensure constituent authorities are represented at meetings of the Board.

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) Executive Directors (x4);
- (iii) Corporate Director (x1) and
- (iv) Shared Director of Public Health.

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 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) 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 and Scrutiny Committees

To the extent they are relevant, meetings of the Overview and Scrutiny Committee 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.

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) Officer responsible for 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) the shared Director of Public Health;
- (f) a Head of Service; and

- (g) such other Officer as may be provided for pursuant to the Officer Scheme of Delegations – Part 3(2) of the Constitution,

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 Unit]. 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 Officer responsible for 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.

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 Chairman of the Audit and Governance Committee (or in the absence of the Chairman, Vice-Chairman 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.

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;
- (iv) Overview and Scrutiny Procedure Rules; and
- (v) Financial Regulations including the Contract Procedure Rules.

16.2 Interpretation

The ruling of the Chairman 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 Proper 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.