CONSTITUTION OF BOURNEMOUTH BOROUGH COUNCIL

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This Constitution is the governing document of Bournemouth Borough Council. It is divided into 6 Parts:

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KKN amendments 8 October 2014
Constitution of Bournemouth Borough Council

PART 1

INTRODUCTION AND SUMMARY

This Part contains an introduction to Bournemouth Council, providing general information about the borough, and a Summary of this Constitution.
Constitution of Bournemouth Borough Council

PART 1

INTRODUCTION
AND
SUMMARY

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Constitution of Bournemouth Borough Council

Part 1 - Introduction and Summary

Introduction

Our Borough

Bournemouth lies in a sheltered bay with seven miles of sandy beaches. It covers an area of 18 square miles and has over 2,000 acres of parks and gardens. Bournemouth is also a major centre for conferences. An international airport lies close to the northeast of the town. The New Forest National Park and the World Heritage Jurassic Coast are close by. The town is home to 164,000 people and attracts over 5 million visitors each year.

Our Council

The borough is divided into 18 named areas called wards. The wards are shown on the map below:
Every 4 years, the people who are registered to vote in each ward elect 3 councillors to represent the people that live and work in their ward. Bournemouth Council is made up of the 54 elected councillors. It is classified as a single tier unitary council and is responsible for managing the following services in the borough:

- Education
- Environmental Health
- Fire
- Housing
- Highways
- Leisure & Recreation
- Libraries
- Passenger Transport
- Planning applications
- Revenue collection
- Social Services
- Strategic Planning
- Transport planning
- Waste collection
- Waste Disposal

Our Main Priorities

The Council has the following main priorities:

- An efficient Council
- Community Action
- An Improving Environment
- A Thriving Economy
The plans that the Council has to achieve these aims are set out in its Corporate Plan and Service Plans. The Council’s Service Plans set out how each service is working to achieve the priorities.

**Our Councillors**

Each Councillor represents people and businesses in a ward. The job of your Councillor is to represent you even if you didn’t vote for him or her.

Councillors follow a Code of Conduct to make sure they maintain high standards in the way that they carry out their role. The Council’s Standards Committee promotes high standards of conduct, provides advice and training and deals with allegations that a Member has breached the Code of Conduct.

**Our Council Meeting**

All Councillors meet together regularly at Full Council meetings. The meetings are normally open to the press and public. The Full Council meeting decides overall policies and sets the Budget each year. The Full Council meeting also appoints the Mayor and the Leader of the Council.

**Our Standards**

To ensure that the Council and Councillors maintain good standards of conduct and performance the Council has a Standards Committee to help Councillors and others acting on behalf of the Council achieve and maintain high standards of behaviour and act in accordance with the Local Code of Conduct which they volunteer to comply with. Complaints about Councillors’ behaviour can be made using the Council’s Complaints procedure. The Council’s Audit and Governance Committee makes sure that the Council has good arrangements for managing money and risk and that the financial arrangements and processes are carried out properly.
Our Overview and Scrutiny Panels

Overview and Scrutiny Panels support the work of the Cabinet and the Council as a whole. The structure consists of six Overview and Scrutiny Panels, and from time to time, Task and Finish Groups. The Panels help the Cabinet and the Council review current policies and develop new policies. They monitor the decisions of the Cabinet and can ‘call in’ a decision that has been made but not yet carried out. They also check the performance of the Council’s services, for example, the Health Overview and Scrutiny Panel checks on how health services are provided in Bournemouth.

The Panels also hold public enquiries into issues of local concern which allow residents, local businesses and visitors to have a greater say in Council matters. The Panels report to the Council and Cabinet on their findings.

Our Statutory Boards

Statutory Boards deal with individual applications, for example, planning and licensing applications or appeals. They are all accountable to the Council meeting.

Our Political and Officer Leadership

The Leader of the Council is responsible for the political leadership of the Council and is the Chairperson at Cabinet meetings. The Leader of the Council chooses up to 9 Councillors, including the deputy Leader who each has responsibility for special areas of the Council. The Cabinet can only make decisions within the scope of the overall Budget and Key Policy Framework set by the Full Council. If the Cabinet wants to make a decision outside the Budget and Key Policy Framework then this must be agreed at a meeting of Full Council as set out in the relevant Procedure Rules.

Our Mayor

The Mayor is the non political and ceremonial representative of the Council and is the Chairperson for the Council Meeting.
Our Chief Executive

The Chief Executive is the Head of Paid Service and is responsible for managing and organising the Council’s staff. The Chief Executive, Executive Directors and Service Directors run the day to day work of the Council, working with the Leader of the Council and the Cabinet.

Our Monitoring Officer and Chief Finance Officer

Along with the Chief Executive, two other members of staff have special roles. The Monitoring Officer ensures the Council follows the law and the Chief Finance Officer ensures the Council manages its finances well.

Our Partners

We work together with other local councils - for example the Borough of Poole, other public bodies - for example NHS Bournemouth and Poole, Charitable Trusts - for example BH Live, a private company registered as a charity - Mouchel - and a range of voluntary organisations to deliver services for the people of Bournemouth. Bournemouth Council is a member of the Bournemouth 2026 Trust, a number of regional committees and advisory groups.

Our Area Forums

Area Forums are community groups which are run by residents with support from Ward Councillors. The borough has the following Area Forums.

- Boscombe
- Charminster
- Ensbury Park and Wallisdown
- Throop, Muscliffe, Strouden, Townsend and Holdenhurst
- North Bournemouth
- Southbourne - which includes Pokesdown and Tuckton
- Springborne
- Westbourne
- Westcliff
- Winton
Their prime role is to provide a link between the community, partners and Councillors, to encourage active community participation and improve the quality of life for residents. Area Forums provide an opportunity for you to:

- Advise the Council and other service providers about specific issues that affect your area;

- Comment on new community initiatives in your neighbourhood;

- Raise issues of local concern or contention with Public Services, for example the Police, the Health Authority or the Council.

**Our Constitution**

The Council has adopted this Constitution. It sets out in detail how the Council is structured, how it must operate and how it must make its decisions. It explains how all parts of the Council work together.
Constitution of Bournemouth Borough Council

Part 1 - Introduction and Summary

Summary

This Constitution contains details of how the Council operates, how decisions are made and who can make decisions. Together with legislation, the Constitution governs how the Council is run and describes the key parts of the Council and the key officers responsible for taking decisions. It contains rules and procedures that are to be followed to ensure the Council is efficient and transparent and is accountable to local people. It also contains rules and procedures which govern how certain meetings must be run and codes and protocols which set out how Councillors, Officers and members of the public should behave when involved in Council business. Some of these processes are governed by law and others can be decided by the Council.

The Constitution is divided into 6 parts:

Part 1: Is the Introduction, which gives brief information about the Borough and the Wards and this Summary.

Part 2: Contains Articles which explain how each part of the Council works. These provide details of the role of the Constitution, how it should be interpreted and the arrangements for reviewing, changing, suspending and publishing it. It explains the types of Council meetings and the Mayor’s role as Chairperson and sets out how citizens of the Borough can contribute to the Council’s decision making processes. It also explains the roles of the Leader and Cabinet, other boards, committees and panels that have been set up by the Council to perform certain functions and explains certain statutory roles held by Council officers. Basic information about the Council’s role as Trustee and the joint arrangements the Council has with other organisations can also be found here.
Part 3: It is important that every decision made on behalf of the Council is made with proper authority to make those decisions. The law provides rules about certain decisions and responsibilities and whether these can be delegated, but there are other areas of responsibility where the Council can decide for itself. This part contains information about the functions carried out by the Council and who or which part of the Council is responsible for making decisions about those functions.

Part 4: Contains Procedure Rules relating to the Access to Information, Budget and Key Policy Framework, Cabinet, Council Meetings, Officer Employment, Overview and Scrutiny, Contracts and the Council’s Financial Framework. These explain how specific meetings must be run and other processes that must be followed.

Part 5: Contains Codes of Conduct and guidelines, called Protocols which Councillors and staff must follow. It also contains details of the Local Code of Best Practice for Planning Issues.

Part 6: Contains the Members Scheme of Allowances.
This Part of the Constitution contains 14 Articles. The Articles explains key parts of the Council, and how decisions are made. It also contains arrangements for using, amending and publicising the Constitution.
Constitution of Bournemouth Borough Council

PART 2

ARTICLES

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Article 1 - The Council and the Constitution

This Article explains the purpose of the Constitution, how it works and the arrangements for reviewing and amending the way it works.

1.1 Powers of the Council

The Council must follow the laws of England and the contents of this Constitution when it carries out its powers and duties.

1.2 The Constitution

This Constitution is the Constitution of Bournemouth Borough Council. It contains the rules and principles that must be followed at all times by the Council, Councillors and officers when acting on behalf of the Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

a. help the Council lead the town of Bournemouth, working together with citizens, business and other organisations;
b. help citizens actively take part in Council decision making;
c. help Councillors represent citizens effectively;
d. make sure decisions are made efficiently, appropriately and effectively;
e. make sure those who make the decisions can be held to account;
f. make sure that no one reviews or scrutinises a decision that they have been directly involved in;
g. make sure that citizens know who in the Council takes decisions and why they have taken them; and
h. provide a way of improving the delivery of services to the community.

1.4 Interpreting the Constitution

a. Where there is a dispute as to the meaning of the Constitution, any proceedings of the Council or the application of the Procedural Rules, the Mayor as Chair of the Council will decide what meaning is to be given to
the part of the Constitution that is disputed after first taking the advice of the Monitoring Officer and having regard to the principles of decision making set out in Article 13 of this Constitution.

b. The decision of the Mayor, as Chair of the Council, on the meaning of the Constitution or on any proceedings of the Council cannot be challenged by anyone at a Council meeting.

c. Where the Constitution gives the Council a choice about what to do, the Council must choose the option that it thinks is closest to the purposes of the Constitution in Article 1.3.

1.5 Reviewing the Constitution

The Monitoring officer must monitor and review how the Constitution is working to make sure it gives full effect to the purposes in Article 1.3.

1.6 Changing the Constitution

Changes to the Constitution can only be approved by a full Council Meeting. The Monitoring Officer may make any changes to the Constitution which are necessary to reflect what the Council Meeting has agreed. The Monitoring Officer may without the need for agreement of the Council make any changes which are necessary to the Constitution to reflect changes consequent to changes in the law.

1.7 Suspending the Constitution

The Articles cannot be suspended. The Council Meeting may suspend the operation of Procedure Rules set out in Part 4 of this Constitution. However they cannot suspend any part of the Procedure Rules relating to minute taking, the accuracy of minutes and the recording of individual votes.

1.8 Publishing the Constitution

The Chief Executive will make sure that every Councillor has access to the Constitution and that it is made widely available to staff and members of the public.
Article 2 - Councillors

This Article explains the role of Councillors, what they must do and how long they serve as councillors.

2.1 How many Councillors are there and who do they represent?

A Councillor represents the people and businesses in a specific area of the Borough. There will be 54 members of the Council, called Councillors. Up to three Councillors are elected to represent each of the Council’s 18 wards.

2.2 Who can be elected as a Councillor?

Anybody who at the date of nomination is aged 18 years or over and is:

a. a British citizen, a qualifying Commonwealth citizen or a citizen of a European Union member state; and

b. registered to vote in the Borough, or who has lived or worked or owned property in the borough within the 12 months immediately before the date of an election, and

c. not prevented by law from holding office as a Councillor.

2.3 When do elections happen and how long are Councillors elected for?

Elections for all Wards will take place on the first Thursday in May every four years from 2007. An elected Councillor’s term in office starts on the fourth day after being elected and finishes on the fourth day after the next regular election.

2.4 What are the roles and functions of Councillors?

All Councillors must:

a. together be the makers of overall policy;

b. represent, and speak up for their communities;

c. deal with individual casework and speak up for citizens;

d. balance different interests within their ward and represent it as a whole;

e. be involved in Council decision making;

f. be available to represent the Council on other bodies; and
g. maintain the highest standards of conduct and ethics.

2.5 Rights of Councillors

When acting in their capacity as Councillors, they will have rights of access to Council documents, information, land, buildings and information technology necessary to allow them to carry out their functions.

2.6 Responsibilities of Councillors

Councillors must follow the Councillor Code of Conduct, Rules and Protocols contained in this Constitution.

2.7 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowance Scheme.

2.8 Ending a Councillor’s term in office

A Councillor’s term of office will end if the Councillor:

a. resigns by giving written notice, or

b. the period for which he or she was elected comes to an end, as set out in Article 2.3 and he or she has not been re-elected, or

c. fails to attend meetings of the Council for a period of six months without prior approval of the Council Meeting, or

d. is suspended from being a councillor, although he or she may resume office at the end of the term of suspension

e. is stopped by law from holding office, or

f. for any other reason ceases to be a Councillor.
Article 3 - The People of Bournemouth and the Council

This Article explains the rights and responsibilities that citizens of Bournemouth have when taking part in and influencing the Council’s decision making processes.

3.1 Citizens’ Rights

a. Taking Part

Citizens have the right to take part in the Council’s decision making processes in the following ways:

i. By voting. Citizens on the electoral role have the right to vote in local and national elections.

ii. By presenting petitions. Citizens have the right to sign and present petitions to the Council in accordance with the Petition Scheme contained in Part 4 of this Constitution.

iii. By forming Deputations. Citizens have the right to form Deputations to speak on an agenda item at a Council meeting. Guidance for forming Deputations is contained in Part 4 of this Constitution.

iv. By asking questions in accordance with the procedure for Public Questions set out in Part 4 of this Constitution.

v. By attending public parts of Council meetings and participating and reporting in accordance with the relevant procedure rules set out in Part 4 of this constitution.

vi. By taking part in consultations, formal forums and panels.

vii. By contributing to investigations by Overview and Scrutiny Panels when required to do so.

viii. By taking on a civic role for example, as a school governor or independent custody visitor.

ix. ‘By making representations about why a Cabinet meeting or part of a Cabinet meeting should be open to the public when notice of an intention to meet in private is published.’

b. Access to Information

Under the Access to Information Rules, citizens have the right to:
i Find out from the Cabinet Forward Plan what Key Decisions will be taken by the Cabinet and when.

ii See public reports, background papers and any records of decisions made by the Council Meeting, the Cabinet, individual members of the Cabinet, Statutory Boards and Overview and Scrutiny Panels.

iii See records of executive and non-executive decisions made by officers.

ix Inspect the Council’s accounts and make their views known to the external auditor.

c. Complaints

Citizens have the right to complain to:

i the Council under its Complaints Scheme.

ii the Ombudsman after using the Council’s own Complaints Scheme.

iii the Council’s Standards Committee about a breach of the Councillors’ Code of Conduct.

3.2 Citizens’ Responsibilities

a. Citizens must not:

i be violent, abusive or threatening to Councillors or Officers.

ii deliberately damage items owned by the Council, Councillors or Officers.

b. When attending meetings, citizens must not:

i behave improperly, be offensive or interrupt the business of the meeting. If they do, they will be removed and excluded from the meeting.
Article 4 - The Full Council Meeting and the Mayor as Chair of the Council

This Article explains the role of the Council Meeting and the special role of the Mayor.

4.1 Council Meetings

The Full Council meeting is the name given to the meeting when all Councillors attend a formal meeting in the Council Chamber at the Town Hall. This is not the same as the other meetings involving Councillors which may be a Board, Panel or Committee meeting, less formal working groups or meetings of partnerships in which the Council is involved.

a. Types of Council Meetings

There are four types of Council Meetings:-

i. Annual Meeting

ii. Ordinary Meetings

iii. Extraordinary Meetings

iv. Special

b. Rules applying to Council Meetings

The Council Procedure Rules contained in Part 4 of this Constitution will apply to Council Meetings.

c. Functions of the Council

The Council will have the functions set out in the Functions Scheme contained in Part 3 of the Constitution. The Council will ensure that the Scheme is kept up to date. The functions include approving the Council’s Key Policy Framework and approving the Council’s Budget.

4.2 Key Policy Framework

The Key Policy Framework is the following list of strategies and plans that set the strategic direction for the Council:

- Annual Library Plan
- Children and Young People’s Plan
• Council’s Corporate Plan - including budget and financial strategy
• Crime and Disorder Reduction Strategy
• Housing Strategy
• Licensing Authority Policy Statement
• Local Transport Plan
• Documents, plans and alterations which together comprise the Development Plan
• Sustainable Communities Strategy
• Youth Justice Plan

4.3 The Budget

The Budget sets out how the Council plans to raise money and use the money it receives. It includes the sharing of financial resources between different services and projects, proposed contingency funds, the council tax base and decisions relating to the control of the Council’s borrowing requirement, the control of its ‘capital spending’ - that is spending on any new build, improvements to existing properties, land purchases, and any extra spending on fixed assets. It also sets limits for the transfer of funds from one use to another. Funds transferred in this way are called virements.

4.4 The Mayor as Chair of the Council

The Mayor has an important position as the non political representative of the Council on civic, ceremonial and other occasions. The Mayor also acts as Chair of the Full Council meetings.

a. Appointment as Mayor

Each year the Full Council meeting will elect a Councillor to be the Mayor and a Councillor to be the Deputy Mayor.

b. Roles

The Mayor as Chair of the Council and in the Mayor’s absence, the Deputy Mayor as Vice-Chair will have the following roles and functions:

i To uphold and promote the purposes of the Constitution.

ii To decide what the Constitution means if there is a dispute after first taking the advice of the Monitoring Officer and having regard to the purposes of the Constitution as set out in Article 1 as to the construction or application of any of the Rules.

iii To chair Full Council meetings so that decisions can be taken efficiently and with regard to the rights of Councillors and the interests of the community and in accordance with the principles of decision making set out in Article 13.
iv To make sure that Full Council meetings are the place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account.

v To promote public involvement in the Council’s activities and in the democratic process;

vi To be the civic and ceremonial head of the Council and to attend those civic and ceremonial functions which they or the Council consider suitable; and

vii To approve urgent decisions which will not be subject to Call-In under the Overview and Scrutiny Procedure Rules.

viii The Mayor will not be required to sit on any Board, Committee or Panel whilst holding the office of Mayor.

c. Ending the Mayor’s term in office

The Mayor’s term of office will end when

i the Mayor resigns by giving written notice, or

ii the period for which he or she was elected comes to an end, as set out in Article 2.3, or

iii the Mayor fails to attend meetings of the Council for a period of six months without prior approval of the Council Meeting, or

iv The Mayor is suspended from being a Councillor, although he or she may resume office when the period of suspension comes to an end.
Article 5 - The Leader of the Council and the Cabinet

This Article explains the role and appointment of the Leader of the Council and the role and appointment of the Cabinet. The Leader of the Council and the Cabinet members are often together referred to as ‘Executive Members’.

5.1 The Leader

a. Appointment of Leader

The Council will elect a Councillor to be the Leader of the Council at a special meeting following a full election of Councillors, unless for any reason the Leader’s time in office comes to an end within four years from the date he or she was appointed, in which case a replacement will be elected at an Extraordinary Council Meeting. The Special Meeting will take place in accordance with the Procedure Rules which apply to Extraordinary Council meetings.

b. Roles and Functions

The Leader of the Council will:

i. Be a member of the Cabinet.

ii. Appoint up to 9 other Councillors to form the Cabinet. The Leader has the right to remove any executive member from this position.

iii. Appoint a Deputy Leader from among the Cabinet members and make any other executive appointments required by law.

iv. Allocate Portfolio responsibilities and functions to each of the Councillors appointed to the Cabinet, defining the scope, deputising arrangements and scheme of delegation to officers in respect of each Portfolio.

v. Notify the Chief Executive and Monitoring Officer of the allocation of Cabinet Members’ responsibilities for functions which information will be The Cabinet Portfolio Scheme.

vi. Chair meetings of the Cabinet.

vii. Lead in the preparation, co-ordination and presentation of the Cabinet’s policies and activities and liaise with the Chief Executive on the carrying out of the Council’s policies.

viii. Review the Council’s Functions Scheme and Scheme of Delegation and make decisions regarding the functions to be the responsibility
of the Executive and which, if any of those functions will be delegated.

ix. The Leader retains the power to make all executive decisions on behalf of the Council.

c. Ending the Leader’s term in Office
The Leader of the Council will hold office as the Leader of the Council from the day of his or her appointment until:

i. The date of the Council’s Special meeting following a full election of Councillors,

ii. the next local election, or

iii. he or she resigns from office, or

iv. he or she is suspended or disqualified from being a Councillor, or

v. he or she is removed from office by resolution of the Council Meeting, or

vi. for any other reason he or she ceases to be a Councillor.

d. Ending the Deputy Leader’s and Cabinet Members’ term in Office
The Deputy Leader and each Cabinet member will remain as members of the Cabinet until:

i. the end of 4 years from the date of appointment, or

ii. They are removed from office by the Leader, or

iii. They resign from office, or

iv. They are suspended from being a councillor although they may resume office at the end of the period of suspension, or

v. for any other reason they cease to be a Councillor.

5.2 Votes of No Confidence
The Leader shall cease to be a Leader if a vote of no confidence is carried at a meeting of the Full Council by a majority of the members of the whole Council. If the Council passes a resolution to remove the Leader a new Leader is to be elected at the meeting at which the leader is removed from office or at a subsequent meeting. Should a Leader not be able to act or the office is vacant, the Deputy Leader is to act in the Leader’s role. If the Deputy Leader is unable to act or the office is vacant then the Cabinet must act in the Leader’s place or must arrange for a member of the Cabinet to take the Leader’s role, until a
decision is made by the Council to appoint a new Leader. In the event of there being no Leader, Deputy or Cabinet members, executive functions shall in the interim be carried out by the Chief Executive.

5.3 The Cabinet

The Cabinet is a group of Councillors who work with Council staff to run the Council and take most decisions except decisions about major policy issues or setting the annual budget, which only the Council Meeting can do - or decisions on whether to give planning permissions or licenses or any other matters which are reserved to Council.

a. Membership

The Cabinet will be made up of the Leader of the Council and up to 9 other Councillors appointed by the Leader, not being the Mayor or Deputy Mayor.

b. Roles of Cabinet

The Cabinet will carry out all functions of the Council which are not by law or under the Functions Scheme, the responsibility of another part of the Council.

c. Functions of individual Members of the Cabinet

The functions of the individual members of the Cabinet are set out in the Cabinet Portfolio Scheme which is in Part 3 of this Constitution.

d. Meetings of the Cabinet

Meetings of the Cabinet must follow the Cabinet Procedure Rules contained in Part 4 of this Constitution.
Article 6 - Council Boards and Other Bodies

This Article contains details of the Council’s Planning Board and Licensing Board. It also contains details of the other bodies the Council has created to carry out specific duties.

This Article contains details of the following:

6.1 Training requirements
6.2 Substitutes
6.3 Licensing Board
6.4 Licensing Sub-Committee
6.5 Planning Board
6.6 Appeals Board
6.7 Customer Care and Complaints Panel
6.8 Corporate Parenting Panel
6.9 Independent Remuneration Panel
6.10 Local Development Framework Steering Group
6.11 Nomination Board
6.12 Social Services Adoption Panel
6.13 Social Services Fostering Panel
6.14 Planning Board Agenda Group
6.15 Member Development Steering Group
6.16 Review of the Constitution Steering Group
6.17 Housing Governance Board
6.18 Flood Advisory Group
6.19 Elected Member Engagement Group

6.1 Training requirements
No board member will sit on a board unless he or she has first received the appropriate training. This requirement applies to substitute members referred to in paragraph 6.2 below.

6.2 Substitutes
A substitute will be appointed by the relevant Group Leader or Deputy Group Leader to act as substitute for any member of the above bodies - with the exception of the Licensing Board and the Health and Wellbeing Board - should any board, committee or panel member be unable to attend a meeting. Named substitutes for members of the Health and Wellbeing Board are nominated by the various groups represented on the Board.

6.3 Licensing Board
a. Role
The Licensing Board decides whether to give licenses covering areas like charitable collections, street trading, sex shops, sexual entertainment venues and taxis and private hire vehicles. It decides whether to give licenses for premises such as clubs serving alcohol, pubs, hotels and operating casinos. It deals with all licensing business not delegated to officers, apart from items which have to be dealt with by the Full Council meeting.

b. Functions
The Licensing Board will perform the functions set out in the Functions Scheme contained in Part 3 of this Constitution (“the Functions Scheme”).
c. **Membership**  
The Licensing Board will consist of 11 Councillors:  
  i. No member of the Licensing Board will also be a member of the Cabinet  
  ii. The Board will be politically balanced as required by the Local Government and Housing Act 1989  
  iii. No valid meeting of the Board shall take place unless there is a quorum of 5 members present.

d. **Meetings**  
The Licensing Board will meet as required.

**6.4 Licensing Sub-Committee**

a. **Role**  
Licensing Sub-Committees may examine the Council’s Licensing Policy and Statement of Gambling Policy on behalf of the full board, deals with taxi discipline matters, new applications and variation applications for licensed premises where there has been no representation under the Council’s Cumulative Impact Policy, and variation applications for licensed premises where there has been a representation under the Council’s Cumulative Impact Policy. Sub Committees also deal with a range of applications made under the Gambling Act 2005.

b. **Functions**  
Details of the functions of Licensing Sub-Committees are contained in the Functions Scheme which is in Part 3 of this Constitution.

c. **Membership**  
  i. Licensing Sub-Committees have a membership of 3 Councillors and 1 reserve Councillor drawn from the Licensing Board.  
  ii. Licensing Sub-Committees will include the Chair and/or Vice Chair of the Licensing Board in its membership, with the remaining Councillors selected by Democratic Services on a rota basis taking account of experience, political balance and interests.

d. **Meetings**  
  i. Sub-Committees will meet as required.  
  ii. No valid meeting of a Licensing Sub-Committee shall take place unless 3 members are present.

**6.5 Planning Board**

a. **Role**  
The Planning Board decides whether to grant planning permission in controversial and/or complex cases and any other cases which are not delegated to officers. Routine and straightforward cases are decided by officers within the Council’s Planning department.
b. **Functions**  
Details of the functions of the Planning Board are contained in the Functions Scheme.

c. **Membership**  
The Planning Board will consist of 11 Councillors:  
   i. The Board will be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.  
   ii. No member of the Planning Board will also be a member of the Cabinet.

d. **Meetings**  
The Planning Board will meet as required.

6.6 **Appeals Board**  
a. **Role**  
The Appeals Board deals with appeals related to a range of service areas, including education and social services, as well as appeals from employees.

b. **Functions**  
Details of the functions of the Appeals Board are contained in the Functions Scheme.

c. **Membership**  
The Appeals Board will consist of 7 Councillors:  
   i. No member of the Appeals Board will also be a member of the Cabinet.  
   ii. The Board will be politically balanced under the requirements of the Local Government and Housing Act 1989.

d. **Meetings**  
   i. The Appeals Board will meet as and when required.  
   ii. The Board sitting at each hearing will consist of no less than 3 and no more than 5 members of the Board to include the Chair or Vice Chair.

6.7 **Customer Care and Complaints Panel**  
a. **Role**  
To hear appeals from members of the public who have exhausted all other avenues within the council’s Complaints Procedure and remain unhappy with the outcome.

b. **Functions**  
Details of the functions of the Customer Care and Complaints Panel are contained in the Functions Scheme.

c. **Membership**  
1 Councillor from each political group who are not also Members of the Cabinet. This panel does not have to be politically balanced.
d. Meetings
The panel will meet on an ad-hoc basis as required.

6.8 Corporate Parenting Panel
a. Role
To work together, acting on behalf of the Council and partners to make sure the Council’s role of ensuring that all the services with a responsibility to Looked After Children, Young People and Care Leavers, are of a high standard.

b. Functions
Details of the functions of the Corporate Parenting Panel are contained in the Functions Scheme.

c. Membership
7 Councillors, including the Cabinet Member for Education and Children’s Services
1 Advocacy worker
2 Foster carers representatives
1 Bournemouth & Poole Primary Care Trust Board Member, or a representative from a similar health sector group or body in place at the time of appointment.
Looked after children from a number of local forums
Others as required on a permanent or co-opted basis.
This panel does not have to be politically balanced.

d. Meetings
The Panel will meet four times a year.

6.9 Independent Remuneration Panel
a. Role
To make recommendations to Council relating to Members’ Allowances.

b. Functions
Details of the functions of the Independent Remuneration Panel are set out in the Functions Scheme.

c. Membership
1 academic
1 person from the financial sector
1 person from the business sector
This panel does not have to be politically balanced.

d. Meetings
The panel will meet as and when required.

6.10 Local Development Framework Steering Group
a. Role
To assist the Council in producing and implementing its Local Development Framework, (LDF).
b. **Functions**
Details of the Local development Framework Group are contained in the Functions Scheme.

c. **Membership**
6 Councillors to include a representative from each political group represented on the Council.
5 Bournemouth 2026 Trust members
1 Bournemouth Civic Society partner
This panel does not have to be politically balanced.

d. **Meetings**
The Panel will meet about 4 times a year, as and when required.

6.11 **Nomination Board**
a. **Role**
To make recommendations to the Council on appointments and political balance.

b. **Functions**
Details of the functions of the Nomination Board are set out in the Functions Scheme contained in Part 3 of this Constitution.

c. **Membership**
The Leader of each political group represented on the Council.
This panel does not have to be politically balanced.

d. **Meetings**
The Board will have 1 regular meeting a year and other meetings as and when required.

6.12 **Social Services Adoption Panel**
a. **Role**
To consider submissions and make decisions and recommendations in relation to adoption and issues relating to adoption.

b. **Functions**
Details of the functions of the Social Services Adoption Panel are set out in the Functions Scheme.

c. **Membership**
1 Councillor
Professional officers from within the Council and external bodies involved in all aspects of Looked After Children and Young People.
This panel does not have to be politically balanced.

d. **Meetings**
The Panel will meet once a month.
6.13 **Social Services Fostering Panel**

a. **Role**
To consider submissions and make recommendations and advise in relation to foster care and foster care arrangements.

b. **Functions**
The Panel will perform the functions set out in the Functions Scheme contained in Part 3 of this Constitution.

c. **Membership**
1 Councillor
Professional officers from within the Council and external bodies who are involved in all aspects of Looked After Children and Young People. This panel does not have to be politically balanced.

d. **Meetings**
The Panel will meet once a month.

6.14 **Planning Board Agenda Group**

a. **Role**
The Group helps to ensure that the full Planning Board operates in a professional, effective and consistent way when making its decisions.

b. **Functions**
Details of the functions of the Planning Board Agenda Group are contained in the Functions Scheme.

c. **Membership**
The Group is made up of the Chair and Vice-Chair of the Planning Board and one representative from each other political group represented on the Board.

d. **Meetings**
The Group meets once a month in the week before each meeting of the Planning Board.

6.15 **Member Development Steering Group**

a. **Role**
To advise the Council on all Member training and development matters.

b. **Functions**
Details of the functions of the Member Development Steering Group are contained in the Functions Scheme.

c. **Membership**
Four representatives from the Conservative Group and one representative from each other political Group represented on the Council. The Leader of the Council is invited to each meeting.

d. **Meetings**
The Group meets every three months.
6.16 Review of the Constitution Steering Group
a. **Role**
To help the Council to ensure that the Constitution complies with all legal requirements and contains rules and procedures that enables the Council to be efficient, transparent and accountable to local people.

b. **Functions**
Details of the functions of the Review of the Constitution Steering Group are contained in the Functions Scheme.

c. **Membership**
Four representatives from the Conservative Group and one representative from each other political group represented on the Council. The relevant Cabinet Member is invited to each meeting.

d. **Meetings**
The Group meets as and when necessary.

6.17 Housing Governance Board
a. **Role**
To contribute to the delivery of an efficient and effective landlord services. It aims to contribute to the Housing Landlord Services mission:
‘To provide good quality well managed and maintained homes for rent in a place where people want to live’.

b. **Functions**
Details of the functions of the Housing Governance Board are contained in the Functions Scheme.

c. **Membership**
Membership is to reflect, where possible, the disposition of the Council’s housing stock across the Borough and will comprise:
- Five Councillors
- Five Tenants
- One leaseholder

The Chair and Vice-Chair will be elected from, and by, the Board members. Where the Chair is a Councillor then the Vice-Chair will be a tenant or leaseholder; and vice versa.

Tenants and leaseholders will be selected through a combination of recruitment, application and interview undertaken by Housing Landlord Services. The selection will be in accordance with good practice.

Tenant and leaseholder members will be appointed for a term of three years. When the HGB is first set up half the tenant and leaseholder members will be appointed for a two year period to ensure continuity.

At the end of their initial two/three year term tenant and leaseholder members may stand again for selection for a further three year term.
Tenants and leaseholders may not be members of the Board for more than five/six years in total.

The Service Director of Housing Landlord & Parks, and other staff as appropriate, will attend and advise the Board.

d. **Meetings**
The Board will meet quarterly. The dates, times and venues will be set on a rolling twelve month cycle.

The Service Director of Housing Landlord and Parks may call an emergency meeting with a minimum of seven days’ notice to all members of the Board. The notice shall set out the reasons for calling a meeting.

Three members of the Board may call a special meeting. A written notice setting out the reasons for the meeting must be sent to the Service Director of Housing Landlord and Parks and signed by each of the members. The Service Director will then give seven days’ notice to the Board.

Meetings of the Board will be quorate provided there are at least six members in attendance of which three must be tenant and leaseholder members.

### 6.18 Flood Advisory Group

a. **Role**
To be the primary provider of advice on flooding and drainage issues to the Cabinet Member for Planning and Environment.

b. **Functions**
Details of the functions of the Flood Advisory Group are contained in the Functions Scheme.

c. **Membership**
5 Non-Executive elected Members to include a representative of the Planning Board, and the Council’s nominated representative on the Wessex Regional Flood and Coastal Committee.

The Board is to be politically balance in accordance with the requirements of the Local Government and Housing Act 1989.

Substitute arrangements for the Group shall operate in accordance with Article 6.2 of the Constitution.

d. **Meetings**
The Group meets as and when necessary.

### 6.19 Elected Member Engagement Group

a. **Role**
To facilitate the working relationship between elected Members and Trade Union representatives.
b. **Functions**
Details of the functions of the Elected Member Engagement Group are contained in the Functions Scheme.

c. **Membership**
7 elected Members - 4 Conservatives and 1 each from the Liberal Democrat, Labour and Independent Groups represented on the Council. This balance is to be reviewed by the Group after every whole Council election.

The Cabinet Portfolio holder for Human Resources will attend in an advisory capacity.

8 Trade Union representatives - 3 UNISON, 3 GMB and 2 from the Teaching Staff Trade Unions - ASCL, ATL, NAHT, NASUWT, NUT, VOICE.

The Officers of the Council will be represented by the Chief Executive, the Service Director for Strategic Services and the Head of Strategic Human Resources.

Other elected Members and officers of the Council may be invited to address specific agenda items.

d. **Meetings**
Meetings will be formal in structure - agenda, minutes, chair etc. - but informal in content allowing for both broad and specific discussions on agenda items.

The Group will meet on a quarterly basis. Additional meetings may be called to discuss ‘special’ topics or important items that need to be progressed outside of the normal calendar of meetings.

The Group will appoint a Chair and Vice-Chair at its first meeting each calendar year. The Chair and Vice-Chair will alternate each year between the Trade Union and the elected Member side. Each side will elect its own respective Chair or Vice-Chair.

Members of the group will notify the Democratic Services Officer of any agenda items for discussion at least 2 working days prior to the agenda briefing meeting at which point the agenda will be finalised.

Members of the group will notify the Democratic Services Officer of any agenda items for discussion at least 2 working days prior to the agenda briefing meeting at which point the agenda will be finalised.
Minutes, agreed in principle by the Chair and Vice-Chair, will be sent out by the Democratic Services Team within **10 working days** of the date of the meeting. The minutes will be formally agreed at the next available meeting of the Group.

The output of the Group may be used to inform other engagement and consultation forums and may express an agreed position that informs the Joint Consultative Forum. It is not the intention that members of the Group will vote.

The Group will have no independent authority and no items or output from the Group will replace the formal mechanism of consultation and negotiation through the Joint Consultative Forum and associated bodies.

e. **Elected Member Engagement Group relationship with the Joint Consultative Forum**

The Engagement Group will not replace or act as an alternative consultative or negotiating forum from the formal mechanisms of consultation and negotiation through the Joint Consultative Forum. The Engagement Group may discuss any items put to it through the agenda but will carry no independent authority.

The Engagement Group will not act in an arbitration capacity should the employer and the unions reach an impasse on matters within the Joint Consultative Forum.
Article 7 - Working with Other Organisations - Joint Arrangements

Working in partnership with other organisations is an important way that the Council carries out its aims. This Article explains the Powers the Council has to join with partners to provide a range of services.

7.1 Arrangements to Promote Well-being and Other Purposes Permitted by Law
The Council may work with other councils, other public bodies, commercial and voluntary organisations to promote the economic, social and/or environmental well-being of the Borough and for other purposes permitted by law.

7.2 Joint Arrangements
a. The Council may enter into joint arrangements with one or more local authorities and/or their Leaders/Cabinet to exercise functions which are not executive functions in any of the authorities which are party to any particular arrangements. The arrangements may involve the appointment of a joint committee with these other local authorities and appointments to it should reflect the political composition of the council as a whole.

b. The Leader may enter into joint arrangements with one or more local authorities to exercise functions which are executive functions or to advise the Leader. Such arrangements may involve the appointment of a joint committee with these other authorities to which the Leader may only appoint Executive members and those members need not reflect the political composition of the Council as a whole.

c. Details of any joint arrangements including any delegations to joint committees is set out in the Council’s Scheme of Delegations in Part 3 of this Constitution.

d. The Council may be required to form a joint committee with other boroughs being consulted by local health providers that are planning changes to the way they deliver services which could be considered to be substantial. The process by which this is established will be agreed by Council on a report from the Monitoring Officer.

7.3 Access to Information
The Access to Information Rules in Part 4 of this Constitution apply to joint arrangements.

7.4 Delegation to And From Other Local Authorities
a. The Council may delegate non-executive functions to another council or, in certain circumstances, the executive of another council.

b. Arrangements can be made for a non-executive function to be carried out by the executive of another council if that function is the responsibility of that other authority’s Executive.
c. The Leader may delegate executive functions to another council or the Executive of another council in certain circumstances.

d. The decision whether to accept such a delegation from another council shall be reserved to the Council Meeting.

7.5 Delegation to and from Other Organisations
a. The Council may delegate non-executive functions to other organisations, boards or committees where legislation allows.

b. The Leader may delegate executive functions to other organisations or boards or committees, where legislation allows.

c. The decision whether to accept such a delegation from another organisation, board or committee shall be reserved to the Council.

7.6 Responsibilities of Councillors and Officers
Where Councillors or Officers have been nominated to represent the Council on a joint board, committee or other body - for example B H Live - the Councillor or Officer must represent the Council’s interests and work in accordance with the Council’s relevant Code of Conduct, the Constitution of the other body and any Trustee requirements.

7.7 Joint Arrangements
This Council is currently a member of the following Joint Boards, Committees and Groups:

a. Bournemouth 2026 Trust
   The relevant Cabinet Member to be appointed by the full Cabinet is the Council’s representative on the Bournemouth 2026 Trust.

b. Dorset and South Wiltshire Planning and Transportation Liaison Committee
   
   Membership
   2 councillors each from Bournemouth and Poole.
   1 councillor each from Dorset and Wiltshire County Councils.
   1 councillor each from the 6 Dorset District and Borough Councils
   1 councillor from Salisbury District Council.

   Hampshire County Council, New Forest National Park Authority and New Forest District Council are invited to send an observer to the meetings.

c. South East Dorset Strategic Planning and Transportation Joint Committee
   
   Membership
   6 councillors each from Bournemouth, Poole and Dorset County Council.

   Note:
   - Members appointed in accordance with political balance of each council
• Substitute councillors for each political group represented on the joint committee are appointed by each council to ensure full representation and political balance.

d. South East Dorset Sub-Regional Study Advisory Group

Membership
2 councillors each from Bournemouth, Poole and Dorset County Council.
1 councillor each from Christchurch, East Dorset, North Dorset and Purbeck.
1 councillor each from Hampshire County Council and New Forest District Council.
2 representatives from the economic sector - one to be from the Bournemouth, Dorset and Poole Economic Partnership.
2 representatives from the environment sector - the Environment Agency; English Nature.
1 representative each from the housing and health sectors.

e. South East Dorset Transport Advisory Group

Membership
The same as for the South East Dorset Sub-Regional Study Advisory Group plus:
1 representative each from the Highways Agency and the Strategic Rail Authority; and
up to 4 representatives of transport providers.

f. Bournemouth, Dorset and Poole Minerals and Waste Policy Joint Advisory Committee

Membership
This consists solely of the same number of councillors from each of the following borough: Bournemouth Borough Council, Dorset County Council and the Borough of Poole Council.

g. Strategic Arts Review Group

Membership
3 Councillors each from Bournemouth, Christchurch and Poole Councils.

h. Health and Wellbeing Board

1 Role
To improve the health and wellbeing and reduce health inequalities for residents in Bournemouth and Poole.

2 Functions
Details of the functions of the Health and Wellbeing Board are set out in the Functions Scheme.
3 Membership
The membership of the Board is:

- Portfolio Holder for Social Care Borough of Poole
- Portfolio Holder for Adult Social Care Bournemouth Borough Council
- Portfolio Holder for Children’s Services Borough of Poole
- Portfolio Holder for Children’s Services Bournemouth Borough Council
- Portfolio Holder for Corporate Policy Implementation Bournemouth Borough Council
- Strategic Director - People Services, Borough of Poole
- Executive Director - Adults and Children, Bournemouth Borough Council
- Director of Service delivery - NHS Dorset Clinical Commissioning Group
- Director of Public Health
- Four GPs from the NHS Dorset Clinical Commissioning Group
- Representative from the NHS Commissioning Board Local Area Team (Wessex)
- One Healthwatch representative from Bournemouth and Poole
- Two representatives of the Community and Voluntary Sector in Bournemouth and Poole
- One Non Executive Member Borough of Poole

Named substitutes will be allowed, subject to a briefing taking place prior to attendance.

Membership will be reviewed annually.

This Board does not have to be politically balanced.

The quorum for the Board is seven and must include at least one elected Member from each of the Councils, one representative from the Clinical Commissioning Group and one representative from Healthwatch.

4 Meetings
The Board will meet quarterly or at a greater or lesser frequency to be determined by the Board.

i. Dorset Local Transport Body

1 Role
To ensure that devolved major transport scheme funding provided by the Department of Transport is used as effectively and efficiently as is practicable.
2 Functions
Details of the functions of the Dorset Local Transport Body are set out in the Functions Scheme.

3 Membership:

Voting Members:
- Bournemouth Borough Council - Executive Member with portfolio for Transport or exceptionally, the Leader of the Council or another Executive Member appointed by the Leader
- Dorset County Council - Two Executive Members including the Member with portfolio for Transport
- Borough of Poole Council - Executive Member with portfolio for Transport

Non-Voting Members:
- One elected member representing the interests of Christchurch Borough Council, East Dorset District Council, North Dorset District Council, Purbeck District Council, West Dorset District Council, Weymouth and Portland Borough Council
- Dorset Local Enterprise Partnership Board
- Department for Transport - Midlands and South West Engagement Team
- Highways Agency
- Network Rail - Wessex Rail Alliance
- Relevant transport operators/stakeholders

j Joint Public Health Board

1 Role

The Joint Public Health Board - the Board - is a joint executive body and will be responsible for public health functions of an executive nature of Bournemouth Borough Council, Dorset County Council and the Borough of Poole for so long as the three councils are working in partnership.

2 Membership

The Board will consist of two voting members drawn from the executives of each of the three partner councils - a total of six members. 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 the County Council as host authority for the Partnership.
Reserve members should be executive members of the appropriate council.

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

3 Chairmanship

The Chairman shall be elected annually from amongst the six executive members by a majority vote. In the event of an equality of votes lots shall be drawn to determine the chairmanship.

4 Quorum

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

5 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 three 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.

6 Officers

The lead officer for the Board shall be the Director for Public Health and he shall recommend to the Board a proposed scheme of delegation to officers.

As host authority the County Council will convene meetings of the Board and will provide administrative, financial and legal advice.

7 Standing Orders

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

8 Terms of Reference

a. Discharge of the public health functions of the three councils under the Health and Social Care Act 2012 and setting of direction and policy in respect of public health.

c. Receive and respond to reports from the subgroups of the Board.
d. Monitor progress and performance in delivery of mandatory public health programmes across and within the three local authorities.
e. Monitor progress and performance against local and national indicators and outcome measures.
f. Acting within the requirements of the Code of Practice in Local Government Publicity to seek to influence and advise, local and central government and other agencies on public health issues.
g. Ensure that NHS and other local authority partners remain informed of developing public health issues, locally, nationally and internationally.
h. Support the host authority and the Director in the performance of their functions.
i. To receive and approve the annual budget and monitor budget spend.
Article 8 - Overview and Scrutiny Panels

This Article explains the Council’s Overview and Scrutiny structure which is required by law.

8.1 Overview and Scrutiny Panels

The Panels can look at proposed decisions and examine decisions which the Cabinet have made but have been called in for review before the decisions are carried out.

a. The Panels

There are 6 Overview and Scrutiny Panels as follows:

- Children’s Services
- Community
- Corporate Services
- Environment and Transport
- Economy and Tourism
- Health and Adult Social Care

b. Membership

i. The Overview and Scrutiny Panels each have a membership of 9 non-executive Councillors.

ii. The Panels are to be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.

iii. The members of the panel are to be chosen by the Group Leaders.

iv. In addition to the 9 Councillors members of the public can be invited to attend and contribute to meetings as required to represent relevant stakeholder groups or if they have relevant specialist knowledge or expertise.

v. As the functions and duties of the Children’s Services Overview and Scrutiny Panel include, completely or partly, making decisions in relation to the Council’s education responsibilities, then the Panel must include church and parent governor representatives as voting members.

vi. In the event that a co-opted member of the public does not attend a meeting of the panel on which he or she serves for a period of six consecutive months without the approval of the Council, he or she will cease to be a member of the panel.
c. **Roles and Functions**

The Overview and Scrutiny Panels will have the roles and functions contained in the Functions Scheme set out in Part 3 of this Constitution.

d. **Meetings**

i. The Children’s Services and Health and Adult Social Care Overview and Scrutiny Panels will meet 8 times a year the other Panels will meet 4 times a year

ii. The meetings must follow the Overview and Scrutiny Procedure Rules contained in Part 4 of this Constitution.

8.2 **Task and Finish Groups**

Both the Overview and Scrutiny Panels and the Management Panel are able to set up ‘Task and Finish’ Groups to carry out reviews of matters on their work programmes in accordance with the relevant Procedure Rules contained in Part 4 of this Constitution. Each group is set up for a limited period. They can take a variety of forms.

a. **Membership**

i. ‘Task and Finish’ Groups can have a flexible membership of between 3 and 5 including Overview and Scrutiny Panel Members, co-opted Members and other people with relevant specialist knowledge and/or skills.

ii. Where more than 5 eligible Councillors nominate themselves for membership the final decision as to who should be a member will be with the Chair or Vice Chair of the appointing Scrutiny Panel in consultation with the Group Leaders.

iii. No member of a Task and Finish Group shall be an existing Cabinet member or officer of the Council.

iv. The membership should be politically balanced where possible when appropriate.

v. No member shall appoint a substitute to perform any of the functions on his or her behalf.

b. **Role and Function**

Roles and Functions of each Task and Finish Group shall be determined by the Overview and Scrutiny Panel which set up the group but will include the general functions contained in Part 3 of this Constitution.
c. Meeting

i. The frequency of meetings will be determined by the Group/Overview and Scrutiny Panel which formed the group and the group itself.

ii. The ‘Task and Finish’ Groups will follow the guidance set out in the Overview and Scrutiny Task and Finish Procedure Rules and as directed by the Overview and Scrutiny Panel that formed the group.
Article 9 - The Standards Committee

This Article explains the purpose of the Standards Committee. The Standards Committee complements the work of the Audit and Governance Committee.

9.1 The Standards Committee
The Standards Committee helps Councillors, and people co-opted to sit on Council committees or represent the Council, to follow a Local Code of Conduct and achieve and maintain high standards of ethical behaviour. The Committee also deals with complaints about Councillors who may not have followed the Code of Conduct.

a. Membership
The Standards Committee will consist of:

i. 3 Councillors drawn proportionately from the Political Groups represented on the Council but no Political group may provide more than 2 Members. The Leader or Mayor cannot be appointed to this Committee. No more than one Cabinet member can be appointed to this Committee.

ii. Up to 3 ‘Independent Persons’ serving as co-opted Members in a non-voting advisory capacity in accordance with the provisions of Section 28 of the Localism Act 2011.

b. Meetings

i. The Committee will meet as required.

ii. Meetings of the Standards Committee will follow the relevant Procedure Rules contained in Part 4 of this Constitution.

c. Quorum
The Standards Committee cannot conduct any legally binding business unless there are at least 2 members present.

d. Functions
Details of the functions of the Standards Committee are set out in the Functions Scheme contained in Part 3 of this Constitution.

e. Role of Independent Persons
The role of Independent Persons is set out in Appendix 1 to this Article.

9.2 Working with the Audit and Governance Committee
The Standards Committee and the Audit and Governance Committee will cooperate on governance matters and will each deliver an Annual Report on their work to full Council.
Standards Framework - Role of Independent Persons

The Localism Act requires the Council to appoint at least one Independent Person – IP - pursuant to the requirements to have arrangements in place to deal with complaints that elected members have breached the Council’s Code of Conduct.

The Act prescribes that the IPs should do the following:
1. Be available to provide support/advice to any elected member subject to a complaint that s/he has breached the Code, and
2. Be consulted by the Monitoring Officer – MO - during any investigation undertaken following allegation of a breach of the Code and provide a view to Standards Committee at any hearing following the investigation.

It is clear that once an IP has undertaken a supporting role under 1 above, s/he cannot then also take on the role referred to in 2 above. It would therefore be sensible for the IP, on receipt of a request for support/advice, to ask the elected member whether he has approached the other IP, and, if this is the case, to point out that s/he is preventing from also giving advice/support.

The two roles are set out in more detail below.

Be available to provide support/advice to any elected member subject to a complaint that s/he has breached the Code

No assistance or guidance is available nationally to define what advice and support should be provided to elected members.

The MO advises that it can include the following:
1. Advice on the complaints process and assistance in liaising with the MO during the process, for example to request an extension of time to submit a response.
2. To provide a ‘sounding-board’ for a elected member subject to a complaint to enable the elected member to have a confidential space in which to off-load concerns and thoughts about the issues.
3. Provide feedback to the elected member on his/her draft response to a complaint. This may not necessarily be feedback as to the rights and wrongs of the complaint but, for example, to assist the elected member in ensuring that all of the points in the complaint are covered and that any supporting documents are included.
4. Providing support to the elected member concerned if the matter proceeds to investigation and hearing, including assisting the elected member in putting forward his/her case to the Committee. This can be done without the IP expressing a personal view of the substance of the
case itself, and the IP’s role in this respect should be respected by other parties and the Committee. It is important to note that the IP is not acting as legal adviser in any way, and the elected member may wish to seek legal advice should/he so wish in regard to any complaint.

5. Signposting to other support that may be available. Offering to contact the MO, other sections of the Council or the elected member’s political group leader or party to establish what support is available.

It should not include:

1. Providing a view on the issues itself to the extent that the IP places himself in a position where he is providing a personal view on the substance of the complaint.

**Be consulted by the MO during any investigation undertaken following allegation of a breach of the Code and provide a view to Standards Committee at any hearing following the investigation.**

Where an IP is consulted during the course of an investigation the IP will provide his/her own opinion in regard to any issues relating to the way in which the complaint has been dealt with and managed, and in regard to the substance of the complaint.

The comments will be provided to the MO during the course of the investigation and taken into account during the preparation of her report for the hearing before the Standards Committee. The IP will be available at the hearing to answer any questions and/or provide a view. The way in which this is done will depend upon the nature of the case and the level of formality the hearing requires in terms of process. This depends, amongst other things, upon the number of witnesses, the nature of the complaint and evidence, and whether legal representatives are instructed.

**Other additional responsibilities**

In addition to the statutory roles set out above, the IPs are important to the Council’s development of its policies and procedures relating to elected member conduct. They have an important role in providing independent comment at Standards Committee meetings. In addition they can raise issues with the MO and/or Chair of the Committee which can then be brought forward for consideration by the Committee.

Tanya Coulter, Monitoring Officer - July 2013
This page is blank as a result of recent updates to the Constitution document
Article 10 - The Audit and Governance Committee

This Article explains the Structure and role of the Audit and Governance Committee. The Audit and Governance Committee’s role complements the role of the Standards Committee.

10.1 Audit and Governance Committee
a. Membership

The Audit and Governance Committee will consist of five councillors who are not members of the Cabinet:

Alternatively, if it is not practical to maintain the independence of the Committee, the Membership can consist of up to three non-voting Independent Persons, one of whom may be appointed to act as Chairman of the Committee, plus Councillors who are not members of the Cabinet, with the total membership of the Committee not exceeding 5.

i The Committee does not need to be politically balanced. In accordance with the provisions of the Local Government and Housing Act 1989 the full Council has agreed that this committee does not have to be politically balanced.

ii The Committee has the ability to invite other Members of the Council to take part in meetings, including the Cabinet Member with the Portfolio for Resources, and external experts such as the external Auditor.

iii Invited councillors and experts are not allowed to vote at meetings of the Committee.

iv Each year the Council will appoint up to three named substitutes who will be selected on a rota basis as required.

b. Roles and Functions

The Audit and Governance Committee will have the roles and functions set out in the Functions Scheme contained in Part 3 of this Constitution.

c. Meetings

The Audit and Governance Committee will meet at least four times each year. Additional meetings will take place as and when necessary to deal with any specific issues raised by or asked of the Committee.
10.2 Working with the Standards Committee
The Audit and Governance Committee and the Standards Committees will co-operate on governance matters and will each deliver an Annual Report on their work to full Council.
Article 11 - THE COUNCIL AS TRUSTEE

This Article explains how the Council must act in its capacity as Corporate sole Trustee when it holds assets on Trust for the benefit of the citizens of the borough and where the Council appoints Councillors to sit on a Board of Trustees where the Council is not sole Corporate Trustee.

11.1 Trust Assets
The Council currently holds assets on Trust as Corporate Trustee for the benefit of the people of Bournemouth.

11.2 Trust Assets - Appointment of Trustees
In relation to the assets which the Council currently holds on trust and any other assets which the Council may in future hold as Corporate Trustee the Council must make appropriate arrangements to run and manage the Trust and its assets and fulfil the objects of the Trust. This may be by a Scheme approved by the Charities Commission if appropriate. Where the Council is entitled to be represented on a Board of Trustees and the Council is not a sole Corporate Trustee, the Council must appoint to the Boards of Trustees on the recommendation of the Nomination Board Trustees who have appropriate expertise, experience or interest in relation to the trust assets or objects or skills that would be beneficial to the Board of Trustees.

11.3 Restrictions on who can be a Trustee
Any person appointed to a Board of Trustees must:

a. be over 18

b. not be incapable of acting by reason of having a mental disorder within the meaning of the Mental Health Act 1983 as amended.

c. not have an unspent conviction involving deception or dishonesty.

d. not be subject to a disqualification order under the Company Directors Disqualification Act 1986.

e. not be the subject of an order made under section 429(b) of the Insolvency Act 1986 as amended.

f. not previously have been removed from the office of charity trustee or trustee for a charity by an order made by the Charity Commission or the High Court on the grounds of any misconduct or mismanagement.
11.4 Trustees Responsibilities

Trustees appointed to a Board or Committee responsible for an asset which the Council holds as Corporate trustee or to a Board of Trustees as a representative of the Council must at all times:

a. Make decisions in the interests of the Trust and not the Council or any other body or organisation they may represent.

b. Act independently of the Council, using their own judgement as to what is in the best interest of the Trust.

c. Not allow their decisions as Trustee to be influenced by any other role they may have.

d. Avoid any personal or corporate conflict of interest or loyalty or misuse of charity funds or assets for example, the Council as Corporate Trustee cannot enter into an agreement with itself for the commission of services and ensure that any apparent, potential or actual conflict is managed carefully in line with the law, Charity Commission guidelines and any provisions for dealing with conflict of interest that may be contained in its governing document.

e. Ensure that the charity is solvent, well run and delivering the outcomes for the benefit of the public for which it was set up.

f. Ensure that the charity remains true to and fulfils the charitable purpose set out in its governing document.

g. Ensure that the charity does not breach any of the requirements or rules set out in its governing document.

h. Use charitable funds and assets reasonably and only in furtherance of the charity’s objects.

i. Avoid undertaking activities that might place the charity’s endowment, funds, assets or reputation at undue risk.

j. Take special care when investing the funds of the charity or borrowing funds for the charity to use.

k. Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well run and efficient.

l. Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of trust, for example, breach of trust would arise where
charity property (income, capital or interest in land) is used outside the charity’s trust purposes, or where there is mismanagement or abuse of the charity’s funds.

m. Follow any requirements of legislation, Charity Commission guidance or provisions contained in the Trust’s governing document.

11.5 Meetings
Meetings of a Board of Trustees or relevant committee must take place at the frequency and in the manner set out in the Trust’s governing document or in any event as frequently as required to properly and effectively conduct the Trust’s business.

11.6 Governance
The relevant Board of Trustees or committee will ensure that proper arrangements and procedures are in place for the management of the Trust assets, meetings of Trustees, financial issues and other matters essential for the efficient running of the Trust.
Article 12 - Statutory Chief Officers and Other Staff

This Article explains which officers perform the statutory roles of Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Children’s Services and Director of Adult Social Services.

12.1 Management Structure
a. General

The Council may employ such officers as it considers necessary to carry out its functions.

b. Structure

The Chief Executive will decide the overall staff structure of the Council and make details of the structure available to the public.

c. Chief Officers

The Council will employ officers to perform the following statutory roles. They will perform all the functions set out in the Functions Scheme:

i. The Head of Paid Service. The Chief Executive is the Head of Paid Service and is responsible for reporting to the Council on how staff within the Council are organised.

ii. The Monitoring Officer. The Service Director for Law and Governance acts as The Monitoring Officer and is responsible for reporting actual and/or potential breaches of legal requirements to Full Council or Leader and for dealing with complaints of breaches of the Code of Conduct by Councillors.

iii. The Chief Finance Officer. The Executive Director for Finance and Business Improvement acts as the Chief Finance Officer and is responsible for reporting to the Full Council or Leader the actual or potential misspending of money.

iv. The Executive Director for Adults and Children. The Executive Director for Adults and Children acts as:
   • the Director of Children’s Services and is responsible for the delivery of the Council’s education and social services functions for children and any health functions for children delegated to the Council by an NHS body; and
• The Director of Adult Social Services and is responsible for all the Council’s social services functions.

12.2 Proper Officers
For certain purposes under specific Acts of Parliament, the Council is required to appoint a ‘Proper Officer’. The Council’s Monitoring Officer will maintain and publish, in Part 3 of this Constitution, a list of the Proper Officers.

12.3 Conduct
Officers will comply with the Officer Code of Conduct and the Protocol on Officer/Member Relations and where appropriate, the Council’s Procedure Rules.

12.4 Employment
The recruitment, selection and dismissal of officers will be carried out in accordance with the Officer Employment Rules.
Article 13 - Decision-Making - General

This Article explains how the Council makes all decisions apart from those relating to financial, contractual and legal issues. Details of how the Council will make decisions relating to financial, contractual and legal issues are contained in Article 14.

13.1 Principles of Decision Making
When the Council takes a decision it will:

a. be clear about what the Council wants to happen and how it will be achieved.

b. ensure that the decision making process is lawful.

c. consider the public sector equality duty and respect for human rights.

d. consult properly and take professional advice from Officers.

e. make sure the action is proportionate to what the Council wants to happen.

f. make sure the decisions are not unreasonably delayed.

g. explain what options were considered and give the reasons for the decision.

h. make the decision public unless there are good reasons for it not to be.

13.2 Responsibility for Decision Making
The Council will prepare and keep up to date a Functions Scheme. The Functions Scheme will show what types of decisions can be made and who or which part of the Council can make them.

13.3 Types of Decision

a. Decisions Reserved to the Full Council

Decisions reserved to Full Council in the Functions Scheme will be made by Full Council only. Other non-executive decisions are delegated to Council Statutory Boards, Committees and Panels and to officers in the Functions Scheme.
b. **Key Decisions**

A key decision, which must be included in the Cabinet Forward Plan, is a Leader or full Cabinet decision which is likely to meet one or more of the following criteria:

i. It will result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the agreed Service Plan and Budget.

ii. It will result in major changes to the provision and/or delivery of a Council service which are not included in the agreed Service Plan and Budget.

iii. It is likely to have a significant impact or effect on two or more electoral wards.

Note - See also Part 4.1 - Access to Information Procedure Rules - Key Decisions - which includes examples of key decisions under the three sets of criteria.

A Key Decision must be made in accordance with the Cabinet Procedure Rules.

c. **Individual Cabinet Member Decisions**

Individual Cabinet Member Decisions will be made in accordance with Part 3:4.4 of the Constitution - Functions Scheme - Delegation to Cabinet Members, the Leader’s Scheme of Delegation and the Financial Regulations and Procurement Rules.

d. **Major Operational Decisions taken by officers**

A Major Operational Decision is an officer decision which is not a Key decision and which is likely to meet one of the following criteria:

i. It will result in the Council incurring expenditure - including the loss of income - in excess of £100,000, with the exception of operational expenditure identified within the agreed Service Plan and Budget.

ii. It is a decision which has been specifically delegated by the Leader or Cabinet to officers - for example to conclude an agreement or contract within the outline terms agreed by the Cabinet; or

iii. It is a decision which is controversial and/or politically sensitive in nature or is, in the opinion of the Executive/Service Director, of such significance that a published record of the decision would ensure
transparency and accountability in relation to decision making within the Council.

For example:

- A matter that has resulted in a high level of public concern and/or local councillor or Cabinet Portfolio holder involvement and/or written representations and/or media interest
- A decision to approve or change an officer sub delegation scheme.

Note - See also Part 4.1 - Access to Information Procedure Rules - Major Operational Decisions and Record of Individual Decisions.

d. Day to day Operational Decisions taken by officers

A day to day operational decision is an officer decision which is not a Key or Major Operational Decision and:

i. is within an agreed Service Plan and Budget and

ii. is not in conflict with the Budget and Policy Framework or other approved policies approved by the Council; and

iii. does not raise new issues of policy.

13.4 Decision making by Full Council

A meeting of Full Council will follow the Council Procedure Rules when considering any matter.

13.5 Decision Making by the Cabinet

The Cabinet will follow the Cabinet Procedure Rules when considering any matter.

13.6 Decision making by Overview and Scrutiny Panels

Overview Panels and Scrutiny Panels will follow the Overview and Scrutiny Procedure Rules when considering any matter.

13.7 Decision making by other Statutory Boards, Committees, Groups or Panels set up by the Council

Other Council Statutory Boards, Committees, Groups or Panels will follow the parts of the Council Procedure Rules that apply to them.

13.8 Decision Making by Council Bodies acting as tribunals

If any decision maker acts as part of a tribunal or in judgment of an issue in a way that might affect the civil rights, obligations or criminal responsibility of any person, they must follow the rules of natural justice as required by Article 6 of the European Convention on Human Rights.
13.9 Decision Making by Officers
Officers will follow this Article, Schemes of Delegation set down in the Constitution and by the Leader of the Council and the Chief Executive and Directors, all Procedure Rules that apply to them, the Financial Regulations and Procurement Rules and the Cabinet Decisions Protocol under Part 5 of this Constitution.
Article 14 - Decision Making - Financial, Contractual and Legal Issues

This Article explains the arrangements the Council has for managing its money and entering into contracts and taking part in legal proceedings. It also deals with how legal documents should be signed and how the official seal of the Council is to be used.

14.1 Financial Management
The management of the Council’s financial affairs will comply with the Financial Framework contained in Part 4 of this Constitution.

14.2 Contracts
Every contract made by the Council will comply with the Financial Regulations and Procurement Rules.

14.3 Legal Proceedings
a. The Service Director of Legal and Democratic can start, defend, settle or take part in any legal proceedings where such action is necessary to act on decisions of the Council and where they consider that such action is necessary to protect the Council’s interests and comply with its statutory duties.

b. The Service Director of Legal and Democratic can designate nominated officers to carry out this function on his or her behalf. Details of the powers that the Monitoring Officer has delegated are contained in the Scheme of Delegation to Officers contained in Part 3 of this Constitution.

14.4 Authentication of Documents
a. Any document necessary for any legal procedure or proceedings, it will be signed by the Service Director of Legal and Democratic or by some other person authorised by him or her, unless any law otherwise authorises or requires another person’s signature or the Council has given authority to some other person to sign on its behalf.

b. Any contract with a value over £30,000 entered into on behalf of the Council in the course of the discharge of a Cabinet function shall be made in writing.

Such contracts must either be signed by the Service Director of Legal and Democratic, the Monitoring Officer, the Deputy Monitoring Officer, the Legal Services Manager or one of the persons referred to in Article 14.5 below or made under the Common Seal of the Council certified by at least
one of the persons referred to in Article 14.5 below. Note: The relevant Procurement Rules must also be followed.

14.5 Common Seal of the Council
a. The Common Seal of the Council will be kept in a secure place in the custody of the Service Director of Legal and Democratic or the Monitoring Officer.

b. A decision of the Council, or of any part of it to which authority has been delegated, will be enough authority for sealing any document necessary to give effect to the decision.

c. The Common Seal will be affixed to those documents which in the opinion of the Service Director of Legal and Democratic or Monitoring Officer should be sealed or otherwise completed as required by the Contract Procedure Rules. The affixing of the Common Seal may be certified by either the Mayor, the Deputy Mayor, the Chief Executive, the Service Director of Legal and Democratic the Monitoring Officer, the Deputy Monitoring Officer, the Legal Services Manager or, in the absence of any of them, an Executive Director.
Constitution of Bournemouth Borough Council

PART 3

FUNCTIONS SCHEME

This Part explains the types of Council functions and which part of the Council or officers within the Council can make decisions relating to those functions. Some functions can be delegated and this Part includes details of the functions which have been delegated and the part of the Council or officer they have been delegated to.
## Constitution of Bournemouth Borough Council

### PART 3

#### FUNCTIONS SCHEME

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Part 3: 1 Introduction

The Functions Scheme explains the types of Council functions and which groups or individuals have responsibility for making decisions about them.

3: 1.1 The Law

The law states how the Council makes decisions and which part of the Council or which officer is responsible for making particular decisions and whether or not the decisions can be delegated. In this part, many of the laws are referred to in full. References to ‘the functions regulations’ are references to the Local Authorities (Functions and Responsibilities) Regulations which are issued by the Government from time to time.

3: 1.2 Types of Council Functions

Council Functions fall into three categories:

a. Non Executive - “Council” - Functions

These functions may be exercised by the full Council, a Council Committee, sub-committee or officer. The list of Council functions which only the Council can make a decision on is contained in section 2 of this Part. Details of the Council bodies which carry out Council functions are set out in section 3 of this Part. A list of the Council functions which have been delegated to officers is contained in section 7 of this Part.

b. Executive - “Cabinet” - Functions

The Leader of the Council may decide to arrange for these functions to be delegated to the Executive - Leader and Cabinet, a Committee of the Executive, a single Executive - lead - member with a specific area of responsibility - Portfolio, or an officer. Details of the Cabinet functions are set out in section 4 of this Part. The Cabinet Members Portfolio Scheme is set out in section 5 of this Part. Details of the Cabinet functions that have been delegated to officers is contained in section 7 of this Part.

c. Local Choice Functions

These are functions which the Council can choose to discharge either through a Committee or sub-committee or through an officer or Cabinet. These are called Local Choice Functions. The list of Local Choice functions and the choices that the Council has made about which part of the Council or which officer should carry out those functions is contained in section 6 of this Part.
3: 1.3 Functions Regulations
Reference to ‘the Functions Regulations” in this part are references to the Local Authorities (Functions and Responsibilities) Regulations which are issued by the Government from time to time.
Part 3: 2 Council (Non Executive) Functions

This section sets out what the Council Functions are and who can carry out these functions.

3: 2.1 General
The Council consists of all the Councillors elected to represent each Ward within the Borough. Council Functions are local council functions which by law must be carried out by the Council. They cannot be carried out by the Cabinet.

3: 2.2 Allocation of Functions
The Council has decided that its functions will be carried out in the following way:

<table>
<thead>
<tr>
<th>The Function</th>
<th>Carried out by</th>
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<tr>
<td><strong>GENERAL</strong></td>
<td></td>
</tr>
<tr>
<td>1. All Local Choice functions set out in Part 3 of this Constitution which</td>
<td>Full Council</td>
</tr>
<tr>
<td>the Council has decided should be undertaken by itself rather than the</td>
<td></td>
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<tr>
<td>Executive, a Committee, a Sub-Committee, or an officer.</td>
<td></td>
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<tr>
<td>All other matters not listed in this section which by law must be reserved</td>
<td>Full Council</td>
</tr>
<tr>
<td>to Council of which the Council may lawfully choose to undertake or refer to</td>
<td></td>
</tr>
<tr>
<td>itself.</td>
<td></td>
</tr>
<tr>
<td><strong>APPOINTMENTS</strong></td>
<td></td>
</tr>
<tr>
<td>2. Appointing the Leader of the Council</td>
<td>Full Council</td>
</tr>
<tr>
<td>3. Appointing the Mayor and Deputy Mayor</td>
<td>Full Council</td>
</tr>
<tr>
<td>4. Appointing Representatives to Outside Bodies</td>
<td>Full Council</td>
</tr>
<tr>
<td>5. Deciding on make up of Council’s Statutory Boards, Committees, Panels and</td>
<td>Full Council</td>
</tr>
<tr>
<td>Groups and making appointments in line with the wishes of the group leaders</td>
<td></td>
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<tr>
<td>where political balance is to be achieved.</td>
<td></td>
</tr>
<tr>
<td>6. Approving appointment of Head of Paid Service (Chief Executive) Chief</td>
<td>Full Council</td>
</tr>
<tr>
<td>Finance Officer, Monitoring Officer and Executive Directors.</td>
<td></td>
</tr>
<tr>
<td>7. Appointing staff - and determining terms and conditions on which they</td>
<td>Full Council, Appointments Panel, Chief Executive,</td>
</tr>
<tr>
<td>hold office - including procedures for their dismissal.</td>
<td>Executive Directors, Service Directors.</td>
</tr>
<tr>
<td>8. Appointing ‘Proper Officers’ for particular purposes in accordance with</td>
<td>Full Council</td>
</tr>
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<td>specific legislation.</td>
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9 Appointing members of Independent Remuneration Panel.

BOROUGH NAMING AND CITIZEN ISSUES

10 Awarding the title of Honourary Alderman
11 Awarding the Freedom of the Borough
12 Changing the name of the area
13 Exercising the functions relating to name and status of areas and individual and community governance set out in the Functions Regulations.
14 Making, adopting, changing, withdrawing or re-enacting bye-laws and promoting or opposing the making or local laws or personal Bills.

FINANCE

15 Making arrangements for the proper administration of financial affairs
16 Approving the Statement of Accounts
17 Approving the Council’s Statement of Income and Expenditure and Balance Sheet or Record of Payments.
18 Approving the Council’s Budget
19 Subject to the Urgency Procedure under the Budget and Policy Framework Procedure Rules, making a decision contrary to the Key Policy Framework or the budget or any part of it.
20 Agreeing Member's Scheme of Allowances
21 Making decisions relating to Pensions

GOVERNANCE

22 Adopting and amending the Council’s Constitution save as otherwise provided for in Article 1.
23 Adopting Code of Conduct for Councillors
25 Changing Governance arrangements
26 Making decisions relating to Elections

Full Council/Chief Financial Officer
Audit and Governance Committee
Full Council
Full Council
Full Council
Full Council/Chief Financial Officer
Full Council
Full Council
Full Council/Returning Officer (Chief Executive)
27 Making decisions relating to Overview and Scrutiny  
   Full Council
28 Making payments in cases of Maladministration  
   Standards Committee
29 Setting Terms of Reference for Statutory Boards, Committees, Panels and Groups  
   Full Council
30 Exercising all local choice functions set out in Part 3 of the Constitution which the full Council decides should be undertaken by itself rather than the Cabinet or other body of the Council.  
   Full Council
31 Making decisions which by law must be reserved to the full Council.  
   Full Council

POLICY

32 Approving the Council’s Key Policy Framework and each of the plans which are part of it.  
   Full Council
   Where the responsibility for any of the plans lies with other partnership bodies, the Council will agree the Council’s contribution to those plans.
   Any change to the framework which is necessary as a result of changes in legislation will be incorporated into this Constitution by the Monitoring Officer without the need for the agreement of the Council.
   Where the responsibility for one of these plans lies with other partner bodies, agreeing the Council’s contribution to those plans.
33 Making decisions about any matter relating to the discharge of a Cabinet function covered by the Policy Framework or Budget where the Cabinet is minded to make the decision in a manner which would be contrary to the Policy Framework or contrary or not wholly in accordance with the Budget.
34 Taking responsibility for Health and Safety at Work other than those functions relating to the Council as an employer for which the council is responsible in the Functions Regulations  
   Full Council unless the function has been delegated to an officer.

REGULATORY

35 Licensing and Registration for which the Council is responsible under Schedule 1 of the Functions Regulations - functions b26, b27, b28, b37, b38 and b72.  
   Planning Board/Planning, Transport and Regulation Service Director
36 Preserving Trees and Hedgerows for which the Council is responsible under Schedule 1 of the Functions Regulations.  
   Planning Board/Planning, Transport and Regulation Service Director
37 Granting licenses relating to Highways for which the Council is responsible under Schedule 1 of the Functions regulations. Licensing Board/ Planning, Transport and Regulation Services Service Director

38 Granting rights of way for which the Council is responsible under Schedule 1 of the Functions Regulations. Planning Board/ Planning, Transport and Regulation Services Service Director

39 Protecting common land, unclaimed registered common land and unclaimed town or village greens for which the Council is responsible under the Functions Regulations Planning Board/ Planning, Transport and Regulation Services Service Director

40 Exercising Planning and Development control including enforcement, for which the Council is responsible under Schedule 1 of the Functions Regulations. Planning Board/ Planning, Transport and Regulation Services Service Director

PUBLIC HEALTH OVERVIEW AND SCRUTINY

41 Exercising health scrutiny functions under the Health and Social Care Act 2012. Health and Adult Social Care Overview and Scrutiny Panel.

KKN amendments – 10 December 2014
Constitution of Bournemouth Borough Council
Part 3: Functions Scheme: Council (Non Executive) Functions
PART 3: 3.1 THE STANDARDS COMMITTEE

The functions of the Standards Committee are set out below:

3: 3.1.1 Matters not delegated
The Standards Committee cannot delegate any matter reserved to Full Council.

3: 3.1.2 Functions of the Standards Committee
The Standards Committee shall have the following functions:

1 To promote and maintain the highest standards of conduct by all elected Members and co-opted Members.

2 To ensure that timely and appropriate standards information and training is provided to Members and co-opted Members.

3 To publish information about the Committee's work on the Council website and to produce an Annual Report.

4 To deal with allegations that a Member has breached the Code of Conduct in accordance with the Council's arrangements.

5 To keep under review the handling of all complaints received on at least a quarterly basis.

6 To review annually the Council's Register of Disclosable Pecuniary Interests and the acceptance of gifts and hospitality by Members and co-opted Members.

7 To commission an annual survey of a statistically representative sample of local residents to track over time the level of public trust and confidence in Members to comply with the Code of Conduct.

8 To keep the Code of Conduct under review and to report to the full Council on any amendments or additions that may be required.

9 To advertise, interview and make recommendations to the full Council on the appointment of Independent Persons.
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Part 3: 3.2
AUDIT AND GOVERNANCE COMMITTEE

The Functions of the Audit and Governance Committee are set out below.

3: 3.2.1  Matters not delegated
The Audit and Governance Committee cannot delegate for a decision any issues referred to it apart from any matter that is reserved to the full Council.

3: 3.2.2  Functions of the Audit and Governance Committee

1. To consider the annual report and opinion of the Head of Audit and Management Assurance, including a summary of internal and external audit activity - actual and proposed in the relevant accounting period - and the level of assurance that can be given over the corporate governance arrangements at the Council;

2. To consider summaries of specific internal audit reports as scheduled in the forward plan for the Committee or otherwise requested by Members;

3. To consider reports dealing with the management and performance of the Internal and External Audit functions;

4. To consider reports from Internal Audit on agreed recommendations not implemented within agreed timescales;

5. To consider the action plan arising from the annual report of the External Auditor;

6. To consider all other relevant reports from appointed External Auditors as scheduled in the forward plan for the Committee as agreed with the External Auditor or otherwise requested by Members;

7. To consider the scope and depth of External Audit work and whether it provides value for money;

8. To liaise with the Audit Commission over the appointment of the Council’s External Audit body to the extent permitted by law;

9. To approve the Annual Plans of the Internal Audit and Fraud Service and the External Auditor;

10. To commission work from the Internal Audit Service and External Audit with regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee;

11. To maintain an overview of the Council’s Constitution in respect of contract procedure rules, financial regulations, working protocols and codes of conduct
and behaviour - not otherwise reserved to the Standards Committee;

12. To consider any relevant issue referred to it by the Chief Executive, Chief Finance Officer, Head of Audit and Management Assurance, Monitoring Officer or any other Council body or Cabinet Member;

13. To consider any reports of the Head of Audit and Management Assurance and/or the Monitoring Officer referred to the Committee for consideration;

14. To consider the effective development and operation of risk management, information governance, health and safety and corporate governance overall at the Council;

15. To monitor Council policies on ‘Whistle blowing’, the Anti-Fraud and Corruption strategy and the investigation of any issues referred to it in accordance with the Council’s Whistle-blowing policy and procedures in consultation with the Head of Audit and Management Assurance;

16. To carry out regular reviews of the Council’s Code of Governance and Annual Governance Statement;

17. To consider the Council’s arrangements for corporate governance, decision making and all actions necessary for compliance with best practice to Full Council;

18. To consider any issue of Council compliance with its own and other relevant published regulations, controls, operational standards and codes of practice;

19. To approve the annual statement of accounts;

20. To consider breaches and waivers of these Regulations;

21. To consider the Annual Governance Report of the dually appointed External Auditor to those Members charged with governance at the Council;

22. To consider reports from the Chief Finance Officer on Treasury Management matters in accordance with his/her responsibilities as set out in Part E of the Council’s Financial Regulations.

23. To receive quarterly reports on the performance of the Treasury Management function

24. To consider the effectiveness of the Council’s Information Governance arrangements.

25. To seek assurances that action is being taken on Information Governance related issues identified by the Information Governance Board.

26. To review annual statements on Information Governance from the Information Governance Board, seeking assurance that action has been taken where necessary.
Part 3: 3.3 OVERVIEW AND SCRUTINY PANELS

The Functions of the Overview and Scrutiny Panels are set out below.

3: 3.3.1 The Panels

There are currently 6 Overview and Scrutiny Panels dealing with the following areas of the Council’s responsibility:

Children’s Services
- Children and Young People
- Children’s Social Care
- Community Learning and Engagement
- Youth Offending Team

Community
- Adult Learning
- Environmental Health
- Housing and Bereavement Services
- Library Service
- Museum Service

This panel carries out the Council’s crime and disorder overview and scrutiny functions under the Police and Justice Act 2006.

Corporate Services
- Corporate and Commercial
- Customer Services
- Legal and Democratic
- Strategic Finance
- Corporate Communications
- Property Services

Economy and Tourism
- BH Live
- Economic Development
- Parks and Open Spaces in relation to tourism
- Sport and Recreation
- Tourism
Environment and Transport
• Environmental Sustainability
• Planning and Transport
• Technical Services
• Parks and Open Spaces in relation to environmental issues including river bank erosion, flooding and land contamination.

Health and Adult Social Care
• Adult Social Care
• Community Care
• Public Health
• The Panel will consider wide ranging issues on the delivery of health services affecting the residents of Bournemouth.
• Because of the wide-ranging nature of its work, other Cabinet Members and Business Units may need to report to the Panel.

This panel carries out the Council’s overview and scrutiny functions under the Health and Social Care Act 2001 and 2012, the National Health Services Act 2006 and any relevant regulations made under those acts and under any subsequent legislation.

Each Overview and Scrutiny Panel has general and specific functions in relation to the areas for which they are responsible.

3: 3.4.2 Functions of the Overview and Scrutiny Panels

a. General Functions

1. To prepare reports and/or make recommendations to the full Council, the Cabinet and/or other organisations on the discharge of any functions set out in their terms of reference;

2. To consider any matter covered in their terms of reference affecting the area or its residents, local businesses and visitors.

3. To exercise the right to ‘call-in’, for reconsideration, decisions made but not yet carried out by the Cabinet.

4. To deal with any relevant Councillor call for action.

5. To set up Task and Finish Groups and when it is considered appropriate to do so.

6. To set broad terms of reference for any Task and Finish Group that it creates detailing the issues to be researched and reviewed, with reasons and set a time period within which the project should be completed.

b. Specific Functions

Assist with the Development and Review of Council Policies

1. To assist the Council and/or Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues.
2. To question Cabinet Members and/or senior officers about their views on issues and proposals affecting their areas of responsibility.

3. To conduct research, engage community and conduct other consultation on issues and possible options.

4. To look at cross-cutting issues - so as to contribute to the ‘well being’ of the community.

5. To question Cabinet Members and/or senior officers about their views on issues and proposals affecting their areas of responsibility.

6. To consider and introduce mechanisms to encourage and improve how the community takes part in the development of policy options.

7. To examine, on behalf of the Council, various Policy Framework plans or strategies in draft and reporting on the same to the Cabinet and, if necessary to the Council.

Scrutiny

8. To scrutinise, complement and add value - including the consideration of key cross cutting issues, such as Equalities - to the work of the Leader of the Council and Cabinet member for Resources.

9. To review and scrutinise the effect, performance and implementation of decisions made by the Cabinet, Chief Executive, executive Directors and service Directors, both in relation to individual decisions and the cumulative effect of decisions.

10. To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas - including the areas of responsibility of the Statutory Boards, but not the decisions of the actual Statutory Boards.

11. To ensure relevant actions are in place to address under performance, set challenging targets and ensure improvements are made under the Council’s Performance Management Strategy.

12. To review and scrutinise the performance of other relevant public bodies in Bournemouth - including Health Authorities under relevant legislation and invite reports from them requesting them to address the Overview and Scrutiny Panel and local people about their activities and performance and by using other methods to inform themselves of what would improve performance in the relevant area, for example attending multi-agency workshops.

13. To carry out specific Scrutiny Reviews of any matters which fall within the remit of this Panel using a range of methods including questioning and gathering evidence.

14. To receive and consider any external audit - or equivalent - reports which relate to matters falling within the remit of any of the panels.

15. To make recommendations to the Cabinet, Chairs of Statutory Boards, senior officers and/or Full Council arising from the outcome of the scrutiny process.
Part 3: 3.4 LICENSING BOARD AND SUB-COMMITTEE

The Functions of the Licensing Board and Licensing Sub-Committee are set out below.

3: 3.4.1 Matters not delegated

1. Any matters which by law cannot be delegated and must be dealt with by Full Council.

2. Any new licensing legislation, or part of new licensing legislation, requiring the Council to formally adopt it before discretionary powers become available, unless and until Full Council has so adopted and authorised the Licensing Board to make decisions under that legislation. This clause will not be taken to prevent the Licensing Board considering, researching, consulting on or debating any such new or proposed adoptive legislation prior to its adoption. The Licensing Board will make appropriate recommendations to inform Full Council’s decision.

3: 3.4.2 Delegation to Officers

The determination of all Licensing and Registration matters is delegated to Service Directors in accordance with the Chief Executive’s scheme of officer delegation with the exception of those matters specifically reserved to the Full Council and the Licensing Board and Sub-Committee as set out below.

3: 3.4.3 Functions of the Licensing Board

The Licensing Board shall have the following functions:


2. To delegate the consideration and examination of the Council’s proposed Licensing and other relevant policies to a Licensing Sub-Committee.

3. To make decisions on the type of case that must only be heard by the Licensing Board.
4 To make decisions on all policy and procedures in connection with statutory commercial public safety licensing of a type that may require quasi-judicial process or intervention - e.g. alcohol, entertainment, gambling, sexual entertainment venues, street trading, charitable collections and public carriages.

5 To establish Licensing Sub-Committees, subject to statutory provisions and to determine the number of such committees, after first consulting with the Monitoring Officer or the Monitoring Officer’s delegated representative to ensure members have suitable expertise and to avoid political imbalance.

6 To delegate appropriate matters to Licensing Sub-Committees for a decision. Any such delegation is without prejudice to the Licensing Board’s ability to consider and determine those matters notwithstanding the delegation.

7 To make decisions in matters under the Licensing Act 2003 where there are unresolved Police representations relating to applications:
   a. To vary the designated personal licence holder
   b. For the transfer of a premises licence
   c. For Interim authorities

8 To make decisions on all applications made relating to premises or land operated by the Council where relevant representations are received.

9 To make decisions on applications to review premises licences made under the Gambling Act 2005.

10 To make decisions on applications relating to street trading which fall outside of existing policies.

11 To approve the level of fees charged by the Council.

12 To make decisions on the tariffs charged by the Public Carriage Trade.

13 To make decisions on public carriage disciplinary matters that may result in the revocation or suspension of a Taxi Operators Licence.

14 To make decisions on applications for new sex establishment and sexual entertainment licences.

15 To make decisions on applications for renewals of sex establishment and sexual entertainment licences where representations have been received and not withdrawn.
3: 3.4.4 Functions delegated to the Licensing Sub-Committees

The following functions have been delegated to the Licensing Sub-Committees:

1. To make decisions on all matters referred to it by the Licensing Board.

2. To make decisions on applications made under the Licensing Act 2003 for new premises licences and/or club premises certificates where representations have been made and not withdrawn.

3. To make decisions on applications made under the Licensing Act 2003 to vary licences for premises and/or club premises certificates where representations have been made and not withdrawn.

4. To make decisions on applications made by Dorset Police under the Licensing Act 2003 for expedited reviews of premises licences and/or club premises certificates.

5. To make decisions on applications to review premises licences and/or club premises certificates made under the Licensing Act 2003, including those licences which have been the subject of an earlier expedited review.

6. To make decisions on applications made under the Licensing Act 2003 for personal licences where representations have been made and not withdrawn, or where the applicant has unspent convictions.

7. To make decisions on applications made under the Licensing Act 2003 for a provisional statement where representations have been made and not withdrawn.

8. To make decisions on applications for a temporary event notice made under the Licensing Act 2003 where police or environmental health representations have been made.

9. To make decisions on public carriage licensing matters which fall outside of existing policies.

10. To make decisions on public carriage disciplinary matters with the exception of those matters where the sanction is likely to be suspension or revocation of a Taxi Operators Licence.
11 To make decisions on applications made under the Gambling Act 2005 where representations have been received and not withdrawn for the following:
   a Applications for new premises licences
   b Applications for variation of a premises licence
   c Applications for a provisional statement
   d Applications for other permits

12 To make decisions on applications for transfer of a premises licence made under the Gambling Act 2005 where representations have been received from the Gambling Commission.

13 To make decisions on applications made under the Gambling Act 2005 for:
   a Cancellation of club gaming/club machine permits
   b Cancellation of licensed premises gaming machine permits
   c A decision to give a counter notice to a temporary use notice.

14 To examine and consider the Council’s Licensing and other relevant policies as directed by the Licensing Board and to report and make recommendations to the Licensing Board as appropriate.
Part 3: 3.5 FUNCTIONS OF THE PLANNING BOARD

The functions of the Planning Board are set out below.

3: 3.5.1 Delegations to Officers

The determination of all planning applications, applications for advertisement consent, listed building consent and conservation area consent is delegated to the Service Director for Planning and Transport with the exception of those matters specifically reserved to the Planning Board as set out below. The Service Director of Planning and Transport will at regular intervals circulate to the members of the Planning Board a list of all decisions made under the powers delegated by this section.

3: 3.5.2 Functions of the Planning Board

The Planning Board will make decisions on the following matters:

1. Any application for planning permission only after the recommendation of the Service Director for Planning and Transport, which the Board is to consider, has been circulated to all Members of the Council for comment at least 10 days before the date on which the application is due to be decided unless the application relates to:

   a. A development which is a permitted development.

   b. Detailed plans which follow outline plans already approved, or

   c. Development of a minor character which conforms to the Council’s policies.

Where any of the above applies to an application, the final decision can be made without prior notification to Members of the Council.

2. Any application which proposes development which, in the Service Director’s opinion materially conflicts with the Development Plan or other Council policy, standards or guidance and which is recommended for approval.

3. Any application which an individual Member requests should be referred to the Planning Board because it is contentious and raises planning issues which would affect the wider public interest and which, in the opinion of the Member, should be decided by the Board, provided that:

   a. The request should not be used by any Member with a personal and prejudicial interest.

   b. The request should be supported by at least one planning ground.

   c. The request for referral to the Board is made in writing or by e-mail, in an agreed format, normally by the end of the official first round publicity period. Requests for referral to the Board will be accepted following the expiry of the publicity period provided a delegated decision has not already been made.
d. The site to which the application relates must be in the Member’s ward.

e. The Member must undertake to attend the Planning Board to present his or her planning case, unless absence is unavoidable in which case the attendance of a substitute Member should be arranged.

4 Any other application which in the Service Director’s opinion would be potentially controversial or likely to be of significant public interest.

5 Any application identified as being submitted by a Member or Senior Officer of the Council - third/fourth tier or above in the Service Unit or an officer of Planning and Transport and which is recommended for approval - excluding applications submitted on behalf of the Council.

6 Any application where the Service Director receives 10 or more representations or a petition of 20 or more signatures being received from different addresses, where these conflict with the proposed decision to grant and where these raise material planning considerations which have not been overcome by negotiation or imposition or conditions, for example objections raising issues such as property values would be considered invalid in this context.

Applications Requiring Advertisements

7 Where the following types of applications require advertisement and representations have been received from more than three separate addresses, which are contrary to the proposed decision of the Service Director Planning and Transport:

a. Landscaping schemes and other reserved matters or details required by conditions on previously approved applications.

b. Proposals submitted by the Cabinet or Service Directors to fell up to six trees in any single operation. Replacement planning will normally be required where it is reasonable and practicable to do so. Felling that is already approved as part of woodland management plans and the proposed woodland strategy for the borough. Felling proposals that do not meet these parameters shall be determined by the Planning Board. The felling of trees that present a danger to persons or property.

c. Reinforcement and diversion of existing overhead electricity lines.

d. Transmission/receiving aerials.

e. Minor amendments to previously approved plans as subject to 7 below.

8 Any application relating to minor amendments, which do not require the submission of a formal planning application - to previously approved planning applications, listed building applications or conservations area consent applications meet the following criteria.

a. They result in a materially increased building size.

b. They result in increased proximity to adjoining properties or boundaries, where in the opinion of the Service Director, Planning and transport, it would have a possible adverse effect on the adjacent properties.

c. They include additional or substantially altered windows of other changes to elevation which would be likely, in the opinion of the Service Director Planning and Transport, to have an adverse impact on adjacent properties.
d. They relate to a site on which substantial representations on planning grounds were received on the original application, unless the amendment indicates an improved scheme which in the opinion of the Service Director Planning and Transport goes further than the approved scheme in meeting the representations originally raised.

e. For listed buildings:
   i. the amendments affect the building’s character in respect of its special architectural or historic interest.
   ii. The amendment involves increased demolition.

f. For Conservation Area Consent:
   i. The amendments involves more demolition than approved.

Tree Preservation Orders

9 To confirm Tree Preservation Orders where there are unresolved objections.

10 To revoke or modify consents to tree works where there are unresolved objections.

11 To carry out Tree Replacement Planting in default works under section 2-9 of the Town and Country Planning act 1990 that costs more that £1,000.

Serving Building Preservation Notices

12 To approve scheme costing over £1,000

Conservation and Enhancement Schemes

13 To approve schemes costing over £1,000

Town Planning Appeals

14 To contest appeals without a report on appeals received and appeal decisions being sent to every meeting on the Planning Board.

15 To start the process for an appeal to the High court without consulting with the chair and Vice Chair of the Planning Board.

Legal Agreements

16 To refuse planning applications, originally determined by the Planning Board for failure to complete a legal agreement without consulting the chair and Vice Chair of the Board.

Bournemouth Borough Council Act 1985

17 Section 3: to make decisions relating to safety of stands

18 Sections 15 - 19: To make decisions relating to fire precautions

19 Section 53: To make decisions relating to parking agreements in relation to development proposals.
Part 3: 3.6 FUNCTIONS OF THE COUNCIL’S OTHER BODIES

3: 3.6.1 Corporate Parenting Panel

The Corporate Parenting Panel will have the following functions:

1. To work together, acting on behalf of the Council and partners to ensure the Council’s role of ensuring that all the services with a responsibility to Looked after Children, Young People and Care Leavers are of a high standard.

2. To improve the life chances of Looked After Children in line with their peers. To encourage, protect and support the Council’s Looked After Children and Young People in order that the children can grow up and contribute and participate as healthy citizens within their community.

3. To scrutinise and monitor outcomes for Looked After Children and Care Leavers.

4. To ensure that the profile of the corporate parenting agenda is incorporated into key plans, policies and strategies throughout the Council.

5. To raise awareness by promoting the role of members as corporate parents and the Council as a large corporate family with key responsibilities.

6. To raise the profile of the needs of Looked After Children and Care Leavers through a range of actions including through the organising of celebratory events for the recognitions of achievement.

7. To ensure that the level and quality of corporate parenting that the Council gives as a corporate parent is made clear to children and Young People so that they know what they can expect.

8. To promote and develop participation of children and Young People so that their views are regularly heard through the Corporate Parenting Panel.

9. To meet regularly with Looked After Children and Young People, Front line staff and foster carers.

10. To deliver ongoing support, training and clarity of expectation to foster carers and to monitor how the Council demonstrates its commitment to deliver in these areas.

3: 3.6.2 Customer Care and Complaints Panel

The Customer Care and Complaints Panel will have the following functions:

1. To meet on an ad-hoc basis to hear appeals from members of the public who have exhausted all other avenues within the Complaints Procedure and remain unhappy with the outcome. If the Panel considers there is a significant unresolved issue they will take appropriate steps to resolve the complaint.

2. Complaints will be referred to this panel where it is clear that the complainant has a genuine complaint about the service or the way they have been treated. The Panel will not consider complaints from individuals who are unhappy with the decisions made within the policy or statutory guidelines for a service.
3: 3.6.3 Independent Remuneration Panel

The Independent Remuneration Panel will have the following functions:

1. To make recommendations to the Council about the Basic Allowance which should be payable to its elected members.
2. To make recommendations to the Council about the roles and responsibilities for which a Special Responsibility Allowance should be payable and as to the amount of each such allowance.
3. To make recommendations on whether the Council’s Allowance Scheme should include an allowance for the care of children and dependents and if it does make such a recommendation, the amount of this allowance and the means by which this is determined bearing in mind the need for the Council to meet the equality requirements and promote community involvement.

3: 3.6.4 Local Development Framework (LDF) Steering Group

The LDF Steering Group will have the following functions:

1. To help Full Council produce its LDF.
2. To set priorities to achieve the LDF work programmes set by the Cabinet.
3. To make recommendations to Cabinet regarding additions, deletions or changes to the LDF programme.
4. To sign off the work of Task and Finish sub groups and make proposals to Cabinet.

3: 3.6.5 Nomination Board

The Nomination Board will have the following functions:

1. To submit recommendations to Council on the political balance of the Council.
2. To submit recommendations to the Council on the appointment of the Leader of the Council.
3. To submit recommendations to Council on the allocation of seats on Committees between the political groups.
4. To submit recommendations on the appointment of Members to various other Groups and Panels.
5. To submit recommendations on the appointment of Members to outside bodies.

3: 3.6.6 Social Services Adoption Panel

The Social Services Adoption Panel will have the following functions:

1. To determine whether adoption is in the best interests of a child and, if so whether an application should be made to the court to free the child for adoption.
2. To determine whether a prospective adopter is suitable to be an adoptive parent.
3. To determine whether a prospective adopter would be a suitable adoptive parent for a particular child and to recommend accordingly to the Adoption Agency.

3: 3.6.7 Social Services Fostering Panel

The Social Services Fostering Panel will have the following functions:
1 To consider all application for approval of prospective foster carers.
2 To consider and recommend whether applications are suitable.
3 To consider and recommend terms and conditions under which applicants are approved.
4 To consider written submissions by prospective carers who have been refused approval.
5 To consider and recommend at first review whether applicants are suitable to continue.
6 To consider and recommend, if asked to do so by the Head of children’s Services, the suitability or otherwise of carers following subsequent review.
7 To consider written submissions by carers when approval has been withdrawn.
8 To oversee the conduct of foster carer assessments.
9 To oversee the conduct of foster carer reviews.
10 To monitor the range and type of carer’s available in relation to the needs of children locally.
11 To advice on the overall management of the service and any other matters referred by the Head of Children’s Services.

3: 3.6.8 Planning Board Agenda Group

The Planning Board Agenda Group will have the following functions:

1 To meet with officers before each Planning Board meeting for the purpose of receiving a briefing on the agenda papers.
2 To request more information where required to help the Board’s consideration of the planning issues that are to be decided at the next meeting.

3: 3.6.9 Member Development Steering Group

1 Regularly review the Member Development Strategy to ensure that it continues to meet the needs of individual Elected and co-opted Members and the Council.
2 Approve the methods of identifying and assessing Elected and co-opted Member development needs.
3 Identify factors either within or outside the Council that may create training needs such as changes to service delivery mechanisms or legislation.
4 Identify the appropriate training required as relevant to the various roles undertaken by Elected and co-opted Members.
5 Identify which Elected and co-opted Member may have the skills and knowledge to act in a role as trainer or facilitator for other Elected or co-opted Members and provide the support required to undertake this role.
6 Recommend suitable and cost-effective development programmes.
7 Monitor how training and development is being carried out, and its effectiveness.
8 Monitor Elected and co-opted Member involvement in the training and development provided and take relevant action, as required, to improve attendance.
9 Monitor the use of and resources required to support the Elected and co-opted Member development programme including identifying sources of external funding and potential for partnership working/shared training delivery.

3: 3.6.10 Review of the Constitution Steering Group

1 To consider proposals for the review of the Constitution and make recommendations to the Cabinet.
3: 3.6.11 Housing Governance Board

1. To advise on the Housing Revenue Account – HRA - Business Plan, the detailed plan setting out the objectives of the Council’s HRA and the strategy and plans to achieve them, and monitor service delivery against it.
2. Review and approve HRA performance indicators.
3. Monitor the performance of HRA services through performance indicator reports and financial management statements.
4. Monitor the performance of HRA services through performance indicator reports and financial management statements.
5. Monitor the performance of HRA services through performance indicator reports and financial management statements.
6. Review reports on the HRA risk management and business continuity arrangements.
7. Be consulted on the content of draft HRA reports on key decisions prior to submission to Cabinet.
8. Be consulted on the content of draft HRA reports on key decisions prior to submission to Cabinet.
9. Review and approve policies and procedures used to deliver HRA services.
10. Receive reports and reviews from tenant Standard Groups and Panels.
11. Receive reports on new and existing HRA service initiatives
12. Review, approve and monitor HRA service standards.
13. Be consulted on key changes to HRA strategy, key policies, significant service changes and development proposals.

Note:

1. The Board is a decision making body set up to consider key issues affecting the Council’s self-financing HRA and landlord services namely the management, maintenance, improvement and development of council tenancies and homes.
2. The Board has regard for the Council’s powers, responsibilities and constitution, including the system of delegated authority.
3. The Board is not to be involved in day-to-day operational matters or matters of detailed service delivery or performance. The Service Director of Housing Landlord and Parks retains delegated decision-making authority in accordance with the Council’s constitution.

3: 3.6.12 Health and Wellbeing Board

Purpose:
To improve health and wellbeing and reduce health inequalities for residents in Bournemouth and Poole. The Board will achieve this by:

- Understanding the health and wellbeing needs of the community and identifying strategic priorities and actions for improvement.
- Promoting the strategic coordination of joint commissioning and integrated provision between Health, Public Health, Social Care, Children’s Services and other services that the Board agrees that impacts on wider determinants of health.
- Providing collaborative leadership that influences, shapes and drives a wide range of services and interventions across Health, Social Care and Public Health.
• Building and maintaining long term partnerships which promote health and wellbeing across Bournemouth and Poole.

• Effectively engaging with the populations of Bournemouth and Poole and other key stakeholders to develop strategies and interventions which are relevant to and understood by the local community.

**Key areas of responsibility:**
The Board is responsible for the Joint Strategic Needs Assessment (JSNA) and a new Joint Health & Wellbeing Strategy which are key documents that will inform and shape NHS and local government activity.

**The Board will:**
• Identify health and wellbeing needs and priorities, and coordinate the development and updating of the Joint Strategic Needs Assessments (JSNAs) and the Pharmaceutical Needs Assessment (PNA) for both Bournemouth and Poole.

• Agree, develop and implement the priorities and outcomes set out in the Joint Bournemouth and Poole Health and Wellbeing Strategy, working with existing partnerships where appropriate and periodically refreshing the Strategy in line with evidence in the Joint Strategic Needs Assessment.

• Encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage lead commissioning, pooled budget and / or integrated provision in connection with the provision of health and social care services.

• Encourage close working between commissioners of health-related services and the board itself.

• Discharge any other functions that may be delegated by Bournemouth and Poole councils under section 196(2) of the Health and Social Care Act 2012.

• Have responsibility for improving the health and wellbeing of children and maintain a formal relationship with the local Children’s Trusts and Local Safeguarding Children’s Board.

• Be responsible for developing collaborative working to improve health and wellbeing across the conurbation and ensure there are appropriate links with the Bournemouth and Poole Adults Safeguarding Board.

• Work cooperatively with the Health and Wellbeing Board in Dorset and where appropriate, agree shared priorities and action.

• Measure progress against local plans including the Clinical Commissioning Group plans and the Health and Wellbeing Strategy, to ensure action is taken to improve outcomes when monitoring or performance indicators show that plans are not working.

• Implement and update as required a Communication and Stakeholder Engagement plan, outlining how it will be influenced by stakeholders, patients, people who live and work in the boroughs including seldom heard groups, and how the Board will discharge specific duties with respect to consultation and engagement on service changes.

• Deliver its public sector equalities duties under the Equality Act 2010.

• The Board will produce an annual report outlining what they have achieved in respect of the improvement of health and wellbeing, and the reduction of health inequalities for the population of Bournemouth and Poole.
3: 3.6.13 Dorset Local Transport Body

Purpose:
To ensure that devolved major transport scheme funding provided by the Department for Transport is used as effectively and efficiently as is practicable.

Primary role:
To decide which investments should be prioritised, to review and approve individual business cases for those investments, and to ensure effective delivery of the programme.

The Body will perform the following roles in relation to devolved Local Authority major scheme funding:
- Ensure value for money is achieved
- Identify a prioritised list of investments within the available budget
- Make decisions on individual scheme approval, investment and the release of funding, including scrutiny of individual scheme business cases
- Monitor progress of scheme delivery and spend
- Actively manage the devolved budget and programme to respond to changed circumstance - scheme slippage, scheme alteration, cost increases and so on.

Note - Approval of major scheme funding by the Body will be fixed at commencement, which is deemed to be the start of detailed design. Preliminary costs will be met by the promoting authority. Any cost increases that arise subsequent to scheme commencement will be met by the promoting authority.

3: 3.6.14 Flood Advisory Body

This Body will:
- Exercise a strategy development, project oversight and monitoring role.
- Be the primary vehicle through which the Portfolio Holder will consult with other organisations prior to exercising his delegated authority.
- Assist the Council by bringing together the collective resources of the relevant flood risk authorities to identify and minimise the flood risk to communities in Bournemouth.
- In particular to:-
  - Oversee the delivery of obligations under the Flood and Water Management Act; the Flood Risk Regulations and other related legislation
  - Support the various organisations in meeting their duties under the legislation
  - Monitor progress within statutory and agreed parameters and timescales, agree the approaches adopted by Officers and any changes to them
• Ensure that the required funding and other resources are committed to the work and that all potential funding sources are pursued in order to progress a programme of actions - including flood risk alleviation/mitigation schemes

• Ensure that the required level of cooperation is being achieved between the various organisations

• Act as a consultation body with other Lead Local Flood Authorities

• Ensure that all potential sources of flood information are consulted so as to maximise the data available for consideration

• Liaise with the Bournemouth, Dorset and Poole Local Resilience Forum on all matters relevant to Flood and Water Management

• Inform the Bournemouth representative on the Wessex Regional Flood Defence Committee of developments in all issues relevant to Flood and Water Management in Bournemouth

• Engage with the planning service to influence the impact of development on flood risk

• And recommend to the relevant Cabinet portfolio holder:
  • Adoption of the Strategic Surface Water Management Plan
  • Adoption of Flood Hazard Maps, Flood Risk Maps and Flood Risk Management Plans
  • A Flood Risk Management Strategy
  • Proposals for provision of a land drainage regulatory and enforcement service
  • Proposals for provision of approvals for sustainable drainage systems
  • Arrangements for preparation and maintenance of a register of structures or features likely to affect flood risk in Bournemouth.
  • Arrangements for contributing towards achievement of sustainable development in Bournemouth
  • A procedure for investigation of flooding incidents.
3:  3.6.15 Elected Member Engagement Group

This Group will:

1. Provide a forum for an exchange of views and information in relation to strategic or policy matters which are of mutual concern and may affect the management of people.

2. Provide the opportunity for joint consultation on matters relating to the efficient operation of the Council.

3. Consider opportunities for positive joint action between the Council and trade unions for the development and improvement of the work of the Council, linking to regional and national negotiating bodies as appropriate.
The Appeals Board will have the following functions:

1. Determining personnel-related appeals including disciplinary matters, as required by relevant Council policies.

2. Considering applications for discharge from mental health guardianship.

3. Refusing or revoking parking concessions for disabled and blind people on the grounds of misuse.

4. Determining appeals by parents and students against the Director of Education’s decision in relation to awards.

5. Determining appeals by parents against the Director of Education’s decision on boarding education matters and other pupil benefits.

6. Determining appeals by parents against the Director of Education’s decision in relation to the provision of transport in cases of need, special circumstance or on safety.

7. Determining appeals against the Director of Education’s decision on the provision of transport to denominational schools and colleges.
Part 3: 4 The Functions Scheme - Cabinet (Executive) Functions

This section sets out what the Executive Functions are and who can carry these functions out.

3: 4.1 Discharge of Executive Functions

All executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision making - subject to conditions - to:

a. The Cabinet
b. A member of the Cabinet
c. a committee of the Cabinet
d. an Officer
e. another authority
f. Another organisation under joint arrangements

3: 4.2 Functions of the Cabinet

The Leader has prepared a Scheme of Delegation which The Leader has determined that the Cabinet will have the following functions:

1 Be responsible for strategic and policy co-ordination.

2 Recommend to the Full Council for approval as part of the Budget and Key Policy Framework, major new policies, changes to or revisions of existing policies or any other plan or strategy which full Council decides it shall adopt or approve.

3 Oversee the Council’s Forward Plan for key decisions.

4 Carry out the Council’s responsibilities for improving the economic social and environmental well-being of the borough.

5 Ensure that the annual budget is set and the underlying principles set out in the Financial Procedure Rules adhered to in any changes required from time to time including recommending to the Full Council any changes to policy that will materially reduce or increase the services of the Council or create significant financial commitments in future years.

6 Recommend to the Full Council the overall financial strategy, including the Capital and Revenue Budgets and the level of Council Tax and the Council Tax Base.

7 Monitor spending on the capital programme.

8 Take in year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and carry
out the Key Policy Framework, Corporate Plan and Budget.

9 Consider and respond to recommendations and reports from Overview and Scrutiny Panels.

10 Consider the reports of external review bodies on key aspects of overall service delivery.

11 Recommend to Full Council any changes to the Constitution.

12 Decide all Local Choice Functions set out in this scheme which the Full Council decided should be undertaken by the Cabinet.

13 Carry out those functions of the Council not allocated in other tables of responsibilities and delegations for example to Planning etc.

14 Be able to make decisions where no other tier of government has responsibility or where a policy or strategy does not exist.

15 Resolve disputes between cabinet members including those where there is no agreement between portfolio holders relating to cross-portfolio issues.

16 Be involved in the process for appointment of the Council’s Chief Executive or the Head of Paid Service.

17 Be the focus for forming partnerships with other local, public, private, voluntary and community sector organisations to address local needs and achieve the Community Vision.

18 Make the final decision on joint arrangements, arrangements to provide wellbeing/partnership arrangements and delegations to other local authorities.

19 Confer with other local authorities, government departments, statutory bodies, voluntary bodies, the Chief Constable or Dorset or other external agencies.

20 Approve the making of Compulsory Purchase Orders

21 Make recommendations to Council regarding byelaws.

3: 4.3 Functions of individual members of the Cabinet

The Leader

The Leader will perform the following functions:

1 Lead on implementing the Council’s policy and budget decisions.

2 Provide leadership of the Council by setting the strategic direction and key priorities, overseeing the development of the financial strategies.

3 Represent the Council in the community and in negotiations with regional and national organisations.
In the absence of a Portfolio holder take responsibility for all relevant matters within the remit of the cabinet.

Appoint a deputy Leader.

Appoint up to 9 Councillors to be members of the Cabinet.

Allocate to each member of the Cabinet areas of responsibility to be known as Portfolios.

Notify the Monitoring Officer of the allocation of responsibility so that the information can be compile in the Cabinet Members Portfolio Scheme.

Provide leadership to the Cabinet and chair Cabinet meetings.

Where the Leader judges it to be the most suitable course of action, the Leader may require any decision proposed by one or more Portfolio holders to be taken by the full Cabinet.

Exercise discretion to personally discharge any executive functions or make arrangements for their discharge by the Cabinet, another member of the Cabinet, a committee of the Cabinet or to an officer (without prejudice to his or her continued power to discharge that function).

All executive functions not expressed to be within the remit of the Leader or otherwise delegated by the Leader to the Cabinet, single member of the Cabinet or a committee of the Cabinet are delegated by the Leader to officers.

**The Deputy Leader**

The Deputy Leader will perform the following function in addition to Portfolio responsibilities:

Deputise in the Leader’s absence.

### 3: 4.4 Delegation to Cabinet Members

a. All Cabinet members will be publicly accountable for the actions of the Council. This will include specific responsibility for matters within the scope of their Portfolio as follows:

1. To make decisions consistent with the Council’s Key Policy Framework.

2. To make decisions with approved budgets or within virement discretion.

3. To make decisions which do not compromise any existing or proposed policy.

4. To refer to the Leader any matter considered by the Portfolio holder or the Leader to be too sensitive or controversial to be decided ‘within Portfolio’.

5. To agree decisions with other Portfolio holders where the matter is a cross-portfolio matter. To refer to the Leader any such matter which cannot be agreed.
6 To give public account of the functions and decisions made within the Portfolio areas of responsibility.

7 To maintain clear communication with the Chairs of the relevant Overview and Scrutiny Panels and Council Boards and Committees.

8 To represent the Council with external bodies and agencies in order to promote the work of the Council and the Council’s interests and improve Council influence with external bodies.

9 To develop clear, affordable policies and strategies for services which are consistent with the Council’s wider objectives and consistent with the Council’s cross cutting objectives.

10 To set clear priorities which are consistent with the Council’s policies and strategic objectives.

11 To ensure that resources are efficiently managed within allocations set by Council and that risk is well managed.

12 Specific projects as agreed with the Leader of the Council.

13 Where matters are to be discharged by the Cabinet then (unless the Leader directs otherwise) the Cabinet may exercise its discretion to delegate those matters to a committee of the Cabinet or to an officer.

14 Where matters are to be discharged by a single member of the Cabinet then unless the Leader directs otherwise that member may exercise his or her discretion to delegate those matters to an officer.

15 To make any other arrangements for executive decisions that are permitted by law.

b. Where executive functions have been delegated that does not prevent the discharge of the delegated functions by the person or body who delegated them or by the Leader who retains the authority to make any executive decision.

4.5 Functions Reserved to Leader

All the functions listed in this section are reserved to the Leader unless delegated to the Cabinet, a Cabinet Member or to officers.
Part 3: 5 CABINET MEMBERS’ PORTFOLIO SCHEME

These are the areas of responsibility (Portfolios) allocated to the Leader and each of the other members of the Cabinet

3:5.1 Current Portfolios

As at May 2015 the 10 Portfolios for the administrative year 2015/2016, subject to change at the Leader’s discretion are:

• Leader of the Council and Resources
• Deputy Leader and Education and Children’s Services
• Corporate Efficiency
• Transport, Sustainability and Carbon Management
• Regeneration and Public Health
• Adult Social Care
• Tourism, Leisure and the Arts
• Planning and Environment
• Transport, Cleansing and Waste
• Housing

3:5.2 Portfolio Details

Details of the Cabinet member responsible for each Portfolio and the areas of responsibility contained within each Portfolio are set out below:

Leader of the Council and Resources - Councillor John Beesley

Chief Executive
• Corporate Plan
• Corporate Strategy
Strategic Finance
  • Finance

Environment and Regeneration Services
  • Town Centre Master Vision
  • Property Services
  • BH Live Client
  • Economic Development
  • European matters

Tourism and Corporate Communications
  • Corporate Communications

Corporate and Commercial
  • The Bournemouth Group
  • Commercial Development
  • Inward Investment Programme

Kier (Mouchel) Service Delivery
  • Added Value

Deputy Leader and Education and Children’s Services - Councillor Nicola Greene

Deputy Leader
  • Member Engagement

Deputy Chief Executive
  • Health and Wellbeing Board
  • Clinical Services Review

Children and Young People
  • Early Years
  • Schools Improvement
  • 14-19 Services
  • Special Educational Needs and Disabilities
  • Integrated youth services
  • Youth Offending Service (Joint with Dorset and Poole)
  • Adult Learning
  • Early Help

Children’s Social Care
  • Contact and Referral
  • Children in Need Services
  • Child Protection Services
  • Specialist Family Support Services
  • Adoption and Fostering
  • Support for Looked After and Care Leavers
• Children’s Residential and Respite Services

Community Learning and Commissioning
• Commissioning of Children’s Services
• Home to School Transport
• School Organisation and School Capital
• Bournemouth Learning Centre
• Directorate Business Support
• School Admissions
• Children’s Trust Arrangements.

Corporate Efficiency - Councillor Anne Filer

Corporate and Commercial
• Strategic Human Resources and Organisational Development
• Strategic IT and Business Change

Strategic Finance
• Corporate Health and Safety
• Internal Audit
• Insurance/Risk Management
• Emergency Planning
• Corporate Business Continuity
• Strategic Procurement, Commissioning and Contract Management

Kier (Mouchel) Service Delivery
• Partnerships and Contract Management - Revenues and Benefits, Building Services, HR and Payroll, IT and job creation

Service Director - TBC
• Customer Standards
• Corporate Customer Initiatives
• Access Channels
• Customer Engagement
• Care Direct
• Digital by Design

Legal and Democratic
• Data Protection
• Freedom of Information
• Democratic Services
• Electoral Services
• Local Land Charges
• Legal Services
• Mayoral Support
• Monitoring Officer
• Information Governance
- Registrar Services
- Constitution/Standards

**Transport, Sustainability and Carbon Management - Councillor Mike Greene**

Planning, Transport and Regulation
- Transport Planning
- Parking and Transport Management
- Local Transport Plan
- Passenger Transport
- Highway Network management
- Road Safety
- Highway Engineering Design

Environment and Regeneration Services
- Environmental Sustainability
- Carbon Management Centre of Excellence

**Regeneration and Public Health - Councillor Jane Kelly**

Chief Executive
- Police and Crime Commissioner

Deputy Chief Executive
- Public Health and Wellbeing

Environment and Regeneration Services
- Community Regeneration
- Voluntary Sector

Service Director - TBC
- Welfare Reform

**Bournemouth 2026 Strategic Priorities**

**Regeneration**
- Boscombe
- West Howe

**Transformation**
- Turnaround
- Young People realising their potential

**Community Learning & Commissioning**
- Drug and Alcohol Team
**Adult Social Care - Councillor Blair Crawford**

**Adult Social Care**
- Safeguarding Adults
- Deprivation of Liberty Safeguards
- Independent Living Support
- Older People’s Services
- Mental Health Services
- Services for People with a Learning Disability
- Reablement Team
- Hospital Social Work Teams
- Financial Assessment Services
- Brokerage
- Services for People with a Long-Term Condition

**Corporate and Commercial**

**Tricuro:**
- Shared Lives Service
- Broadwaters
- Community Employment Services
- Community Support Team
- Residential and Respite Services
- Day Services for Older People, People with a Disability and Mental Health Needs

**Community Learning and Commissioning**
- Commissioning of Adult Services
- Carers Support
- Housing Related support

**Tourism, Leisure and the Arts - Councillor Lawrence Williams**

**Chief Executive**
- Equality and Diversity

**Housing, Parks and Bereavement Services**
- Parks and Open Spaces Management
- Parks Lease, Asset and Countryside Management
- Outdoor Sports and Recreation Services

**Tourism and Corporate Communications**
- Tourism Marketing
- Business Tourism
- Visitor/In Resort Information
- Conference Delegate Reservation Services
- Decorative Illuminations
- Event Management
- Tourism Strategic Development
- Leisure Marketing
• Seafront
• Festival Development
• Museum Services
• Arts and Cultural Development

**Community Learning and Commissioning**
• Library Service
• Archives

**Planning and Environment - Councillor David Smith**

**Planning, Transport and Regulation**
• Building Control
• Planning Control
• Planning Policy and guidance including Community Infrastructure Levy
• Coastal Protection
• Strategic Flooding
• Consumer Advice
• Environmental Health
• Licensing
• Trading Standards
• Development Management
• Planning Enforcement
• Design and Heritage

**Housing, Parks and Bereavement Services**
• Bereavement Services

**Legal and Democratic**
• Coroners Services
• Community Safety

**Tourism and Corporate Communications**
• Town Centre Management
• Night Time Economy

**Cleansing and Waste - Councillor Michael Filer**

**Environment and Regeneration Services**
• Cleansing and Waste
• Refuse Collection
• Recycling and Waste Disposal
• Street Cleaning
• Public Conveniences
• Vehicle Workshops
• Abandoned Vehicles
• Highway Inspection
• Minor Highway Repairs
• Winter Maintenance / Gritting
• Gulley Cleansing
• Highway Enforcement
• Street Lighting
• Waste Strategy
• Pest Control

**Housing - Councillor Robert Lawton**

**Housing, Parks and Bereavement Services**
• Management and Maintenance of Council Housing Stock
• Maintenance of Corporate Stock
• Delivery of Private Disabled Facilities Grants
• Independent Senior Living
• Tenant Services
• New Build Development
• Central Control
• Careline - Community Alarm and Telecare
• Installation of Solar Photovoltaic Panels
• Private Sector Enforcement and Landlord Liaison
• Empty Homes
• Housing Renewal
• Housing Strategy
• Enabling Affordable Housing
• Homelessness
• Housing Register and Allocations

**Corporate and Commercial**
• Bournemouth Building Maintenance Limited
Part 3: 6 - Local Choice Functions

This section explains what the Local Choice Functions are and who can carry these functions out.

3: 6.1 General

Local Choice Functions are those where the Council can choose whether the Council or the Cabinet has responsibility.

3: 6.2 Allocation of functions

The Council has decided that Local Choice Functions listed in column 1 will be the responsibility of the bodies set out in Column 2. In turn, the decision making body may delegate to the person or body set out in Column 3.

<table>
<thead>
<tr>
<th>Function</th>
<th>Decision making body</th>
<th>Delegated to</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Bournemouth Borough Council Act 1985</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Section 3: Safety of Stands</td>
<td>Full Council</td>
<td>Planning Board</td>
</tr>
<tr>
<td>2 Sections 6 - 14: Night Cafes</td>
<td>Full Council</td>
<td>Licensing Board</td>
</tr>
<tr>
<td>3 Sections 15 - 19: Fire Precautions</td>
<td>Full Council</td>
<td>Planning Board</td>
</tr>
<tr>
<td>4 Section 53: Parking Agreements in relation to development proposals</td>
<td>Full Council</td>
<td>Planning Board</td>
</tr>
<tr>
<td>5 Part IV: Parks and Amenities</td>
<td>The Cabinet to act as Trustees insofar as any decisions relate to the Charitable Trusts in connection with the Five Parks.</td>
<td>Not delegated</td>
</tr>
<tr>
<td>6 Section 57: Russell Cotes Art Gallery and Museum</td>
<td>The Cabinet to act as the Management Committee as set out by Section 57 sub-section 3(a) of the Act. The Cabinet will be responsible for exercising functions under Sections 63 and 64 of the Act relating to prosecutions for breaches of the Act except where those breaches relate to functions specifically delegated as set out above.</td>
<td>Not delegated save as specified.</td>
</tr>
<tr>
<td>Function</td>
<td>Act/Section</td>
<td>Authority</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>-----------</td>
</tr>
<tr>
<td>7</td>
<td>Any function under Bournemouth Borough Council Act 1985 not listed above.</td>
<td>Cabinet or</td>
</tr>
<tr>
<td>8</td>
<td>The determination of an appeal against any decision made by or on behalf of the authority - where a right of appeal exists.</td>
<td>Full Council</td>
</tr>
<tr>
<td>9</td>
<td>Section 34(4)(determination of claims and reviews): The appointment and review of boards under regulations.</td>
<td>Full Council</td>
</tr>
<tr>
<td>10</td>
<td>The making of arrangements in relation to appeals against exclusion of pupils.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>11</td>
<td>Sections 94(1)(1A) and (4): The making of arrangements in relation to admission appeals.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>12</td>
<td>Section 95(2): children to whom section 87 applies, appeals by governing bodies.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>13</td>
<td>Section 20: (questions on Police matters at Council meetings). The making of arrangements enabling questions to be put on the discharge of the functions of a police authority.</td>
<td>Full Council</td>
</tr>
<tr>
<td>14</td>
<td>Schedule 2: paragraphs 2 to 4: Appointment of members by relevant Councils in relation to Police Authorities established under section 3 of the act.</td>
<td>Full Council</td>
</tr>
<tr>
<td>15</td>
<td>The passing of a resolution that Schedule 2 should apply in the Council’s area.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>16</td>
<td>The investigation of any complaint as to the existence of a statutory nuisance.</td>
<td>Cabinet</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Responsible Bodies</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>19</td>
<td>The making of agreements for the execution of highways works.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>20</td>
<td>The appointment of any individual:</td>
<td>Full Council</td>
</tr>
<tr>
<td></td>
<td>a. To any office other than an office in which he is employed by the authority;</td>
<td>Cabinet in relation to executive Functions.</td>
</tr>
<tr>
<td></td>
<td>b. To any body other than:</td>
<td>Non executive bodies in relation to non-executive functions.</td>
</tr>
<tr>
<td></td>
<td>i. the authority</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ii. a joint committee of two or more authorities; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c. To any committee of sub-committee of such a body.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>The making of agreements with other local councils for the placing of staff at the disposal of those councils.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>22</td>
<td>Preparing, submitting and modifying a draft Local Area Agreement.</td>
<td>Full Council</td>
</tr>
<tr>
<td>23</td>
<td>Consultation in relation to determining local improvement targets for the draft Local Area Agreement.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>24</td>
<td>Any function relating to contaminated land.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>25</td>
<td>The discharge of any function relating to the control or pollution or the management of air quality.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>26</td>
<td>The service of an abatement notice in respect of a statutory nuisance.</td>
<td>Cabinet</td>
</tr>
<tr>
<td>27</td>
<td>The inspection of the authority’s area to detect any statutory nuisance.</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

KKN Amendments - 11 March 2013
Constitution of Bournemouth Borough Council
Part 3: Functions Scheme: Local Choice Functions
28 Any function of a local authority in their capacity as a harbour authority to the extent that the function does not fall within the provisions of any relevant local act as detailed above.

Full Council

Chief Executive; Service Director

29 Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements.

Combination:
Cabinet except approval of Local Area Agreement reserved to full Council;
revision of a target relating to a non-executive function reserved to the appropriate non-executive body.

Chief Executive
3:7 SCHEME OF DELEGATION TO OFFICERS

This sets out the Council’s Scheme of Delegations of Delegation of Council and Executive Functions to Officers.

3:7.1 Introduction

a. This Scheme of Delegation repeals and replaces all previous Schemes of Delegation. It does not stand alone and should be read in conjunction with the Leaders Scheme of Delegation - which includes the Leader’s delegations to Cabinet Members and the Chief Executive, the Chief Executive’s Scheme of Delegations - which contains the Chief Executive’s specific delegations to officers based on service areas - and delegations made under statute or elsewhere in this Constitution - see Article 12 and Part 3, in particular the Proper Officer delegations.

b. References in this Scheme to “the Chief Executive and Directors” are references to the Chief Executive, the Executive Directors, Service Directors, Monitoring Officer and Chief Financial Officer unless specifically stated otherwise.

c. Except in an emergency this Scheme does not authorise delegation of any power to make decisions or responsibility which may not in law be delegated to an officer or which has been specifically reserved for decision to:

   i. the Council,
   ii. the Leader,
   iii. the Cabinet
   iv. a Cabinet Member,
   v. a Council board, committee or panel,
   vi. a specific statutory officer

d. The Chief Executive and Directors will remain responsible for the decisions made by them under this Scheme or the Chief Executive’s Scheme of Delegations and decisions made by anyone to whom they delegate their power.

e. Apart from those powers set out below which have been generally or specifically delegated to officers, any remaining functions which have not been delegated under this or any other current scheme of delegations, specifically reserved to the Leader, Council, Cabinet, Cabinet Member, or any of the councils boards, committees or panels, are delegated to officers.
3:7.2 Emergency

a. Under this Scheme “emergency” means an event or situation which the relevant officer believes threatens serious damage to human welfare or the environment or war or terrorism or serious damage to the security of the United Kingdom.

b. Where urgent action is needed to enable the Council to fulfil its functions, then, after consultation with the Leader of the Council, or in his or her absence the Deputy Leader of the Council and having regard to any relevant National or Regional guidance, the Chief Executive may authorise action and incur expenditure.

3:7.3 Recording Decisions

a. All authorisations and delegations made, powers carried out and decisions taken under this Scheme and the Chief Executive’s Scheme, including decisions taken in consultation with a Cabinet Member or Chair of one of the Councils, boards, committees or panels and any changes of delegation made by them, must be formally recorded in writing by the Chief Executive or Directors as appropriate.

b. The record must be kept within each Service Directorate by the Executive Directors and must be made available to the public.

c. The record of the decision should contain the following information:

   i. The name and post of the officer taking the decision;
   ii. The substantive facts, including what is being decided;
   iii. The reasons for the decision;
   iv. The expenditure authorised (if any); and
   v. The date the decision was taken.

d. The officer exercising delegated powers is responsible for ensuring that all decisions taken are properly recorded.

3:7.4 The Decision Making Process

a. Before taking any decision under delegated powers an officer will notify the relevant Cabinet member of any action which is likely to be contentious or politically sensitive.

b. When exercising delegated powers an officer will consult with staff in other service areas where the decision is likely to have an impact on that service area.
c. Officers making decisions must be satisfied that at as early as possible in the decision making process the following issues are considered:

i. The principles of decision making contained in Article 13.

ii. The Council Procedure Rules, Financial Framework and Contract Procedure Rules and whether the matter needs to be included in a Forward Plan.

iii. All relevant Guidance, law and Codes of Practice including national and regional guidance.

iv. The responses to consultation conducted in accordance with the Council’s consultation Strategy and the views coming from that process.

v. The views of the relevant Cabinet Members, of Chairs of Statutory Boards or Panels or Committees, and where the decision may have cross cutting implications and/or relate to a specific area, the views of relevant Council Boards, Panels or Committees, Cabinet portfolio holders and local ward members.

vi. The involvement of relevant statutory officers and/or other Executive Directors and service Directors;

vii. Any risks in accordance with the Council’s Risk Management Strategy.

viii. The staffing, legal and financial implications including the need to secure value for money.

ix. The range of available options.

d. It is the responsibility and duty of the Chief Executive and Directors to ensure that where appropriate matters of a controversial nature or involving potentially significant changes in policy are consulted on with the relevant Cabinet member and recorded or reported to the Leader, Cabinet, Cabinet Member, Full Council, council board, committee or panel, as appropriate.

3:7.5 General Delegations to the Chief Executive and Directors and Officers

a. The Chief Executive has authority to exercise all powers delegated to that post by the Leader as contained in the Leaders Scheme of Delegation and may make all operational decisions in accordance with the Council’s Budget and Key Policy Framework.
b. The Chief Executive shall have all the powers delegated to Directors and has power to exercise those powers in place of any Director.

c. In the event of any doubt as to the delegated powers of any Director the Chief Executive shall have the authority to determine which Director is to exercise that power.

d. The Chief Executive and Directors have the power to take all operational decisions within agreed service plans, budgets and policies in relation to the services for which they are responsible. They will keep the Leader and Cabinet informed of the work of their service area.

e. The Directors will in the absence of the Chief Executive and in accordance with an agreed rota, undertake on the Chief Executive’s behalf such actions as are required to enable the Council to fulfil its functions.

f. In relation to the specific service areas for which he or she is responsible the Chief Executive and Directors will perform the following functions:

i. Manage, direct and control all resources allocated to the relevant service area in accordance with the Council’s policies and procedures;

ii. Co-ordinate and monitor work through approved plans and policies, reporting compliance with targets and performance to the relevant board, committee or panel;

iii. To ensure compliance with and discharge all requirements of relevant legislation, orders, directives and the Council’s policies and procedures;

iv. Take decisions on all operational management and staff management and, where appropriate, property matters;

v. Carry out decisions properly authorised by the Leader, Cabinet, Cabinet Member, Full Council, one of the Council’s board, committees or panels or an officer acting under delegated powers;

vi. Take any action for which they are specifically responsible under any policy, procedure or other document approved or adopted by the Leader, Cabinet, Cabinet Member, Full Council, one of the Council’s board, committees or panels or an officer acting under delegated powers;

vii. Support the Cabinet in the development of the Council’s Key Policy Framework.
viii. Support Councillors in their monitoring and community governance roles.

ix. Recommend to the Monitoring Officer and/or the Service Director of Law and Governance prosecution or instigation of any legal proceedings on behalf of the Council;

x. To provide and submit a bid for resources in accordance with the approved Budget process.

xi. To determine the level of charges for Council services in order to maximise income and in accordance with agreed charging policies.

xii. To issues licences and registrations relating to any of the approved functions.

xiii. To serve a requisition for information about an interest in land using powers relevant to the operation of the service area.

g. Every officer making decisions under delegated powers is required to do so within the internal scheme of management for his or her own department. This will include appropriate monitoring arrangements.

h. An officer may refer a delegated matter to the Leader, Cabinet or Council meeting or to one of the Council’s boards or committees for decision rather than take the decisions themselves.

i. Delegations made under this Scheme may be exercised by the nominated officer and includes anything which facilitates or is conducive or incidental to the discharge of those delegated functions, tasks or responsibilities.

j. Where authority has been delegated to an officer under this Scheme that officer may authorise any member of staff under his or her managerial control to act on his or her behalf, either indefinitely or for a specific period of time subject to:

i. such powers being exercised in the name or on behalf of the relevant Chief Officer or Director to whom the delegations were made.

ii. responsibility in law for any actions taken by a substitute officer shall remain with the officer to whom authority was originally delegated.

3:7.6 Specific Functions

Functions of the Monitoring Officer

a. The Monitoring Officer shall:
i. maintain an up-to-date version of the Constitution and ensure that it is available to Councillors, staff and the public.

ii. ensure lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being carried out until the report has been considered.

iii. contribute to the promotion and maintenance of high ethical standards and standards of conduct by supporting the Standards Committee.

iv. ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

v. give advice on whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

vi. provide advice on the scope of powers and authority to take decisions, maladministration, financial misconduct, probity - and Budget and Policy Framework issues to all Councillors.

vii. contribute to the Corporate Management of the Council, in particular through the provision of professional advice.

b. In relation to the Code of Conduct for Members the Monitoring Officer shall:

i. provide advice to the Standards Committee.

ii. advise Councillors and co-opted members about conduct issues and advice on the interpretation of the Code of Conduct.

iii. grant dispensations to Members.

iv. deal with cases of alleged breaches of the Local Code of Conduct in accordance with the Council’s arrangements.

v. Receive copies of whistle blowing allegations of misconduct under the Council’s Whistle blowing Policy.

c. In relation to executive decision making the Monitoring Officer will require a report to full Council when requested by the Chair of an Overview and Scrutiny Panel on behalf of the Panel in circumstances
where the Panel is of the opinion that an executive decision has been made and should have, but has not, been treated as a key decision.

Functions of the Chief Finance Officer

The Chief Finance Officer shall:

a. report to the full Council and 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. The report is to be made after consulting with the Head of Paid Service and the Monitoring Officer.

b. be responsible for the administration of the financial affairs of the Council.

c. contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

d. provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget issues to all Councillors.

e. support and give advice to Councillors and officers in their respective roles.

f. provide financial information to the media, members of the public and the community.

g. maintain the Council’s Financial Framework.

h. carry out all those other functions and responsibilities as set out in the Council’s Financial Framework.

Functions of the Scrutiny Officer

a. The Council must appoint a person as Scrutiny Officer whose functions shall be as follows:

i. To promote the role of the Council’s Overview and Scrutiny Panels;

ii. To provide support to the Council’s Overview and Scrutiny Panels and the members of those Panels.

iii. To provide support and guidance to:

a. Councillors
b. Members of Cabinet

c. Officers

b. In relation to the functions of the Council’s Overview and Scrutiny Panels. The Scrutiny Officer cannot be the Head of Paid Service, the Monitoring Officer or The Chief Finance Officer.
## Part 3:8 PROPER OFFICER DELEGATIONS

<table>
<thead>
<tr>
<th>No.</th>
<th>STATUTE AND FUNCTION</th>
<th>PROPER OFFICER</th>
</tr>
</thead>
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Part 3:9 PERSONAL INDEMNITY

Subject to the provisions of the Local Authorities (Indemnities for Members and Officers) Order, 2004 (SI 2004, 3082):

- the Council will indemnify its Members and Officers against any expenses, liability, loss, claim or proceeding whatsoever, arising from their neglect, act, error or omission, committed in good faith in the course of their duties to the Council. This applies whether they were acting for the Council itself or another person or body, with the Council’s consent.

- the indemnity will not apply if a Member or Officer, without the express permission of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity.

- the Council undertakes not to sue (or join others in an action as co-defendant versus) a Member or Officer in respect of any neglect, error or omission by the Member or Officer in the course of his/her duties to the Council.

This indemnity and undertaking shall be without prejudice to the right of the Council to take disciplinary action against an officer, or to the responsibilities of Members in connection with the Code of Conduct.

The above indemnity and undertaking apply:

- retroactively to any neglect, act, error or omission which may have occurred before this date; and

- after the retirement, resignation, or failure to secure re-election (as the case may be) of the Member or Officer concerned, as well as during their employment with/ Membership of the Council.
Constitution Of
Bournemouth Borough Council

PART 4

Procedure Rules

This Part of the Constitution contains Procedure Rules for Conducting Meetings of various Council bodies, dealing with the Council’s financial affairs and dealing with the Council’s procurement and contractual affairs.
## Constitution of Bournemouth Borough Council

### PART 4

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PART 4.1

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PART 4.1

ACCESS TO INFORMATION RULES

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ACCESS TO INFORMATION PROCEDURE RULES

These rules deal with public and Member access to meetings of the Council and some of its statutory boards, committees and panels, together with access to information, details of decisions made, and copies of certain documents.

GENERAL

1. Scope
These rules apply to meetings of the following which will in these rules be jointly referred to as “meetings”:

a. Council
b. Public meetings of Cabinet
c. The Council’s statutory boards, committees and panels

2. Additional Rights to Information
These Rules do not affect any additional rights to information granted by law or elsewhere in this Constitution.

MEETINGS

3. Rights to Attend Meetings
   a. Members of the public may attend all meetings subject to any exceptions set out in these Rules and elsewhere in this Constitution including the rules relating to behaviour.

   b. While a meeting is open to the public, any person attending the meeting is permitted to report on the meeting in accordance with the provisions set out in Council Procedure Rule 108 - ‘Filming and recording public meetings’.

4. Notice of Meetings and Agenda
   a. At least 5 clear days before full Council, Cabinet, statutory board, committee and panel meetings the Council will post the following at and
   b. make copies available for inspection at the Town Hall, Bourne Avenue, Bournemouth and on the Council’s website which is at www.bournemouth.gov.uk.
      i. Notice of the meeting providing details of the date, time and location that the meeting will take place.
      ii. The public agenda and reports.
Where a meeting is set up at shorter notice a copy of the agenda and related reports will be open to inspection from the time the meeting is set up. If an item is added to the agenda later, the revised agenda and additional reports will be open to inspection from the time the item was added to the agenda.

5. Access to Reports Before a Meeting
   a. Where strategic reports and other significant items containing factual and/or statistical information are being provided to statutory boards, committees or panels, such reports should be made available 10 working days before the meeting.

   b. If an item is added to the agenda later, then - where reports are prepared after the notice of the meeting has been sent out, the Service Director of Legal and Democratic shall make each such report available to the public as soon as the report is completed and sent to Councillors and - subject to any applicable restrictions - make the reports available for inspection from the date the reports are added to the agenda.

6. Cabinet Meetings Relating to Matters Which Are Not Key Decisions
   The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

7. Procedure before a private meeting of the Cabinet
   a. Subject to 7b. a decision by the Cabinet to hold a meeting, or part of a meeting, in private may not be taken unless:
      i. a notice has been published in the Forward Plan at least 28 clear days before the meeting in question and made available on the council’s website and at the Council’s Offices. This notice is to include a statement of the reasons for the meeting being held in private;
      ii. a further notice is included on the agenda and published on the council’s website and at the Council’s Offices five clear days before the meeting. This notice is to include:
         1. a statement of the reasons for the meeting to be held in private
         2. details of any representations received by the Cabinet about why the meeting should be open to the public
         3. a statement of the Cabinet’s response to any such representations.

   b. If a matter has not been included in accordance with rule 7a. then the decision to hold a meeting, or part of a meeting, in private may still be taken if the Cabinet obtains the agreement of the Chair of the relevant Overview and Scrutiny Panel - or in that person’s absence the Mayor and in the Mayor’s absence the Deputy Mayor - that the meeting is urgent and cannot reasonably be deferred. As soon as it is practicably possible a notice
will be published on the Council’s website and at the Council’s Offices setting out the reason why the meeting is urgent and cannot be reasonably deferred.

**PUBLIC ACCESS TO DOCUMENTS AND INFORMATION**

8. Supply of Copies
   a. The Council will supply hard copies of the following documents to any person on payment of a charge for postage and any other related costs:
      i. Any agenda and reports which are open to public inspection;
      ii. Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
      iii. If the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.
   b. A reasonable number of copies of the agenda and reports will be made available at the meeting.

9. Access After a Meeting to Minutes - Records of Decisions - and Other Related Documents
   The Council will make available for public inspection copies of the following for six years:
   a. The Minutes of a meeting excluding any part of the Minutes of proceedings relating to periods when the meeting was not open to the public or which disclose exempt or confidential information;
   b. The agenda for a meeting;
   c. Reports relating to items considered when a meeting was open to the public.
   d. The records of decisions taken by individual Cabinet Members and Officers under Procedure Rule 27 – ‘Decisions by individual Members of the Cabinet and Officers’

10. Background Papers
    a. List of Background Papers
       Every report will contain a list of background papers consisting of those documents relating to the subject matter of the report which in the author’s opinion:
       i. disclose any facts or matters on which the report or an important part of the report is based; and
       ii. which have been relied on to a material extent in preparing the report.
    b. Excluded documents
       The documents must not include published works or those which disclose exempt or confidential information as defined below and in respect of Cabinet reports, the advice of a political adviser or assistant.
c. Public Inspection of Background Papers
   i. The Council will make available to the public for inspection for a period of four years after the date of a meeting one copy of each of the documents on the list of background papers.
   ii. In connection with the Cabinet the Council will make available through its website and at the Council’s Offices a copy of the documents on the list of background papers.

EXEMPTIONS

11. Excluding the Public from Council Meetings
   a. Confidential Information - Requirement to Exclude the Public
      The Public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
   b. Meaning of Confidential Information
      Confidential information is information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot by Court Order be disclosed to the public or information otherwise prohibited from disclosure by legislation.
   c. Exempt Information - Discretion to exclude the Public
      i. The Public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
      ii. Where possible any exempt information will be set out in a separate paper to enable discussion of the main item to be held in public.
      iii. Any resolution to exclude the public due to disclosure of exempt information must identify the part of the proceedings to which it applies and the description of exempt information being used.
      iv. Where the meeting will determine any person’s civil rights or obligations or adversely affect their possessions, Article 6 of the Human rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
   d. Meaning of Exempt Information
      Exempt information means information falling within the seven categories - subject to any condition - in the following table:
### CATEGORIES OF EXEMPT INFORMATION

In accordance with the Local Government Act 1972

Schedule 12A - as amended

#### Note:

a. Information which falls within any of the paragraphs numbered 1 to 7 in this table and which is not prevented from being exempt by virtue of paragraphs numbered 1 and 2 in this table, is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

b. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

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<td>3</td>
<td>Information relating to the financial or business affairs of any particular person (including the authority holding that information), but not if it is information which is required to be registered under: The Friendly Societies Act 1974 The Friendly Societies Act 1992 The Industrial and Provident Societies Acts 1965 to 1978 The Companies Act 1985 The Buildings Societies Act 1986 The Charities Act 1993</td>
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<td>4</td>
<td>Information relating to consultations or negotiations or contemplation consultations or negotiations in connection with any labour relations matter arising between the authority, a Minister of the Crown and employees or office holders under the authority.</td>
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<tr>
<td>5</td>
<td>Information in respect of which a claim to legal privilege could be maintained in legal proceedings.</td>
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<tr>
<td>6</td>
<td>Information which reveals that the authority proposes—</td>
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<tr>
<td></td>
<td>(b) to make an order or direction under any enactment</td>
</tr>
<tr>
<td>7</td>
<td>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</td>
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### 12. Withholding Public Access to Reports

If the Service Director of Legal and Democratic thinks fit, the Council may withhold from the public access to reports which in his or her opinion relate to items during which the meeting is likely not to be open to the public. The reports will be marked ‘Not for Publication’ together with the category of information likely to be disclosed if the report were published.
MEMBER ACCESS TO DOCUMENTS AND INFORMATION

13. Inspection of Documents
Subject to the provisions of section 228 of the Local Government Act 1972 relating to the rights of inspection:

a. Any documents in the possession or under the control of the Council which contains material relating to any business to be carried out at a meeting of the Council, Cabinet, statutory board, committee or panel shall be open to inspection by a member of the Council on application to the Chief Executive unless it appears to the Chief Executive that the document discloses exempt information - Note: this provision is subject to c. below

b. In the event of a document marked ‘not for publication’ and containing exempt information being made available to a member such member will be bound by rule 99 of the Council Meeting Procedure Rules.

c. A member of the Council may inspect documents in the possession or under the control of the Council insofar as such inspection is reasonably necessary to enable him or her to properly perform his or her duties as a Member of the Council.

d. A Member will not knowingly inspect any such other document relating to a matter in which he or she has an interest.

e. The Chief Executive, following consultation with the Service Director of Legal and Democratic may decline to allow inspection of any such other document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

f. In the event of any dispute in the interpretation or application of this Rule the matter will be referred to the Standards Committee.


a. Subject to paragraph 14c. any document which is in the possession of or under the control of the Leader and Cabinet and contains material relating to any business to be carried out at a public meeting must be available for inspection by any Member of the Council at least five clear days before the meeting. Where the meeting is convened at shorter notice these documents must be available for inspection when the meeting is convened and where an item is added to the agenda at shorter notice the document must be available for inspection when the item is added to the agenda.

b. Subject to paragraph 14c. any document which is in the possession of, or under the control of the Leader and Cabinet and contains material relating to any business transacted at a private meeting or any decision made by an individual Member of the Cabinet or an officer in accordance with executive arrangements must be available for inspection by any Member of the Council when the meeting concludes or immediately after the decision has been made and this must be within 24 hours.
c. Notwithstanding Rules 14a. and 14b. nothing in these Rules requires any document to be made available for inspection if it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the Local Government Act 1972 unless the document contains exempt information of a description falling within paragraph 3 of Schedule 12A to the 1972 Act and as set out in Rule 11d. - except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract - or paragraph 6.

d. Nothing in this Rule requires any document to be made available for inspection if it appears to the Proper Officer that it discloses the advice of a political adviser or assistant.

e. The rights of Members set out in Rule 14 are additional to any other right he or she may have.

15. Access to Documents by Overview and Scrutiny Panels

a. Rights to Copies
Subject to Rule 15b below, an Overview and Scrutiny Panel - including sub-panels - will be entitled to copies of any documents which are in the possession or control of the Cabinet or its committees and which contains material relating to:

i. any business that has been transacted at a meeting of the Cabinet - or its committees; or

ii. any decision made by an individual Member of the Cabinet or an officer of the Council in accordance with executive arrangements.

b. Limitations
No Member of an Overview and Scrutiny Panel will be entitled to:

i. Any document or report that is in draft form;

ii. Any part of a document, report or background paper that contains exempt or confidential information, unless the Monitoring Officer determines that the information:

1. is relevant to an action or decision they are reviewing or scrutinising; or

2. is relevant to any review contained in an Overview and Scrutiny Panel Work Programme; or

iii. a document or part of a document containing the advice of a political adviser or assistant.

c. Cabinet decision not to provide information
Where it is determined by the Cabinet that a Member of an Overview and Scrutiny Panel is not entitled to a copy of a document or part of any document for a reason set out above it must provide the relevant Overview
and Scrutiny Panel with a written statement setting out its reasons for that decision.

**KEY DECISIONS**

16. **Definitions of Key Decisions**
A key decision is a decision which must be included in the Cabinet Forward Plan - see rule 19 below. It is a decision which is likely to meet one or more of the criteria set out in a, b, or c. below:

a. **Those Which are Above a Specific Financial Threshold**
   Key decisions are those which result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the approved budget and policy framework. For example:
   - Disposal of any Council property with a value of £500,000 or more;
   - The Council taking an interest in land with a value of £500,000 or more;
   - The granting of any interest in land worth £500,000 or more;
   - Application for funding from an external body which if successful would require match funding of £500,000, or require revenue commitment of £500,000 or more;
   - An award of a contract worth £500,000 or more in any one year.

b. **Those which are likely to have a significant impact or effect on two or more electoral wards though no significant financial spending or saving may be involved.**
   For example:
   Those decisions which are strategic in nature and which will have a positive or negative impact, for example an environmental, physical, social or economic effect - on a significant number of people living or working in the area affected. In particular, this will include any matter relating to the Council’s budget or key policy framework which is reserved in the Terms of Reference - in Part 3 of this Constitution - for determination by Full Council.

By way of clarification, a decision will not be a key decision simply because it would result in work being carried out in two or more wards: for example a programme or works to a number of individual council properties. It is unlikely to have a significant impact on the community as a whole. However, proposals to redevelop a site on one of the Borough’s local town centres may be confined to one ward but its impact is likely to be significant on the communities in surrounding wards which use those facilities. Such a case would be a key decision.
c. Those which relate to anticipated major changes in the provision and/or delivery of a Council service which are not included in the agreed Service Plan and Budget.

For Example:

Major changes in the eligibility criteria for provision of a service, major changes in the fees charged for a service, proposals that would result in a service currently being provided in-house, being outsourced or outcomes from a Core Service Transformation.

17. **Guidance on Deciding What is a Key Decision**

a. Where there is any doubt as to the financial value or the significance of the decision, it should be deemed to be a key decision and included in the Forward Plan.

b. Any decision made by the Cabinet in the course of developing proposals for Full Council to amend the key policy framework would be a key decision.

c. If a decision maker is of the view that any such decision does not fall within the statutory definition of a key decision, then that decision should be treated as a key decision.

18. **Procedure Before Taking Key Decisions**

Subject to the Rules in this part relating to General Exceptions and Special Urgency, a key decision may not be taken unless:

a. A notice has been published in the Forward Plan in connection with the matter in question;

b. The notice referred to in a. has been available for public inspection for at least 28 days at the Council’s Offices and on the Council’s website.

c. Where the decision is to be taken at a meeting of the Cabinet or its committees or sub-committees, notice of the meeting has been given under these rules.

19. **The Forward Plan**

a. **Contents of the Forward Plan**

The Forward Plan will contain matters which will be the subject of key and non-key decisions to be taken by the Leader, the Cabinet, officer or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will give the following details:

i. That a key or non-key decision is to be made on behalf of the Council.

ii. The matter in respect of which a decision is to be made;

iii. Where the decision maker is an individual, his or her name and title, if any and where the decision maker is a body, its name and a list of its members;
iv. The date on which, or the period within which, the decision will be taken;

v The identity of the principal groups whom the decision maker proposed to consult before taking the decision;

vi. The means by which any such consultation is proposed to be undertaken;

vii. The steps to be taken by any person who wishes to make representations to the Cabinet or decision maker about the matter to be decided on and the date by which those steps must be taken;

viii A list of the documents submitted to the decision maker for consideration in relation to the matter;

ix. The address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available; and

x. That other documents relevant to those matters may be submitted to the decision maker; and the procedure for requesting details of those documents - if any - as they become available.

b. Publication of the Forward Plan
The Forward Plan must be published on the Council’s website and at the Council’s Offices at least 28 clear days before a decision is made.

c. Excluded Information
Confidential and exempt information or the advice of a political adviser or assistant need not be included in a forward plan.

20. Key Decisions Made by an Individual Member or Officer
a. Where a Cabinet member or officer receives a report which he or she intends to take into consideration when making a key decision, he or she will not make that decision until the report has been available for public inspection for at least 3 clear days.

b. Subject to the rules relating to confidential and exempt information, the Member or officer making the decision shall ensure that the Monitoring Officer makes the said report available for inspection by the public in accordance with these rules as soon as is reasonably practicable after that member or officer receives it.

c. Where such a report has been submitted to a Cabinet member or officer, the person who submitted the report shall as soon as is reasonably practicable, supply a copy of it to the chairman of every relevant Overview and Scrutiny Panel or where there is no chairman to every member of the relevant Overview and Scrutiny Panel.
21. **General Exceptions**

Subject to Rule 22 - ‘Special Urgency’, where the publication of the intention to make a key decision under Rule 19 is impracticable, that decision may only be made where:

a. notice of the matter about which the decision is to be made and the reasons why it has been impracticable to apply Rule 19 has been given in writing to the Chair of the relevant Overview and Scrutiny Panel or in their absence where written notice has been sent to each Member of that Panel and made available at the Council’s Offices and on the Council’s website; and

b. at least five clear days have elapsed since the notice given in paragraph a. was made available.

22. **Special Urgency**

a. Where the date by which a key decision must be made makes compliance with Rule 21- General Exceptions’ - impracticable the decision may only be made where the decision maker has obtained agreement from the Chair of the relevant Overview and Scrutiny Panel - or if there is no Chair the Mayor and in the Mayor's absence the Deputy Mayor - that the taking of the decision is urgent and cannot be reasonably be deferred.

b. As soon as reasonably practicable after the decision maker has obtained this agreement the decision maker must publish a notice in the Forward Plan setting out the reasons why the meeting is urgent and cannot be reasonably deferred. This notice must be made available at the Council’s Offices and on the Council’s website.

c. A decision made under this rule cannot be called in under the Call in Procedure set out in the Overview and Scrutiny Procedure Rules.

**MAJOR OPERATIONAL DECISIONS**

23. **Definition of a Major Operational Decision**

Major operational decisions are those officer decisions which are not Key decisions and which

a. Do not fall within the definition of day to day operational decisions - see Article 13 section 13.3d; or

b. Result in the council incurring expenditure - including the loss of income - in excess of £100,000, with the exception of operational expenditure identified within the agreed Service Plan and Budget ; or

c. Are decisions specifically delegated by the Cabinet to officers - for example to conclude an agreement or contract within the outline terms agreed by the Cabinet; or
d. Are matters of a controversial and/or politically sensitive nature or which are, in
the opinion of the Executive/Service Director, of such significance that a published
record of the decision would ensure transparency and accountability in relation to
decision making within the authority.

A Major Operational Decision cannot be called in under the Call-in Procedure set out
in the Overview and Scrutiny Procedure Rules.

REPORTS

24. Report to Council
a. When an Overview and Scrutiny Panel Can Require a Report
   If an Overview and Scrutiny Panel thinks that an executive decision has
   been made and it was not treated as a key decision and the Panel is of the
   opinion that the decision should have been treated as a key decision the
   Panel may require the Leader/Cabinet to submit a report to the full Council
   within such reasonable time as the Panel specifies.

   The power to require a report rests with the Panel but is also delegated to
   the Service Director of Legal and Democratic who will require such a report
   on behalf of the Panel when so requested by the Chair or any 5 members.  
   Alternatively the requirement may be raised by resolution passed at a
   meeting of the relevant Overview and Scrutiny Panel.

b. Cabinet Report to Council
   In the event of paragraph 24a above applying, the Leader/Cabinet will
   prepare a report for submission to the next available meeting of the full
   Council.  However if the next meeting of the full Council is within 5 clear
days of the request from the Panel or the Chair on behalf of the Panel then
   the report may be submitted to the meeting after that.

c. Contents of Report
   The report to full Council must set out particulars of the decision and the
   reasons for the decision, the individual or body making the decision and, if
   the Leader/Cabinet is of the opinion that it was not a key decision the
   reasons for that opinion.

d. Quarterly reports on special urgency decision
   In any event the Leader of the Council will submit quarterly reports to the
   Council on the executive decisions made in the circumstances set out in
   Rule 22 - Special Urgency - in the preceding 3 months.

   The quarterly report will include the number of decisions so made and a
   summary of the matters in respect of which those decisions were made.
25. General for all Executive Decisions
All decisions taken by the Cabinet and individual Cabinet Members and all decisions categorised as 'Major Operational' and taken by an officer will be recorded and be available for inspection by the public.

26. Record of Decisions by Cabinet
As soon as reasonably practicable after any meeting of a decision making body at which an executive decision was made, the Service Director of Legal and Democratic - or the person presiding at the meeting - will produce a record of every decision made at that meeting. The record must include:

a. A record of the decision including the date it was made.

b. A record of the reasons for the decision

c. Details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made.

d. A record of any conflict of interest in relation to the matter decided which is declared by any member of the decision making body which made the decision.

e. In respect of any declared conflict of interest, a note of any dispensation granted.

27. Decisions by Individual Members of the Cabinet and Officers

a. Report Intended To Be Taken Into Account
Where an individual Member of the Cabinet receives a report which he or she intends to take into account when making any key decision, then he or she will not make the decision until at least 5 clear days after receipt of that report.

b. Provision of Copies of reports to Overview and Scrutiny Panels
On giving of such a report to an individual Cabinet Member decision maker, the person who prepared the report will give a copy of it to the chair of every relevant Overview and Scrutiny Panel as soon as reasonably practicable and make it publicly available at the same time.

c. Record of Individual Executive Decision
As soon as reasonably practicable after an executive decision has been made by an individual Member of the Cabinet or after an officer had made a Major Operational Decision he or she will prepare a record of their decision using the relevant template for the recording of delegated executive decisions as set out in Part 5 of this Constitution.

The record must include:

i. A record of the decision including the date it was made.

ii. A record of the reasons for the decision.

iii. Details of any alternative options considered and rejected.
iv. Any other background documents

v. A record of any conflict of interest declared by any Cabinet Member who was consulted by the person making the decision in relation to that decision.

vi. In respect of any declared conflict of interest, a note of any dispensation granted.

Upon the making of a decision by an individual Cabinet Member or an officer makes a Major Operational Decision the Democratic Services Manager must be provided with a completed Delegated Record of Decision within 2 working days of the date of taking the decision together with a copy of any report upon which the decision was made.

The Democratic Services Manager will keep a record of all executive decisions made by individual Cabinet Members and all Major Operational decisions made by officers including any report upon which each decision was made and will ensure that the decision is recorded and published by the Council on its web site.

d. Record of individual non-executive decision by an officer

As soon as reasonably practicable after an officer has made a non-executive decision which falls within one of the categories listed below he or she will prepare a record of their decision which must include:

i. A record of the decision including the date it was made.

ii. A record of the reasons for the decision.

iii. Details of any alternative options considered and rejected.

iv. Any other background documents

The categories of non-executive decisions by officers that should be recorded and published on the Council’s web site are described in the ‘Openness of Local Government Bodies Regulations 2014’ and the Department for Communities and Local Government guidance ‘Open and accountable local government – a guide for the press and public on attending and reporting meetings of local government’.

For this Council the categories of non-executive decisions include:

- Building Regulations
- Building Control outline of Business Case
- Development Control Decision Notices
- Planning Applications
- Grant of Listed Building consent
- Noise abatement
- Cafe licences
- Skips licences
- Scaffold licences
- Hoarding licences
- Materials licences
- Major road works as set out in the Council’s Capital Programme
The relevant Service Director will keep a record of all non-executive decisions referred to above, including any report upon which each decision was made, and will ensure that the decision is recorded and published by the Council on its web site.

e. Inspection of documents and disclosure of exempt or confidential information
The provisions in these rules relating to inspection of documents after meetings will also apply to the making of executive decisions by individual Members of Cabinet and the making of Major Operational Decisions and non-executive decisions which fall within one of the categories listed above by officers. This does not require the disclosure of exempt or confidential information or advice from a political adviser or assistant.
## Constitution of Bournemouth Borough Council

### PART 4.2

**BUDGET AND KEY POLICY FRAMEWORK PROCEDURE RULES**

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# CONSTITUTION OF THE BOROUGH OF BOURNEMOUTH

## PART 4.2

### BUDGET AND KEY POLICY FRAMEWORK PROCEDURE RULES

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BUDGET AND KEY POLICY FRAMEWORK PROCEDURE RULES

Approving the Council’s Budget and the Council’s Key Policy Framework as set out in Article 4 of this Constitution is a key function of the Full Council. Once the Budget and the Key Policy Framework are in place, it will be the responsibility of the Leader and Cabinet to carry them out as far as they relate to executive functions and to ensure that spending is within the approved Budget.

THE FRAMEWORK FOR CABINET DECISIONS

1. Publication of the Forward Plan
The Leader and Cabinet will publish a Forward Plan setting out the timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Key Policy Framework. The Chairs of the Overview and Scrutiny Panels will also be notified.

2. Consultation
   a. Cabinet will also at the same time publish its arrangements for consultation after the initial proposals have been published. The consultation period for each proposal will be no less than 8 weeks.
   b. An Overview and Scrutiny Panel may decide to respond to a consultation. When it does so it may investigate, research or report in detail with policy recommendations before the end of the consultation period.
   c. After the consultation period has passed, the Leader and Cabinet will prepare a report containing firm proposals taking into account any responses received during the consultation period including any responses from the Overview and Scrutiny Panels. The Leader’s and Cabinet’s report to the Council will include details of comments made by those who responded to the consultation and the Leader’s and Cabinet’s response to those comments.

3. Full Council’s Consideration of Proposals
   a. The Council will consider the proposals of the Leader and Cabinet and may, on the basis of a simple majority of votes cast at the meeting:
      i. adopt or amend them,
      ii. refer them back to the Leader and Cabinet for further consideration or
iii. substitute its own proposals in their place.

b. When making its decision the Council will consider the contents of any report on the Leader and Cabinet’s proposals that it has received from an Overview and Scrutiny Panel.

c. If the Council accepts the Cabinet’s recommendation without amendment, it may make a decision that has immediate effect.

d. If the Council accepts the proposal subject to amendments then the decision will be made in principle. A decision made in principle will come into effect on the date specified in the notice but no sooner than 5 working days after notice of the decision is published unless the Leader objects to the decision before the date given on the notice for the decision to come into effect.

4. **Leader Objecting to Council’s Decision**

   a. The Leader, if objecting to the decision of the Council will notify the Chief Executive of the objection before the date on which the decision is due to become effective. The notice of objection must:

      i. Be in writing
      ii. State the reason for the objection.
      iii. Be dated

   b. When the Chief Executive receives notice of the Leader’s objection to the Council’s decision, the Chief Executive will call a further meeting of Full Council to reconsider its decision. The meeting must be held within 7 working days of the day the notice is received and the decision will not be carried out pending that meeting.

c. At that meeting the Council’s decision will be reconsidered in the light of the objection which will be made available to the Council in writing.

d. The Council may reach one of the following decisions:

   i. Confirm its original decision, of
   ii. Reinstate the Cabinet recommendation, or
   iii. Substitute a different decision

e. The decision taken by the Council at that meeting will be the Council’s final decision and will be carried out immediately. The decision will be made on the basis of a simple majority and will be
made public in accordance with rule 7 of the Access to Information Rules.

f. The Leader may not ask for this or any other decision to the same effect to be considered before a period of at least six months has passed.

5. Council’s Approval of Budget and Key Policy Framework
In approving the Budget and Key Policy Framework, Full Council will decide whether it is necessary to amend any Financial Regulations in respect of the extent of any necessary virement - that is, the transfer of funds from one part of the budget to another. Any other changes to the Budget and Key Policy Framework are reserved to Full Council.

6. Decisions Outside the Budget or Key Policy Framework
a. Subject to the provisions in the Financial Regulations concerning virements the individual members of the Cabinet - including the Leader - or any officers or bodies with whom the Council have entered into a joint arrangement discharging executive functions may only make decisions which are in line with the Budget and Key Policy Framework.

b. If the Cabinet or any individual member of the Cabinet - including the Leader - or any officers discharging executive functions want to make a decision which is contrary to the Key Policy Framework or contrary or not wholly in accordance with the Budget approved by Full Council then:

i. that decisions may only be made subject to the provisions below relating to Urgent Decisions Outside the Budget and Key Policy Framework;

ii. they must take advice from the Monitoring Officer and/or the Council’s Chief Finance Officer as to whether the decision they want to make would be contrary to the Key Policy Framework or contrary or not wholly in accordance with the Budget;

iii. if the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Key Policy Framework then the decision must be referred by that body or person to the Council to make the decision unless the decision needs to be made urgently in which case the provisions below relating to Urgent Decisions Outside the Budget or Key Policy Framework will apply.

7. Urgent Decisions Outside the Budget and Key Policy Framework
a. The Cabinet and individual members of the Cabinet - including the Leader - or officers discharging executive functions may make a
decision which is contrary to the Council’s Key Policy Framework or contrary or not wholly in accordance with the Budget approved by Full Council if the decisions needs to be made urgently. However any such decision may only be taken if:

i. It is not practical to call a meeting of Full Council where at least the minimum number of Members necessary for valid business to be conducted can attend,

ii. The chair of a relevant Overview and Scrutiny Panel and the Monitoring Officer and/or the Chief Finance Officer agrees that the decision is one that needs to be made urgently.

b. When an urgent decision is made that is outside the Council’s Budget and Key Policy Framework, a written record of the decision must be made and filed with the Monitoring Officer and notify the Cabinet. The notice of the decision must contain:

i. details of the reason it was not practical to call a meeting at which at least the minimum number of Members required for a valid meeting could attend to make the decision; and

ii. the consent of the Chair of the relevant Overview and Scrutiny Panel. In the absence of the Chair of a relevant Overview and Scrutiny Panel, the consent of the Mayor will be sufficient. In the absence of both the relevant Chair and the Mayor, the consent of the Deputy Mayor will be sufficient.

c. After the decision has been made, the person or body making the decision will provide a full report to the next meeting of Full Council explaining:

i. details of the decision,

ii. the reason the decision was made,

iii. why the decision was treated as urgent.

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**VIEMENTS**

*(The transfer of funds from one part of the budget to another)*

8. Restrictions
Capital and Revenue virement delegations for full Council, the Leader and Cabinet, Cabinet Portfolio holders and officers are set out in the Council’s Financial Regulations.
9. Changes Generally
Changes to the Council’s Budget and Key Policy Framework can only be made by a decision of Full Council.

10. Permitted Changes
The Full Council is responsible for agreeing the Budget and Key Policy Framework. All executive functions must be discharged in accordance with them. No changes to any policy or strategy which form the Key Policy Framework may be made by the Cabinet, any individual member of the Cabinet - including the Leader - or officers discharging executive functions except those changes which:

   a. will result in the closure or discontinuance of a service to meet the budgetary need for financial constraint;
   
   b. are necessary to ensure compliance with the law, ministerial direction or government guidance;
   
   c. relate to the Key Policy Framework in respect of a policy which would normally be agreed annually by Full Council following consultation but where the existing policy document is silent on the matter under consideration.
   
   d. relate to the policy relating to schools where the majority of the school governing bodies agree with the proposed change.

11. Overview and Scrutiny to Seek Advice
Where an Overview and Scrutiny Panel is of the opinion that the decision of the Cabinet, or individual member of the Cabinet - including the Leader - is, or if made would be, contrary to the Key Policy Framework, or contrary or not wholly in accordance with the Council’s Budget then it will seek advice from the Monitoring Officer and/or the Council’s Chief Finance Officer.

12. Report of Chief Officer(s)
   a. Where the decision relates to functions which are the responsibility of the Cabinet or individual members of the Cabinet - including the Leader, the Monitoring Officer’s report and/or the Chief Finance Officer will prepare a report to Cabinet and provide a copy of that report to every member of the Council.
b. Regardless of whether the decision is delegated, the Cabinet must meet to decide what action to take in respect of the report received from the Monitoring Officer and/or Chief Finance Officer.

c. If the Monitoring Officer and/or Chief Finance Officer conclude that the decision was contrary to the Key Policy Framework or contrary or not wholly in accordance with the Council’s Budget then the Cabinet must prepare a report to Full Council.

d. If the Monitoring Officer and/or Chief Finance Officer conclude that the decision was not a departure from the Budget or Key Policy Framework then the Cabinet must prepare a report to the relevant Overview and Scrutiny Panel.

13. Where a Decision has not yet been made

a. If the decision has yet to be made or has been made but not yet carried out and the advice from the Monitoring Officer and/or Chief Finance Officer is that the decision is or would be contrary to the Key Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Panel may refer the matter to the Full Council.

b. Where this is done, no further action will be taken in respect of the decision or its implementation until the Full Council has met and considered the matter.

c. At the meeting the Council will receive a report on the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Full Council may decide:

i. To confirm the decision or proposal of the Cabinet on the basis that it falls within the existing Budget or Key Policy Framework. Where the Council reaches this decision no further action is required, apart from recording of the decision in the Minutes - record of decisions- and circulation of the Minutes to the Members of the Council in the normal way; or

ii. To amend the Council’s Financial Regulations or relevant policy within the Key Policy Framework to encompass the decision or proposal or the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. Where the Council reaches this decision no further action is required, apart from recording of the decision in the Minutes and circulation of the Minutes to the Members of the Council in the normal way; or

iii. To require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Financial Officer on the basis that the Council accepts that the
decision or proposal is contrary to the Key Policy Framework or contrary to or not wholly in accordance with the Budget and the Council does not amend the existing Financial Regulations or relevant policy within the Key Policy Framework to accommodate the decision or proposal.
## Constitution of Bournemouth Borough Council

### PART 4.3

**CABINET - EXECUTIVE - PROCEDURE RULES**

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## CONSTITUTION OF
## THE BOROUGH OF BOURNEMOUTH

### PART 4.3
### CABINET - Executive -
### PROCEDURE RULES

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CABINET - Executive - PROCEDURE RULES

These rules set out how the Cabinet operates and how decisions relating to Executive Functions are taken.

HOW THE CABINET OPERATES

1. Arrangements for Executive Decisions

All Executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision making - subject to conditions as to further delegation - to

   a. The Cabinet as a whole
   b. A committee of the Cabinet
   c. An individual member of the Cabinet
   d. An Officer
   e. An area committee
   f. Joint arrangements
   g. Another local authority
   h. Any other arrangement allowed by law

2. Delegation of Cabinet Functions

   a. If the Leader, Cabinet, a Committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate the function to an area committee, joint arrangements, an officer or as otherwise allowed in law.

   b. Unless the Leader directs otherwise the Cabinet may delegate its functions to a committee of the Cabinet or to an officer.

   c. Unless the Leader directs otherwise a committee of the Cabinet to whom functions have been delegated may delegate further to an officer.

   d. Even where executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who made the delegation or by the Leader who retains the authority to make any executive decisions.
e. All executive functions not expressed to be within the remit of the Leader or otherwise delegated by the Leader to the Cabinet, single Cabinet Member or a committee of the Cabinet, are delegated by the Leader to Officers.

f. The Service Director of Law and Governance will maintain a Scheme of Delegation of Executive functions as determined by the Leader. The Scheme of Delegation will contain the details required by Article 5 and they will be set out in Part 3 of this Constitution.

CONFLICTS OF INTEREST

3. Leader of the Council
Where the Leader of the Council has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members which is in Part 5 of this Constitution.

4. All Members of the Cabinet
If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members.

5. Delegations
If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member of the Cabinet or an officer and there is a conflict of interest, then the function will be exercised in the first instance by the person or body who made the delegation and if that is not appropriate then the matter should be dealt with as set out in the Council’s Code of Conduct for Members.

CABINET MEETINGS

6. Applicable Rules
Meetings of the Cabinet and any of its committees will observe the relevant rules contained in the Council Meeting Procedure Rules in Part 4 of this Constitution.

7. Timing and Location.
The frequency and location of meetings will take place in accordance with the Council Meeting Procedure Rules.

8. Chairing Meetings.
The Leader will chair any meeting of the Cabinet or its Committees at which he or she is present. In the Leader’s absence the Deputy Leader as Vice-chair will act as chair. In the absence of both from any meeting of the Cabinet or its committees a chair will be appointed from those Cabinet Members present at the meeting.
9. **Quorum.**

A quorum is the lowest number of Members that need to be present at a meeting before the meeting can conduct legally valid business. The quorum for meetings of the Cabinet is as set out in the Council Meeting Procedure Rules.

10. **Public or Private Meetings of the Cabinet.**

Meetings of the Cabinet will be open to the press and public unless the business under consideration is exempt or confidential as defined in the Access to Information Rules contained in Part 4 of this Constitution. There will be no private meetings of the Cabinet apart from where allowed by the Council Meeting Procedure Rules and the Access to Information Rules.

11. **Attendance by Members**

The rights of non executive Members to attend Cabinet meetings are contained in the Council Meeting Procedure Rules.

### AGENDA ITEMS

12. **The Leader**

The Leader as Chair may put on the agenda of any Cabinet meeting any matter which he or she wishes, whether or not authority has been delegated to the Cabinet, committee of the Cabinet or any member of it in respect of that matter. The Chief Executive will agree to the Leader’s request.

13. **Cabinet Member**

Any member of the Cabinet may ask the Leader to include an item on the Agenda for the meeting of the Cabinet. The Chief Executive will agree with the request of the Leader as to which matters are to be included on the agenda.

14. **Non Cabinet Member**

Any Member of the Council may ask the Leader to put an item on the agenda of a meeting of the Cabinet for consideration and, if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the member of the Council who wanted the item to be considered. The individual will be invited to attend the meeting, whether or not the meeting is a public meeting.

15. **Monitoring Officer and Chief Financial Officer**

The Monitoring Officer and/or Chief Financial Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may as a result of their statutory duties, require the Chief Executive to call a Cabinet meeting.
16. **Other Statutory Officers**  
In other circumstances where any two Statutory Officers are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting.

17. **Request for Matter to be Considered**  
Where a meeting is requested by one or more statutory officers then, if there is no meeting of the Cabinet soon enough to deal with the matter in question, then the request for a matter to be considered will also request that a meeting be called for the purpose of considering that matter.

18. **Order of Business**  
Each meeting of the Cabinet will be held in accordance with the Council Meeting Procedure Rules and the business of the meeting will be held in the following order:

   a. Apologies for absence  
   b. Consideration of the Minutes of the last meeting  
   c. Notification of any urgent items  
   d. Declarations of any Interests  
   e. Receiving any Deputations and/or Petitions  
   f. Public question time -15 minutes  
   g. Consideration of reports from Overview and Scrutiny Panels and/or sub committees.  
   h. Consideration of reports requiring key decisions as set out in the Access to Information Rules.  
   i. Any other matters set out in the agenda in accordance with the Access to Information Rules contained in part 4 of this Constitution.

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**CONSIDERING OVERVIEW AND SCRUTINY REPORTS**

19. **Responsibility for the Matter with Cabinet**  
a. When Cabinet receives a report and recommendations and notice from an Overview and Scrutiny panel on a matter which is the Cabinet responsibility in accordance with the Overview and Scrutiny Procedure Rules, consideration of that report shall be placed on the agenda for the next available meeting of the Cabinet unless the matter is already scheduled to be considered by Cabinet within 6
weeks from the date the report was received from the Overview and Scrutiny panel and the report will be considered at the same time.

b. If the Cabinet does not consider the report within 6 weeks of the date it was received from the Overview and Scrutiny Panel then the Service Director of Law and Governance will call a meeting of Full Council for the Council to consider the report and make a recommendation to the Cabinet.

c. In accordance with the notice and Overview and Scrutiny Procedure Rules, the Cabinet must respond to the report and recommendations and comply with the other requirements of the notice within two months of the date the report or recommendation was received or, if later, within two months of the date the notice was received,

20. Responsibility for the Matter with Leader or Portfolio Holder

a. Where the Overview and Scrutiny report relates to a matter where the decision making power is with the Leader or has been delegated to an individual Cabinet Member the report must be submitted to that individual.

b. If the Leader or Cabinet Member with delegated powers does not accept the Overview and Scrutiny recommendations then the matter must be referred to the next available meeting of Cabinet for debate before exercising his or her decision making power and responding to Overview and Scrutiny in writing within 3 weeks of the Cabinet meeting at which the matter is discussed, or in any event within two months of the date the report was received by the Service Director of Law and Governance or 28 days from the date of the report or recommendation where the report relates to an Overview and Scrutiny Panel's crime and disorder functions and is made under the relevant part of the Police and Justice act 2006.

c. If the Leader or Cabinet Member with delegated powers must consider the report and accepts the Overview and Scrutiny recommendations, he or she must respond in writing to the Overview and Scrutiny Panel within two months of receiving it and attend a future meeting of the Overview and Scrutiny panel to present the response.

d. At the same time, the response must be sent to the Service Director of Law and Governance and the Leader.
21. Decisions by Full Cabinet

Decisions which have been delegated to the Cabinet as a whole will be taken at a meeting called in accordance with the Access to Information Rules contained in Part 4 of this Constitution. The decisions will be made after consideration of all the relevant factors including advice from appropriate officers.

22. Decisions by Cabinet Committee

Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to the whole Cabinet.

23. Recommendations Referred to Full Council

Any recommendation referred to Full Council by the Cabinet will be included in the Council summons. Any associated report will be included within the Council Minute Book. The recommendation will normally be submitted to the next Ordinary Council Meeting following the meeting of the Cabinet at which the recommendation was framed.

24. Decisions by Individual Cabinet Member

The individual Cabinet member who is responsible for the Portfolio area or to whom the power to make a decision has been delegated will take the decision, except:

a. If the relevant individual Cabinet member is not available in which case the Leader, or in his or her absence, then the Deputy Leader may take the decision;

b. the relevant individual Cabinet member may indicate that he or she wishes the decision to be referred to a meeting of the full Cabinet;

c. the Leader or the Chief Executive may direct that the decision is reserved to a meeting of the full Cabinet;

d. where an individual Cabinet member has a Disclosable Personal Interest in the decision the matter shall be referred to full Cabinet;

e. where the decision affects more than one Portfolio or is a cross-cutting issue, the matter will be referred to full Cabinet.

25. Decisions by Officers

Officers must have regard to the Cabinet Decisions Protocol as set out under Part 5 of this Constitution when considering the use of their delegated authority.
CONSULTATION

   a. Cabinet members are required to create opportunities for non
      Cabinet members to meet with them for the purpose of asking
      questions and receiving information on ward and wider issues.
   b. Non Cabinet members should when ever possible give the appropriate
      Cabinet member prior notice of the items to be discussed.

27. Budget and Key Policy Framework.
    All reports to Cabinet on proposals relating to the Budget and Key Policy
    Framework must contain details of the nature and extent of consultation
    with stakeholders, the Overview and Scrutiny Panels and the outcome of
    that consultation. Reports must also contain the information required by the
    Council’s Access to Information and Budget and Key Policy Framework
    Procedure Rules.

28. Other Matters
    Reports produced by Cabinet about other matters will set out, as
    appropriate the details and outcome of the consultation that has taken
    place. The level of consultation required will be appropriate to the nature
    of the matter being consulted on. However where consultation has taken
    place with one or more Overview and Scrutiny Panels the outcome of that
    consultation will be included in the report.
**Constitution of Bournemouth Borough Council**

**PART 4.4**

**COUNCIL MEETING PROCEDURE RULES**

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# CONSTITUTION OF
# THE BOROUGH OF BOURNEMOUTH

## PART 4.4

### COUNCIL MEETING PROCEDURE RULES

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* = *this rule cannot be suspended*

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COUNCIL MEETING PROCEDURE RULES

These rules set out how meetings of the Council and the Council’s statutory Boards, Committees and Panels are to be carried out. For example, who can speak and when and how proposals are debated.

GENERAL PROVISIONS

1. Suspension of Procedure Rules - Restrictions
   The following words will indicate that a rule cannot be suspended: “This rule cannot be suspended”.

2. Suspension of Council Procedure Rules
   a. Any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.
   b. A motion to suspend any Rule will not be successful unless at least two thirds of the Members present at the meeting vote in favour of the motion.
   c. This Rule applies to all the Council Procedure Rules set out in Part 4 of this Constitution except where the rule cannot be suspended as indicated by the words “this rule cannot be suspended” at the start of the Rule.

3. Amendment and Revocation
   Any motion to amend or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

4. Interpretation of Procedure Rules
   The ruling of the Mayor or, where appropriate, the Chair of the Cabinet, a Statutory Board, Committee or Panel, will be final, having taken the advice of the Chief Executive or his or her representative, on the construction or application of any of these Procedure Rules, or on any proceedings at the meeting.

5. Declarations of Interest by Members and Officers
   a. It is the responsibility of every Councillor to declare, at the relevant stage of a meeting, any Disclosable Pecuniary Interest in any item
under consideration as required by the Localism Act 2011 or in any event by the time the item of business is reached.

b. Any Member with a Disclosable Pecuniary Interest must not take part in the debate or decision making process in regard to this item.

c. When any officer who is responsible for advising the Council, the Leader, the Cabinet or any of the Council’s boards, committees or panels, has a direct or indirect financial interest in any contract, proposed contract, or other matter which is before the Council, the Leader, the Cabinet or any of the Council’s boards, committees or panels at which he or she is present, the officer will at the earliest opportunity, orally declare the nature of his or her interest at the meeting.

d. All declarations made at a meeting under this Procedure Rule will be recorded in the Minutes - record of decisions - of that meeting and no further declaration will be required at the Council meeting to which these Minutes are submitted.

e. The Chief Executive will record particulars of any notice given by an officer of the Council of a pecuniary interest in a contract and will make it publicly available.

This section is left blank following recent updates to the Constitution document
6. **Dispensations**

The Service Director of Legal and Democratic will keep a record of all dispensations granted by the Standards Committee under the provisions of Section 33 of the Localism Act 2011. The record will be made available to the public.

7. **Matters of Urgency**

a. Subject to paragraph (e) below, no item of business may be considered at a meeting of the full Council, the Cabinet, statutory Board, Committee or Panel unless the agenda including the item and any accompanying reports have been open to inspection by the public for at least 5 clear days before the meeting and any relevant requirements of the Access to Information Rules have been complied with.

b. Where strategic reports and other significant items which contain factual and/or statistical information are being provided to Overview and Scrutiny Panels, they should be made available well in excess of 10 working days before to the meeting.

c. An item of urgency may, however, be brought before the Council, the Cabinet, or the Council’s boards, committees or panels provided the Chair is satisfied that there are special circumstances which justify consideration of the item. A matter of urgency to be brought before a meeting of the full Council must be shared with all Political Group Leaders before the start of that meeting.

d. Where an item is deemed to be a matter of urgency details of the special circumstances relied on to justify the urgency will be included in the Minutes of the meeting.

e. The Access to Information Procedure Rules set out in this Constitution make further provisions for the Leader and Cabinet to make decisions in cases of special urgency.

8. **Application of Council Meeting Procedure Rules to the Cabinet, Statutory Boards, Committees and Panels**

The following Procedural Rules will apply to meetings of the Cabinet statutory Boards, Committees and Panels as well to Full Council and where appropriate the words “Cabinet”, “Committee”, “Board”, “Overview and Scrutiny Panel” as the case may be will be substituted for the word “Council”.

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KKN Amendments – 24 October 2014
Constitution of Bournemouth Borough Council
Part 4: Council Procedure Rules

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MEETINGS OF FULL COUNCIL AND ORDER OF BUSINESS

9. **Annual Meeting**
   
   *This rule cannot be suspended*
   
   a. The Annual Meeting of Full Council will normally be held on the last Friday in May, except in a year when there is a full election of Councillors.

   b. In a year when there is a full election of Councillors, the date of the Council’s Annual Meeting will be fixed under statute to take place within 21 days immediately following the day of retirement of Councillors.

   c. In addition to the above, the Annual Meeting will:

      i. elect a person to preside if the Mayor or Deputy Mayor is not present;
ii elect the Mayor;

iii give a vote of thanks to the ex-Mayor;

iv elect the Deputy Mayor;

v appoint the Mayor’s Chaplain;

vi receive any declarations of interest from Members;

vii approve the Minutes of the last meeting;

viii approve a programme of Ordinary Meetings of Full Council for the year;

ix receive the Election Return for any elections held during the previous municipal year; and

x consider any business set out in the notice convening the meeting.

10. **Ordinary Meetings**

a. Ordinary Meetings of Full Council will be held as set out in the programme agreed by the Council on dates to be decided at the Council’s Annual Meeting. Ordinary Meetings will be held in addition to Special Meetings of Full Council called for a specific purpose, Extraordinary Meetings of the Council and the Council’s Annual Meeting.

b. Except in special circumstances, no meetings will be held during the month of August.

c. The Ordinary Meeting will:

i elect a person to preside if the Mayor or Deputy Mayor is not present;

ii approve the Minutes of the previous meeting;

iii receive any declarations of interest from Members;

iv consider any business specially brought forward by the Mayor;

v receive any Deputations made under these Procedure Rules;

vi consider any Petitions presented under the Council’s Petition Scheme;
vii receive questions from and provide answers to the public in accordance with the Procedure Rules governing questions from the public;

viii receive and consider reports from the Leader, Cabinet, and any of the Council’s statutory Boards, Committees or Panels and to call upon the appropriate Member to answer questions on any of those reports under the relevant Procedure Rules.

ix consider Motions;

x receive questions from and answers to question from Members relating to the general work or procedures of the Council which cannot be raised under the agenda items relating to business before Full Council and provide answers to those question, under the relevant Procedure Rules.

xi receive questions from Members in relation to decisions of the Leader, the Cabinet or a statutory Board, Committee or Panel which have been taken under delegated powers and answer those questions.

xii receive answers to questions from Members on the discharge of the functions of the Dorset Combined Fire Authority and the Dorset Police Authority.

xiv receive any Mayor’s communications.

consider any other business specified in the Agenda to the meeting.

11. Ordinary Meetings in April
This rule cannot be suspended
Except in a year when there is a full election of Councillors the following business will be carried out at the Ordinary Meeting of the Council in April:

a. decide the allocation of seats to political groups under the political balance rules;

b. receive nominations from the political groups regarding Members to serve on the Overview and Scrutiny Panels, the Standards Committee, and the other Boards, Committees and Panels which together form the Council’s decision making mechanism.

c. receive nominations from the political groups under the agreed scheme for the appointment of Members to serve on each outside body.
d. be told about:

i. the composition - size, portfolios and identity of Councillors chosen to be members - of the Cabinet for the coming year.

ii. The delegations made to the members of the Cabinet and any other changes that the Leader has made to the executive delegations generally.

e. In a year when there is a full election of Councillors, this business will be carried out at a Special meeting of the Full Council to be held in the week immediately following the week of the elections.

12. Extraordinary Meetings

*This rule cannot be suspended*

An Extraordinary Meeting is a meeting of Full Council which may be called by:

a. The Mayor

b. The Monitoring Officer

c. Any 5 Members of the Council if they have signed a request presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within 7 days of the presentation of the request.

d. When requested, the Chief Executive will call a meeting of Full Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next Ordinary Meeting of Full Council.

e. No business will be carried out at an Extraordinary Meeting other than that specified in the resolution or request which led to the meeting being called.

13. Special Meetings

A Special Meeting is a meeting of Full Council which may be called by statute or a direction of Full Council for a specific purpose.

14. Time and Place of Meetings

a. Annual Meetings

Annual Meetings except where otherwise ordered by the Mayor will be held at 11.00 am at a venue within the Borough.

b. Ordinary Meetings

Ordinary meetings, except where otherwise ordered by the Mayor will be held at the Town Hall in Bournemouth.

c. Extraordinary Meetings
Extraordinary Meetings will take place at a place and time ordered by the Mayor.

d. **Special Meetings**
   Special Meetings will take place at the place and time as directed by the Full Council.

15. **Variation of Order of Business**
   The Mayor may, with the consent of Full Council, and subject to any statutory requirements, vary the order of business to give precedence to any matter.

16. **Notice of and Summons to Meetings**
   *This rule cannot be suspended*
   a. The Chief Executive will give notice to the public of the time and place of any meetings under the Access to Information Procedure Rules.

   b. At least 5 clear days before a meeting, the Chief Executive will send a summons and agenda signed by him or her to every Member of Full Council or leave it at their usual place of residence. The summons and agenda will give the date, time and place of each meeting and specify the business to be carried out and will be accompanied by such reports as are available.

17. **Quorum**
   *This rule cannot be suspended*
   A quorum is the lowest number of Members that need to be present at a meeting before the meeting can conduct legally valid business.

   a. No business shall be carried out at any meeting of Full Council unless at least one quarter of the whole number of Members of the Council is present.

   b. Where more than one third of the Members of the Full Council become disqualified at the same time, then until the number of Members in office is increased to not less than two thirds of the whole number of Members of the Council, the quorum at meetings of the Full Council will be determined by reference to the Members of the Council remaining qualified instead of the reference to the whole number of Members of the Council.

   c. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting - apart from notice of lateness, the meeting will stand adjourned. During any meeting if the person chairing 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 a time and date fixed by the
person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting or meeting of relevant statutory board, committee or panel as appropriate. Where a matter is deemed urgent, a Special Meeting will be arranged to deal with the urgent matter.

d. Subject to any specific statutory requirement or where otherwise provided for in this Constitution, the quorum of a meeting of the Council’s statutory Boards, Committees and Panels will be one third of the whole number of Members or 3 voting Members, whichever is the greater, except for the Cabinet which will be 3 to include the Chair or in his or her absence, the Vice Chair.

e. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting - apart from notice of lateness, the meeting will stand adjourned. During any meeting if the person chairing 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 a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next scheduled meeting of the statutory board, committee or panel.

18. Adjournment
A majority of the Members present at any Ordinary, Extraordinary or Special meeting may adjourn the meeting to some other day or hour.

19. Formal Records to be Maintained
This rule cannot be suspended

a. All meetings of Full Council and the Council’s Boards, Committees and Panels will be administered by a representative of the Monitoring Officer, to include the production of Minutes. Copies of all agendas and Minutes are to be maintained and kept by the Monitoring Officer.

b. Every Member attending the whole or part of a meeting of the Council, its Boards, Committees or Panels, will sign the attendance record before the conclusion of the meeting.

20. Minutes Available For Inspection by Members
The Minutes of Full Council meetings and meetings of Cabinet, and the Council’s statutory Boards, Committees and Panels will be open for inspection by any Member of the Council.

21. Accuracy and Form of Minutes
Minutes will contain the following information:
a. The names of the Members present

b. The time of arrival of each Member - if he or she arrives after the time the meeting is due to start.

c. The time each Member leaves the meeting - if it is before the time the meeting formally ends.

d. Where appropriate, details of all motions and amendments in the exact form the Mayor put them.

e. The full nature of any personal, financial or prejudicial interests directly or indirectly in any contract, proposed contract or any other matter arising at the meeting and the name of the person making that declaration.

f. The name of the person asking any question, the subject matter to which the question relates and the name of the person answering the question.

g. No record of the question or the answer will be made in the Minutes of the Full Council or the Council’s Boards, Committees and Panels. However a full transcript of the questions and answers will be published on the Council’s website.

h. No motion or discussion will be allowed on these Minutes except on their accuracy and any objection on that ground must be made by motion.

22. Signing the Minutes - Ordinary Meetings

This rule cannot be suspended

a. The Mayor will sign the Minutes of Full Council Meetings at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record.

b. The Minutes of the previous meeting will be taken as read if a copy of them has been sent to each Member with the summons to attend the meeting following that meeting.

23. Signing the Minutes - Extraordinary and Special Meetings

This rule cannot be suspended

a. Where, in relation to any meeting of the Full Council the next meeting is an Extraordinary Meeting called under the Local Government Act 1972 or a Special Meeting, then the next Ordinary meeting will be treated as a suitable meeting for the purposes of signing the Minutes.
24. Nomination of the Mayor and Deputy Mayor

a. Members of the Council who are nominated and elected to the Office of Mayor and Deputy Mayor do so on the understanding that they will serve a full term in those roles unless the serving councillor is unable to complete his or her term, owing to ill health or similar disposition, is disqualified or for any other reason ceases to be a councillor.

b. If the Deputy Mayor is not able to complete his or her term of office for any of the reasons set out in a. above the Council will seek to appoint a replacement from the list of past Mayors.

25. Continuing Membership of the Mayor and Deputy Mayor in a Full Council Election Year

This rule cannot be suspended.

a. In a year when the term of office of the Mayor spans Full Council elections, the Mayor will continue in office until his or her successor becomes entitled to act as Mayor and will continue to be a Member of the Council unless he or she resigns, is disqualified or for any other reason ceases to be a Councillor.

b. In a year when the term of office of the Deputy Mayor spans Full Council elections, the Deputy Mayor shall continue in office but will not remain as a Member of the council unless he or she achieves re-election as a councillor.

c. The term of office of the Mayor and Deputy Mayor in an election year shall continue until the annual meeting of the Full Council.

26. Voting Rights of Mayor at Annual Meetings

This rule cannot be suspended.

a. If the person presiding at the annual meeting would have ceased to be a Member of the council he or she shall not be entitled to vote in the election of the new Mayor except in accordance with paragraph b below.

Casting Vote

b. In the case of an equality of votes, the Mayor or other person presiding at the meeting shall give a casting vote in addition to any other vote he or she may have.

27. Election of a New Mayor

Every year Full Council will elect a Member of the Council to be Mayor. This will be the first business carried out at the Annual Meeting of Full Council.
28. **Procedure for the Election of the Mayor**

a. At the Ordinary Meeting of Full Council held during the month of March, any 2 Members of the Council may make a recommendation in writing, addressed to the Chief Executive, for any other Member or Members of the Council - except the Mayor in office at the time of nomination - to be nominated to stand for the role of Mayor for the following Municipal year.

b. Any Member nominated for the role of Mayor will, before the meeting at which they are nominated, be invited by the Service Director of Legal and Democratic to express in writing his or her willingness to accept such office if duly elected at the next Annual Meeting.

c. At the said Ordinary Meeting of Full Council, the chairperson will announce the name of each Member who has been nominated and expressed willingness to accept office and will ask for those Members - but no others - to be formally proposed and seconded.

d. If only one Member is proposed and seconded and is willing to accept the office if elected, that Member will thereupon be offered the position of Mayor for the following Municipal year.

e. If 2 or more Members are proposed and seconded and those Members are willing to accept office if elected, the Members of the Council then present will be invited to vote by rising in their places for the candidate of their choice. Each Member will have one vote, apart from the person chairing the meeting who will not have a vote at this stage.

f. If one candidate receives a majority vote of more than one half of those present and voting, that candidate will be offered the position of Mayor.

g. Where no candidate receives a majority vote, the candidate receiving the lowest number of votes will be eliminated from the process.

h. A further vote will take place between the remaining candidates. The candidate with the lowest vote will be eliminated from the process. The voting and elimination process will be repeated until a clear winner for the position of Mayor is elected by receiving a majority of the votes.

i. If more than one candidate receives the lowest number of votes, all the candidates who tie with the lowest vote will be eliminated from the process.

j. Where eliminating candidates who tie with the lowest vote would leave only one candidate standing for election, there will be an
election to determine which one candidate of those with the lowest vote will be included in the next stage of the election process.

k. If the last 2 candidates receive the same number of votes then the chairperson of the meeting will have a casting vote.

l. If the election of Mayor takes place before Municipal Elections and the Mayor elect or Deputy Mayor elect are not re-elected to the Council, the Service Director of Legal and Democratic will immediately circulate to all Members of the Council a request seeking new nominations for consideration at the first Ordinary Meeting of the newly elected Council under the procedure outlined above.

m. If the position of Mayor for any reason becomes vacant during any Municipal year, then at the Ordinary Meeting of Full Council immediately following the vacancy arising, the above procedure will be followed to elect a Mayor for the remainder of that Municipal year.

29. Selection of the Deputy Mayor
   a. Every year the Council will select a Member of the Council to be Deputy Mayor. The Role of Deputy Mayor during any Municipal year will be taken by the Councillor who held the role of Mayor during the previous municipal year.

   b. In the event that the person who was Mayor during the previous year is not able to be appointed to the position of Deputy Mayor then the procedure set out in paragraphs a - m above relating to the selection of the Mayor shall be carried out to select the Deputy Mayor.

   c. The Deputy Mayor will continue in office until immediately after the election of a Mayor at the next Annual Meeting of Full Council unless he or she resigns, is disqualified or for any other reason ceases to be a Councillor.

   d. Subject to any contrary Procedure Rules contained in this Constitution, anything authorised or required to be done by, to or before the Mayor may be done by, to or before the Deputy Mayor where appropriate.

30. The Mayor as Chair of Full Council Meetings
   This rule cannot be suspended
   a. The Mayor will preside as Chair at all meetings of Full Council.

   b. If the Mayor is absent from any meeting of Full Council then the Deputy Mayor of the Council, if present, will preside as Chair.
c. If both the Mayor and Deputy Mayor of the Council are absent from a meeting of Full Council, another Member of the Council chosen by those Members of the Council who are present, will preside as Chair.

d. The Mayor as Chair will decide the agenda of Full Council meetings and the timings for relevant sections of the meeting, having first taken the advice of the Monitoring Officer,

e. The Mayor as Chair will decide, having taken the advice of the Monitoring Officer, all matters of order, competence, relevance, interpretation of the Council Procedure Rules relating to the conduct of the meeting and the appropriateness of Council questions.

f. Any power or duty of the Mayor in relation to the conduct of any meeting may be exercised by any person chairing a meeting in place of the Mayor or Deputy Mayor.

g. The Mayor at his or her discretion may draw to the attention of the Council any matter that he or she deems appropriate.

### QUESTIONS

31. **General Questions and Procedures**

a. Subject to the Procedure Rules below relating to **Scope of Public Questions**, a period of not more than 30 Minutes will be allowed at every Ordinary Council Meeting for questions on the general work or procedures of the Council which cannot be raised under specific areas of business before the Council.

b. Except where otherwise allowed in these Procedure Rules, a question may only be asked if it has been given in writing - which can be by e-mail - to the Service Director of Legal and Democratic by no later than 10am on the day of the Council meeting.

c. Every question will be asked and answered without discussion.

d. The person to whom a question has been put may decline to answer.

e. A supplementary question may be asked.

f. No Member will be allowed to ask more than one question consecutively at any meeting. Where a question on one subject is made up of many parts, it will count as one question.

g. If however, the time limit of 30 Minutes for questioning has not expired then he or she may be allowed to ask an additional question and, if time still allows may ask a further question, but no more than
3 questions at any one meeting unless all Members who have given the required notice and who desire to do so have asked a second question.

h. A copy of the written reply to the original question will be published on the Council’s website and will be given to the person asking the question as a matter of course after the meeting. Before the start of the meeting the appropriate Executive Director or Service Director will provide the member giving the reply with sufficient information to enable him or her to respond to the question.

i. Replies to questions on issues which are complex and/or technical should be restricted to a plain English summary with an offer being made to provide a separate comprehensive written response to the person asking the question.

j. The Mayor may request, subject to the appropriate resolution being passed, that any question of which notice is given will be asked and answered in private session.

32. Questions From The Public

a. At every Ordinary Full Council, Cabinet, statutory Board, Committee or Panel meeting a period of not more than 15 Minutes will be allowed for questions from the public.

b. Any member of the public on the current electoral role for Bournemouth - to include minors living within the Borough who are accompanied by a qualifying adult - may ask questions of the Leader, Members of the Cabinet, Board, Committee or Panel Chairs or Members who are representatives of the Council on external bodies provided that:

i. the question to be asked has been given in writing or electronic mail to the Service Director of Legal and Democratic not later than 1 working day before the meeting at which the question is to be asked; and

ii. Each question is accompanied by the name and address of the questioner and must name the Member of the Council to whom it is addressed.

iii. the question is not outside the scope of questions allowed by these Procedure Rules.

c. Questions will be asked in the order in which notice of them was received, except that the Chair of the meeting may group together similar questions.
d. No Member of the public will be allowed to ask more than one question consecutively at any meeting. Questions made up of many parts will not be allowed.

e. A member of the public who is not able to attend the meeting has the option of either deferring the question(s) to the next meeting or receiving a written reply.

f. If, however, the time limit of 15 Minutes for questions has not expired, a Member of the public may be allowed to ask an additional question and, if time still allows, may ask a further question, but no more than 3 questions at any one meeting unless all Members of the public who have given the required notice and who desire to do so have asked a second question.

g. The Chair of the meeting at which the question is to be asked will be the final arbiter upon the form of the question, whether it is acceptable and whether it relates to matters within the power of the body of which the question is being asked.

h. The Service Director of Legal and Democratic shall insert the following item on the agenda: “Public Questions received”.

i. Every question will be asked and answered without discussion. However, any Councillor may move that the matter raised by a question be referred to the Cabinet or the appropriate board, committee or panel. Once seconded, the motion will be voted on without discussion.

j. No supplementary questions may be asked.

k. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non attendance of the member to whom it was to be put, will be dealt with by a written answer.

l. A copy of the written reply to the original question will be published on the Council’s website and will be given to the person asking the question as a matter of course after the meeting. Before the start of the meeting the appropriate Executive Director or Service Director will provide the member giving the reply with sufficient information to enable him or her to respond to the question.

m. Replies to questions on issues which are complex and/or technical should be restricted to a plain English summary with an offer being made to provide a separate comprehensive written response to the person asking the question.
n. If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

33. **Scope of Public Questions**
At any meeting of Full Council the Service Director of Legal and Democratic may reject a question from a Member of the public if:

a. it is not about a matter for which the Council has responsibility or which affects the borough;

b. it is defamatory, frivolous or offensive;

c. it is substantially the same as a question, motion or deputation which has been put at a meeting of the Council within the previous six months; or

d. it requires the disclosure of confidential or exempt information;

e. it relates to an individual planning or licensing application.

34. **Questions on Discharge of the Functions of the Dorset Police and Crime Panel and the Dorset Combined Fire Authority**

a. A Member may ask the Member of the Council representing Bournemouth Borough Council on the Dorset Police and Crime Panel and the Dorset Combined Fire Authority any question on their functions or on any report submitted to the Council, provided that the question has been given in writing to the Service Director, Legal and Democratic, before 12 noon on the Friday preceding the meeting.

b. Questions should not relate to operational matters.

c. A supplementary question may be asked.

d. A copy of the written reply to the original question will be published on the Council’s website and will be given to the person asking the question as a matter of course after the meeting.

e. Replies to questions on issues which are complex and/or technical should be restricted to a plain English summary with an offer being made to provide a separate comprehensive written response to the person asking the question.

35. **Questions on Reports of the Leader, Cabinet, Board Committee or Panel**

a. A Member of the Council may ask any question on an item of the report of the Leader, Cabinet, statutory Board, Committee or Panel,
as appropriate, when that item is being received or under consideration by the Council:

i. The Leader of the Council in his capacity as Leader

ii. The Leader of the Council is his capacity as Chair of the Cabinet

iii. The Cabinet Member with the relevant Portfolio

iv. The Chair of any of the Councils statutory Boards, Committees or Panels.

b. However such questions can only be asked provided that:

i. The Question is put before the Council considers the report;

ii. The question has been given in writing - which can be by electronic mail - to the Service Director of Legal and Democratic not later than 10am on the date of the Council meeting.

c. A Member asking a question may respond with a supplementary question.

d. A question can be dealt with by way of a reference to a document published by the Council which contains the information required.

e. A copy of the written reply to the original question will be published on the Council’s website and will be given to the person asking the question as a matter of course after the meeting. Before the start of the meeting the appropriate Executive Director or Service Director will provide the member giving the reply with sufficient information to enable him or her to respond to the question.

f. Replies to questions on issues which are complex and/or technical should be restricted to a plain English summary with an offer being made to provide a separate comprehensive written response to the person asking the question.

g. Where the reply to any question cannot conveniently be given orally, the answer will be added to the Minutes of the meeting at which the question has been asked.

36. Questions on Delegated Powers Exercised by The Leader, Cabinet, Statutory Board, Committee or Panel.

a. A period of not more than 30 Minutes will be allowed at every Ordinary Council Meeting for questions under this rule.

b. Provided that a question has been submitted in writing - which can be by electronic mail - to the Service Director of Legal and Democratic
not later than 10am on the day of the Council Meeting, a Member of the Council may submit any question on the decisions of the Leader, Cabinet a Statutory Board, Committee or Panel which have been taken under delegated powers and which are before the Council.

b. Questions not reached within the 30 minute time limit will be answered in writing by the Leader, the Leader as Chair of the Cabinet, the Cabinet Member with the relevant Portfolio or the Chair of the appropriate statutory Board, Committee or Panel as appropriate. Each written answer will be sent to the Member submitting the question and a copy of each such question and answer will be published on the Council’s website.

c. No Member will be allowed to ask more than one question consecutively unless the time limit of 30 Minutes has not expired in which case a Member may be allowed to ask an additional question.

d. Every question will be asked and answered without discussion.

e. A supplementary question may be asked.

f. A copy of the written reply to the original question will be published on the Council’s website and will be given to the person asking the question as a matter of course after the meeting. Before the start of the meeting the appropriate Executive Director or Service Director will provide the member giving the reply with sufficient information to enable him or her to respond to the question.

g. Replies to questions on issues which are complex and/or technical should be restricted to a plain English summary with an offer being made to provide a separate comprehensive written response to the person asking the question.

### DEPUTATIONS

37. Deputations to Full Council, the Cabinet and the Council’s Statutory Boards, Committees and Panels.

a. Persons wishing to send a deputation to any meeting of Full Council, the Cabinet, or the Council’s Statutory Boards, Committees and Panels may do so by giving at least 1 clear day’s notice in writing - which can be electronic mail - to the Service Director of Legal and Democratic explaining the subject of the deputation, including written details of the proposed deputation speech and, where appropriate, details of any associated petition. Except that written details of the proposed deputation speech is not required in relation to Statutory Boards, Committees and Panels.

b. No deputation will include more than 3 persons each of whom may address the relevant meeting. The total time for the deputation will not be more than 5 Minutes which may be extended at the Chair’s discretion where it would assist the decision making process.

c. Persons wishing to send a deputation to the Planning Board in respect of an application that has been included on the Board’s schedule of applications for Member consideration must submit the request to the Service Director of Legal
and Democratic not later than 10am on the Friday before the meeting. No deputation may be made to the Planning Board when that board is on a site visit.

38. Procedure for Dealing With Requests for Deputations

a. The Monitoring Officer may reject a deputation request if:
   i. it is not about a matter for which the Council has responsibility or which affects the borough;
   ii. it is defamatory, discriminatory, frivolous, offensive, vexatious, inappropriate or not reasonable;
   iii. it relates solely to the interests of one individual or company;
   iv. the issue has been the subject of a decision of the Leader or other individual Cabinet member, the Cabinet, Council, or one of the Council’s Boards, Committees or Panels within the previous six months which has been implemented.
   v. it requires the disclosure of confidential or exempt information;
   vi. the subject matter is about a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it - for example it relates to an individual planning or licensing decision - or where this Procedural Rule might prejudice the proper consideration of such an application or consent;
   vii. it relates to a planning or licensing application which an officer is going to make a decision on under the Council’s Scheme of Delegation to Officers.
   viii. it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint; it contains an allegation against, or comments about, the conduct of individual councillors or officers

Note: If during a deputation speech a statement is made which falls within any of the criteria listed under 38ii above the Chair of the meeting will take immediate steps to require the deputation to stop talking on that particular matter.

b. Where the issue is the subject of a recommendation or notice of motion to the next meeting of Full Council.
   i. The request will be placed on the agenda for that meeting and the Council will be asked whether it is willing to receive the deputation.
   ii. When a deputation has been received by the Council, there will be no discussion on the points raised and the matter will stand deferred until the relevant recommendation or notice of Motion is presented to the Council.

c. Where the issue is on the Agenda for the Cabinet, a statutory Board, Committee or Panel.
i The request will be placed on the agenda and the meeting will be asked whether it is willing to receive the deputation.

ii When a deputation has been received the matter will stand deferred until the appropriate business is reached at which point any Member of the Board, Committee or Panel may move a motion.

iii The terms of the motion must be relevant to the deputation and within the scope of duties of the Board, Committee or Panel.

d. Where the issue relates to a decision made or to be made or an issue being dealt with by an individual Cabinet member including the Leader.

   The request will be placed on the agenda for the next Cabinet meeting and the meeting will be asked whether it is willing to receive the deputation. When a deputation has been received:

   i. the matter will stand deferred until the appropriate business is reached at which point any Member of the Board, Committee or Panel may move a motion.

   ii. the terms of the motion must be relevant to the deputation and within the scope of duties of the Board, Committee or Panel.

e. Where the issue is not before the Council, the Leader or other individual Cabinet member, the Cabinet or one of its statutory Boards, Committees or Panels and no resolution has passed on the issue within the previous six months.

   The request will be placed on the appropriate agenda and the meeting will be asked whether it is willing to receive the deputation. When a deputation has been received, the matter will stand deferred to enable the appropriate officers to prepare a report on the matters raised within the deputation for submission to the relevant decision maker.

f. When a deputation presents a Petition to Cabinet or an Overview and Scrutiny Panel the matter will be dealt with under the Council’s Procedure for Presenting Petitions and the rules relating to Petitions which are set out below as appropriate. A copy of the Council’s Procedure for Presenting Petitions is contained in Part 5 of this Constitution.

g. The person(s) presenting the Deputation will be informed in writing of the Council’s decision. If a further meeting is held to consider the issues raised in the deputation, the person(s) who presented the original deputation will be supplied with the relevant details.

PETITIONS

39. Presentation of Petitions to Full Council
The Procedure Rules relating to presentation of Petitions to Full Council are available on the Council’s website and is also contained in Part 4 of this Constitution.
40. **Presentation of Petitions to Cabinet, The Council’s Boards, Committees And Panels**

a. At a meeting of the Cabinet or an Overview and Scrutiny Panel local residents and Councillors may present a petition, signed by individuals who are not Members of the Council.

b. The Service Director of Legal and Democratic shall include an item on the agenda for meetings of the Cabinet and Overview and Scrutiny Panels to allow for the presentations of petitions.

c. The subject of the petition must relate to a function of the Council or to something that affects the area, or part of the area of the borough, or affects the inhabitants, or some of the inhabitants, of the borough.

d. Persons wishing to present a petition shall give notice in writing which can be by electronic mail to the Service Director of Legal and Democratic - and include their names and addresses and details of the wording of the petition - by no later than 1 working day before the meeting at which they wish to present it.

e. A petition may be presented by not more than two persons who will have up to 5 minutes in which to read out, or summarise, the objectives of the petition and indicate the number and description of the individuals who have signed the petition.

f. The Service Director of Legal and Democratic in consultation with the relevant Chair shall determine that the petition is in order and may be received.

g. Petitions shall be presented in the order in which the Service Director of Legal and Democratic receives notice of them.

h. Persons presenting a petition at a meeting will not at the same meeting be allowed to make a separate deputation on the issue to which the petition relates.

i. When a petition has been presented there will be no debate but after receiving the petition the meeting will resolve:

   i. ‘That the petition be noted’: or

   If the contents of the petition relate to a matter on the agenda for the meeting:

   ii. ‘That the contents of the petition be considered when the relevant item is debated’: or
If the contents of the petition relate to a matter that is not on the agenda for the meeting:

iii. ‘That consideration of the matter be deferred to the next meeting to enable the officers to prepare a report on the issues raised within the petition’; or

iv. ‘That the petition be referred - as relevant - to:

- The Leader of the Council; or
- The relevant Cabinet Member, or
- The Chair of the relevant board, committee or panel for further consideration and a response’

**REPORTS AND RECOMMENDATIONS OF THE LEADER, CABINET, COUNCIL BOARDS, COMMITTEES AND PANELS**

41. **Presentation of Reports**

a. Except on grounds of special urgency or expediency the order in which reports will be presented to the Council will be reports from:

i. The Leader

ii. The Cabinet

iii. The Councils statutory Boards, Committees and Panels in rotation.

b. When a report of one of the above is presented, the Chair, Vice Chair or some other Member of the Cabinet, or body who was present at the meeting when it voted to present the report, will move its adoption.

c. When the Council meets to consider a report from an Overview and Scrutiny Panel, it will also consider the report containing the Cabinet’s response to the Overview and Scrutiny recommendations. The outcome of the Full Council discussions will be placed on the agenda of the next scheduled meeting of the Overview and Scrutiny Panel which submitted the report.
42. Adoption of Reports
The Chair or other Member when presenting a report which includes one or more recommendations to the Council will move:

“That the report be received and adopted”
When moving the receipt or adoption of a report the Chair or other Member may, with the approval of the Council, make a statement of general interest. The statement relevant to the report will be purely factual and will not introduce any matter of a controversial nature.

43. Members Speaking on Reports
a. Following the presentation of a report to the Council and its adoption being moved, any Member can propose a motion without notice under these Procedure Rules.

b. No discussion will be allowed on matters where the person or body from which the report originates has delegated powers.

44. Chair’s Explanation and Right of Reply
a. Immediately after a valid amendment of a recommendation by the body presenting the report has been moved and seconded, the Mayor will call on the relevant Chair or other Member to explain to the Council the reason for the recommendation which is the subject of the motion.

b. Should a debate take place following the Chair or other Member’s explanation, the Chair or other Member will be allowed to reply at the conclusion of the debate.

45. Joint Report on One Subject
a. Where more than one of the Council’s decision making bodies together present one report to the Council, the Chair of each body contributing to the report - or in that Chair’s absence, the Vice Chair or another Member of the body - will in turn present the joint report to the Council.

b. Questions under these Procedure Rules may be addressed to any Chair, vice Chair or other Member involved in the presentation of a joint report.

c. If a valid amendment to the recommendations of a joint report has been moved and seconded, each Chair will be called on by the Mayor to give an explanation of the original recommendations.

d. At the end of any debate, following explanations by each Chair or other person presenting the report, each such Chair will be allowed to reply under Rule 44 of these Procedure Rules - Chair’s Explanation and Right of Reply.
46 Multiple Reports on One Subject
a. Where more than one Council decision making body each presents a report to Council on the same subject, the Mayor may direct that immediately following the presentation of the first report, the other reports will be presented so that any amendments and debates on that subject may be taken at one time.

b. Questions asked under these Procedure Rules may be addressed to any Chair involved in the presentation of any one of the reports.

c. If a valid amendment on the recommendations of any of the reports has been moved and seconded, each Chair, vice Chair or other person involved in the presentation of the reports will be called on by the Mayor to give an explanation of the original recommendations.

d. At the end of any debate, following explanations by the Chair or other person presenting the report, each such Chair will be allowed to reply under rule 44 of these Procedure Rules - Chair’s Explanation and Right of Reply.

47. Resolution on Reports
All resolutions necessary to give effect to a recommendation which has been approved or amended and approved by the Council, will be formally entered in the Council’s Minutes without further motion or motions.

48. Amendments or Withdrawals by the Chair
A Chair may withdraw or amend any recommendation with the consent of the Council. No Member will then be entitled to speak on the whole or any part of any recommendation to which consent to withdraw has been given.

49. Statement by The Chair
a. Where notice has been given to the Chief Executive by a Chair or Cabinet Member with appropriate portfolio, the Mayor with the permission of the Council may call on that person to make a statement on any matter arising on the Minutes of that person’s decision making body.

b. The statement will be purely factual and will not introduce any matter of a controversial nature.

50. Reports of Head of Paid Service, Monitoring Officer And Chief Finance Officer
The Chief Executive as Head of Paid Service, the Monitoring Officer and the Chief Finance Officer may at any time present reports directly to Full Council in accordance with their statutory duties.
51. The Mayor and Debates
   a. The Mayor will not take part in debates at any meeting of Full Council.
   b. Whenever the Mayor wishes to speak to make a ruling during a debate any Member speaking at the time must stop and sit down. The meeting must be silent so that the Mayor may be heard without interruption.
   c. The Mayor’s ruling on all points of order, on the admissibility of a personal explanation, matters of order or procedure not provided for, by or on any other matter in connection with the conduct of the meeting will be conclusive, and will not be open to discussion.

52. Mayor Standing
   This rule cannot be suspended.
   When the Mayor as Chair stands during a debate, any Councillor speaking at the time must stop and sit down and the meeting must be silent.

53. Mayor to Call Member to Speak
   This rule cannot be suspended.
   a. A Councillor may indicate his or her desire to speak by raising his or her hand, but will only speak when called by name by the Mayor as Chair.
   b. When speaking, the Councillor will stand, unless unable to do so.
   c. All other Councillors will remain seated in their allotted place when another Councillor is speaking, unless wishing to make a point of order or point of personal explanation.
   d. If more than one Councillor stands, the Chair will ask one to speak and the others must sit down.
   e. Members will speak of each other in the Council meeting by their respective titles of “Mr Mayor” or “Madam Mayor”, “Leader”, “Cabinet Member”, or “Councillor” as the case may be.

54. Speaking More Than Once
   a. A Member who has spoken on a motion may not speak again whilst it is the subject of debate except:
      i. To speak on an amendment moved by another Member.
      ii. To move a further amendment if the motion has been amended since he/she last spoke.
iii to speak on the main issue where his or her first speech was on an amendment moved by another Member - whether or not the amendment on which he or she spoke was carried.

iv to exercise a right of reply.

v to raise a point of order.

vi by way of personal explanation.

vii When allowed by the Mayor.

b. A Member may, before moving an amendment, ask a question which the appropriate Chair may answer with a view to removing the need for the amendment.

55. Personal Explanation

This rule cannot be suspended

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

56. Point of Order

This rule cannot be suspended

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point or order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the rule or law and the way in which he or she considers it has been broken. The Mayor’s ruling on the matter will be final.

57. Irrelevance, Repetition and so on.

Every Member addressing the Council must directly address the question then under discussion. It will be the duty of the Mayor to call a Member to order for irrelevance, tedious repetition, unbecoming language, imputation of motive, reflection on personal character or any breach of order, and, if the Mayor thinks it necessary, to direct that the speech be discontinued. Members will immediately comply with the Mayor’s direction.

58. Right of Proposer of a Motion For Which Notice is Required to Reply at The End of a Debate

a. Immediately before it is put to the vote, the proposer of a motion has the right to reply at the end of the debate on that motion and when doing so may speak for up to 5 minutes.

b. If an amendment is moved the proposer of the original motion has the right to reply at the close of the debate on the amendment and may speak for not more than 5 minutes but may not otherwise speak on it.

c. The proposer of the amendment has no right of reply to the debate on his or her amendment.
d. The proposer of the motion will not introduce any new matter in the reply.

59. **Time Limit for Speeches**

a. No Member will speak for more than 3 minutes on any matters, except for:

i. A motion for which due notice is required to be given under these Procedure Rules.

1. The proposer may speak for not more than 10 minutes when moving the motion and for 5 minutes when exercising the right to reply to the debate.

2. The seconder may speak for not more than 5 minutes.

ii. The Chair or other proposer of a report or minutes of the Cabinet, statutory Board, Committee or Panel making a statement on a proposed decision under the Rule relating to **Adoption of Reports** and the Rule relating to **Statement by the Chair**, may speak for not more than 10 minutes.

iii. The Chair or other proposer of a report of the Cabinet, statutory board, committee or panel when explaining the reasons for a decision under Rule relating to **Chair’s Explanation and Right of Reply** after an amendment has been proposed and seconded is entitled to speak for no more than 5 minutes and when replying at the conclusion of the debate may speak for a further 3 minutes.

b. The proposer of an amendment including an amendment to a report and recommendation of the Leader, Cabinet, statutory board, committee or panel is entitled to speak for no more than 5 minutes and when replying at the conclusion of the debate may speak for a further 3 minutes.

c. This rule will not apply to the speech of the Leader of the Council as Chair of the Cabinet when submitting the proposed annual Council Tax and revenue and capital budgets.

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**MOTIONS AND AMENDMENTS**

60. **Motions Without Notice**

The following motions may be moved without notice:

a. To appoint a Chair of the meeting at which the motion is moved;

b. To raise a point in relation to the accuracy of the Minutes;

c. To change the order of business on the agenda;

d. To exclude the public and press under the Access to Information Procedure Rules;

e. To refer something to an appropriate body or individual;
f. To appoint a board, panel or committee Member arising from an item on the agenda for the meeting;
g. To receive reports or adopt recommendations of the Leader, Cabinet, statutory boards, committees, panels or officers and any resolutions following from them;
h. To amend a motion;
i. To withdraw a motion;
j. To adjourn a debate;
k. That the question now be put;
l. To proceed to the next business;
m. To propose that the Council resolves itself into a committee;
n. To extend time limits for speeches;
o. To suspend a particular rule as allowed by these Procedure Rules;
p. To adjourn a meeting;
q. To hear no further from a Member under the Procedure Rule governing disorderly conduct by Members;
r. To give Consent of the Council where its consent is required by this Constitution;
s. That, following a vote of no confidence in the Leader by the majority of the members of the Council, the Leader be removed and a new Leader elected.

61. Motions Which Can be Moved Whilst Another Motion is Being Debated
When a motion including a recommendation of the Leader, Cabinet, statutory board, committee or panel is being debated no other motion may be moved without notice except the following procedural motions:

a. To withdraw the motion;
b. To amend the motion;
c. To disagree with the motion;
d. To postpone consideration of the motion;
e. To adjourn the meeting to any day or hour;
f. To adjourn the debate;
g. To proceed to the next business;
h. That the question now be put;
i. To hear no further from a Member;
j. That a Member leaves the meeting;
k. That the subject of the debate be referred back to the Leader, Cabinet, statutory board, committee or panel, as appropriate;
l. To exclude the press and public under the Access to Information Procedure Rules.

62. Absence of Proposer
Unless the motion is business that the Council must by law carry out, no notice of motion on the Council agenda will be proceeded with unless the Member who proposes it is present, unless that Member has requested another Member to do so and has notified the Service Director of Legal and Democratic in writing - which can be by electronic mail - that he or she has made such a request, naming the Member who will present it instead.
63. **Moving And Seconding Motions**
   a. The Chair of the Council may require a Motion or amendment to be written down and handed to him or her before it is discussed or put to the meeting.
   
b. The proposer of a motion, will stand up in his or her place and read out the motion and, if required by the Chair, hand it to the Chair.
   
c. No speeches may be made after a motion has been proposed and its purpose explained, until the motion has been seconded unless notice of the motion, where required, has already been given.
   
d. When seconding a motion or amendment, a Member may reserve his or her speech until later in the debate.

64 **Amending and Withdrawing Motions**
   a. The Council may allow a motion which has already been seconded to be withdrawn without discussion.
   
b. A proposed amendment to a motion must be relevant to the subject matter of the motion and must either be:
      i. to refer the matter to an appropriate body or individual for consideration or reconsideration;
      ii. to remove words;
      iii. To remove words and/or insert or add others but not so that the effect of the amendment will be to negate the motion;
   
c. Every proposed amendment will, if required by the Mayor be in writing signed by the proposer and the seconder and cannot be discussed until it is seconded.
   
d. Every proposed amendment will be read out before being moved.
   
e. A Member who has seconded a motion in a formal manner will be allowed to speak to it for 5 minutes.
   
f. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
   
g. If an amendment is not carried, other amendments to the original motion may be moved.
   
h. If an amendment is carried, the original motion with the agreed amendment takes the place of the original motion. The amended motion becomes the substantive motion to which any further amendments are proposed.
After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendment or if there are none, put it to the vote.

65. **Motions to Disagree With a Motion**

When a report of the Leader, Cabinet, statutory board, committee or panel has been moved by the Chair or in his or her absence another Member and a Member of the Council wishes to disagree, with the intention either of having no further action taken on the matter or of referring the matter back to the originator of the report, or of moving an alternative motion which will negate the proposition before the Council, he or she will propose one of the following motions:

a. "That the Council disagrees and no further action be taken.

b. "That the Council disagrees and that the matter be referred back to the Member or Council body, committee or panel that produced the report for further consideration.

c. "That the Council disagrees and that the following words be substituted for those stated … " - then stating his or her alternative resolution in writing.

66. **Motion to Postpone Consideration of Motion Under Discussion**

a. At the end of any speech any Member may move that consideration of the question be adjourned to a particular period or to a date to be appointed. The motion must be seconded but need not be in writing.

b. The proposer may speak for not more than 3 minutes. The seconder will speak only to formally second the motion to postpone. No other Member will be allowed to speak on this motion. The proposer will have a right of reply if the motion is not carried.

c. If adjournment is to a specific date, the adjourned motion will be placed first in the list of motions for the day to which it has been adjourned.

67. **Motion That The Question Now Be Put**

a. Only a Member who has not spoken on the question before the Council at the close of the speech of any other Member may move without debate that the question now be put. The motion if seconded will unless the Mayor rules otherwise, be put immediately.

b. No Member who has spoken on the motion or the amendment which at that time stands before the Council for decision will vote on the motion that the question now be put.

c. Should the motion be carried, the motion or amendment under debate will immediately be put to a vote. The proposer of an original motion will have a right to a final reply before the question under discussion is put to a vote.
68. **Adjournment of Meeting**
   a. The Council may by resolution adjourn a meeting to any day or hour. Such a motion may be moved at the conclusion of any speech.
   
   b. The proposer may speak for not more than 3 minutes. The seconder will speak only to formally second the motion to adjourn. No other Member will be allowed to speak on this motion.

69. **Procedure for Motions With Notice**
   a. All motions other than those which are allowed by these Procedure Rules to be moved without notice must be moved under the following rules.
   
   b. With the exception of Motions for the Council Budget meeting - see Procedure Rule 70 below - all notices of motion will be in writing and signed by a Member of the Council and delivered to the Service Director of Legal and Democratic at least 7 clear working days before the meeting of the Council.
   
   c. The notices will be dated and numbered in the order in which they are received and kept in a file open to public inspection.
   
   d. Except with the consent of the Council as allowed elsewhere in these Procedure Rules, a motion which has not complied with the foregoing will not be put and any variation or any amendment thereof by the proposer or seconder will not be allowed.
   
   e. Before a notice of motion is included on the agenda for any meeting it will be submitted to the Mayor who will determine whether it is in order.
   
   f. The Service Director of Legal and Democratic will include on the agenda for any meeting of the Council a notice of all the approved motions in the order in which they have been received.
   
   g. Every Notice of Motion will be relevant to an issue over which the Council has power or which affects the Borough.

70. **Procedure for Motions to the Council Budget Meeting**

1. Any motion to amend the Cabinet’s Budget proposals by changing resource allocations or any motion seeking approval of alternative budget proposals that impacts on either the revenue or capital budget which would have a financial impact in excess of £500,000, must be put in writing and be submitted to the Chief Finance Officer at least 5 working days before the Council’s budget meeting;

2. The Council Budget meeting must receive a written report from the Chief Finance Officer on whether the proposals made have been correctly calculated enabling a balanced budget position to be agreed and that in doing so this
would not compromise the ability of the Council to maintain an adequate level of reserves in order to protect the Council’s financial strategy.

Note - Members of the Council making alternative Budget proposals of this kind should make the Chief Finance Officer aware of their wish to do so and will be entitled to receive advice and assistance from the Chief Finance Officer and his/her staff as necessary.

71. **Motions to Increase Expenditure - other than in connection with the Council’s Budget meeting**

When a motion is proposed which is not in pursuance of a recommendation or report of the Leader or Cabinet and, if carried, would:

a. Materially increase the expenditure on any service which is provided by the Council; or

b. Materially reduce the revenue from any service which is provided by the Council; or

c. Involve capital expenditure

It will, when formally proposed and seconded, stand adjourned to the next Ordinary meeting of the Council. The Leader or Cabinet as appropriate may submit to the next Ordinary Meeting of the Council, a report on the proposal contained in the Motion.

72. **Motions For a Vote of No Confidence**

a. Motions proposing that a vote of no confidence be taken in respect of any office holder must have proper notice under this rule.

b. Motions of no confidence in the Leader must be signed by ten elected Members and be delivered 7 clear working days before the agenda for the meeting is sent out and may not be treated as an urgent matter by the Mayor under these Procedure Rules.

c. If the Council passes a motion of no confidence in the Leader a new Leader is to be elected:

   i. At the meeting at which the Leader is removed from office, or

   ii. At a subsequent meeting, or

d. In the event that the Leader no longer holds office as a result of a motion of no confidence being passed then the Deputy Leader will carry out the roles and duties of the Leader until the new Leader is elected by the Council.

e. No further Motion for a vote of no confidence in the Leader can be put forward unless a period of at least 60 days has passed since the preceding Motion.
f. Motions of no confidence in a chair of any statutory board, committee or panel must be proposed and seconded in writing and delivered 7 clear days before the agenda for the meeting is sent out. The motion will be carried by a majority of those present and eligible to vote at the meeting at which the motion is considered. The decision will be effective immediately, the chair will stand down immediately and a new chair will be appointed no sooner than the next meeting in accordance with these procedure rules. The Vice-Chair will preside until a new chair is appointed.

73. Motions Affecting Officers
If any question arises as a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any officer, the Press and Public will be excluded and it will be considered by the Council in Committee - see Procedure Rule 75.

74. Motion to Alter or Rescind a Previous Decision
a. In the following circumstances a motion to rescind or amend a decision of the Council, Leader, Cabinet, statutory board, committee or panel must be proposed on notice under the procedure for Motions Without Notice and must be signed by nine Members in addition to the proposer:

   i. where the decision to which the motion refers was made within the preceding six months;

   ii. where the motion if passed would have the same effect as a motion which has been defeated within the previous six months.

b. When any such motion has been disposed of by the Council no Member shall propose a similar motion with a further period of six months.

c. Paragraph a. of this Procedure Rule will not apply when, following a change of administration, the new administration wishes to rescind a motion adopted by the previous administration.

d. No decision can be amended or rescinded where it has been acted upon and the action cannot be undone.

e. This rule does not apply to motions proposed in respect of a report or recommendation of the Leader, Cabinet, statutory board, committee or panel.

75. Voting at Full Council Meetings
This rule cannot be suspended
a. Voting Procedure
   1. The Mayor will take the vote by asking the Chief Executive to request that Members indicate whether they are for or against the amendment or motion or abstaining from voting. The names will be taken down and entered into the record of decisions.
ii. This procedure does not need to be followed if there is no dissent. On such occasions the Mayor may take the vote by the affirmation of the meeting.

b. **Majority**
   Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

c. **Mayor/Chair’s Casting Vote**
   If there are equal numbers of votes for and against, the Mayor as Chair will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

d. **Voting on Appointments**
   If there are more than 2 people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

e. **Voting on Budget and Council Tax**
   Immediately after any vote is taken at a budget decision meeting of the full Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

76. **Council in Committee**
   The Council may, by a vote, resolve itself into a Committee of the whole Council and whilst a Committee there will not be any restriction on the number of times that a Member may speak on any question, unless the Mayor directs otherwise.

77. **Exclusion of Public and Press**
   Members of the public and press may only be excluded either under the Access to Information Procedure Rules in Part 4 of this Constitution or under the rules in these Council Meeting Procedure Rules relating to Disorderly Conduct by the Public.

**CONDUCT**

78. **Equality and Diversity**
   *This rule cannot be suspended*
   Council meetings will be carried out in a way that:

a. Promotes equality of opportunity between individuals and treats all people with dignity and respect.

b. Avoids and eliminates discrimination of any kind.
c. Promotes good relations within the community between members of the different groups protected under the Equality Act 2010 and encourages the active participation of all including those groups not specifically protected under the Equality Act 2010.

79. **Acceptable Conduct**

*This rule cannot be suspended*

Everyone present at a Council meeting must:

a. treat all others present with courtesy and respect

b. be sensitive to the needs of those taking part who are not used to speaking in public, or whose first language is not English

c. conduct themselves in a way that does not cause offence to others or in any way limits the ability of others to take part in meetings;

d. only speak when called on by the Chair and speak through the Chair.

80. **Unacceptable Conduct**

*This rule cannot be suspended*

Unacceptable conduct includes:

a. using abusive or improper language or making comments of a personal nature about another person;

b. discriminatory or other derogatory remarks or actions;

c. behaviour that intimidates any person present at the meeting;

d. preventing others from expressing their views by interrupting or talking while they are speaking;

e. attributing improper motives to others;

f. failure to comply with the Procedure Rules;

g. treating Council officers disrespectfully, either individually or as a group, when speaking to them, or about them;

h. making comments that relate to an investigation - whether complete or not, by or a ruling of the Standards Committee insofar as those comments relate to the behaviour or conduct of an individual member or members;

i. behaving in any other disorderly manner as set out below; or

j. ignoring or not accepting the authority of the Chair.
81. Disorderly Conduct by Members

This rule cannot be suspended

a. Member Not To Be Heard Further
   If a Member persistently disregards the ruling of the Mayor by behaving
   improperly or offensively or deliberately obstructs business, or behaving in
   an unacceptable manner as set out above, the Mayor or any other Member
   may move that the Member be heard no further. If seconded, the motion
   will be voted on without discussion.

b. Member To Leave the Meeting
   If the Member continues to behave improperly after such a motion is carried,
   the Mayor will either:

   i. move that the Member leaves the meeting. If seconded, the motion
      will be voted on without discussion, or

   ii adjourn the meeting of the Council for such period as the Mayor in his
      or her discretion will consider expedient.

c. General Disturbance
   If there is a general disturbance making orderly business impossible, the
   Mayor may adjourn the meeting for as long as he or she thinks necessary.

d. Communication With Outside Person
   No Member whilst present at a meeting of Full Council, the Cabinet,
   Statutory Board, Committee or panel, will communicate with any outside
   person or authority except through the Officer of the Council duly
   appointed.

82. Disorderly Conduct by the Public

This rule cannot be suspended

a. Removal of a Member of the Public
   If a member of the public interrupts proceedings, the Mayor will warn the
   person concerned. If they continue to interrupt, the Mayor will order their
   removal from the meeting room.

b. Clearance of Part of Meeting Room
   If there is a general disturbance in any part of the meeting room open to the
   public, the Mayor may call for that part of the meeting room to be cleared.

83. Appointment of Leader and Deputy Leader of the Council and
    the Cabinet

This rule cannot be suspended

a. After the four yearly whole Council elections, Full Council will during the
   week following the elections hold a Special Meeting for the purpose of:
i. on the recommendation of the Nomination Board electing a Leader from amongst the elected Councillors. The Leader elected on that occasion will serve a 4 year term subject to the Council having the power to remove the Leader under the procedure set out in this Part or as otherwise provided for in the law or this Constitution.

ii. noting the Leader’s appointment of the Deputy Leader who will also be Vice Chair of the Cabinet to serve for the 4 year term.

iii noting the decision of the Leader on the number of members of the Cabinet and the delegations made to them and any other changes that the Leader has made to the executive delegations generally - to be set out in the Cabinet Member Portfolio Scheme contained in Part 3 of this Constitution.

b. In the event of a vacancy arising during the Leader’s term of office, Full Council will convene a Special Meeting for the purpose of electing a replacement Leader on the recommendation of the Nomination Board who will serve the remainder of the 4 year period subject to the early termination of the period in office as provided for in law or this Constitution.

c. Full Council at its Ordinary Meeting in April each year will note the decision of the Leader on the number of members of the Cabinet and the delegations made to them and any other changes that the Leader has made to the Cabinet and officer Portfolio schemes contained in Part 3 of this Constitution.

d. Changes to the portfolios and other delegations during the year may be made by the Leader by single member decision and these will be reported to the next Council meeting for noting.

84. Appointment of Council’s Statutory Boards, Committees, Panels and Other Decision Making Bodies

a. Full Council at its Ordinary Meeting in April will appoint Council Boards, Committees, Panels and such other decision making bodies as are considered appropriate to deal with matters that are neither reserved to Full Council nor the executive function.

b. EXCEPT that in a year when there is a full election of Councillors these appointments will be made at a Special Meeting of Full Council to be held in the week following the elections.

c. Subject to any statutory provisions, Members appointed to any Council Board, Committee, Panel or other decision making body of the Council will hold office until the Ordinary Meeting of Council in April of the next year.

d. The Council may at any time alter the membership of a Council Board, Committee, Panel or other decision making body under this Constitution and may appoint such other Boards, Committees or Panels as are necessary to carry on the work of the Council.
85. **Appointment of Chair and Vice-Chair of the Cabinet, Council Boards, Committees, Panels and Other Decision Making Bodies.**

a. The Leader and Deputy Leader of the Council will, by reason of their office, be Chair and Vice-Chair of the Cabinet.

b. Every Statutory Board, Committee and Panel will at its first meeting following the Ordinary Meeting of Full Council in April appoint a Chair and Vice-Chair.

c. No person will be appointed Chair or Vice-Chair of any Statutory Board, Committee or Panel unless the person is a member of the Council or unless permitted as referenced elsewhere in the Constitution.

d. Except where the Council resolves itself into Committee, the Mayor will not serve as Chair or Vice-Chair of any Statutory Board, Committee or Panel.

e. The Standards Committee will not be chaired by a member of the Cabinet.

f. The Chair and/or Vice-Chair of the Cabinet, a statutory board, committee or panel, will not be empowered to change the date of a meeting of the Cabinet, Statutory board, committee or panel.

86. **Chair Presiding at Meetings**

The Chair of the Cabinet, a statutory board, committee or panel or other body set up by the Council will preside at every meeting of that body at which he or she is present. The Chair will be entitled to a casting vote in addition to his or her vote as a member of that body.

87. **Absence of Chair or Vice-Chair**

In the absence of the Chair, the Vice-Chair will preside. In the absence of both the Chair and Vice-Chair, a member of the Cabinet, statutory board, committee or panel chosen by a majority of the Members present at the start of business will preside for that meeting only. The Member presiding will be entitled to a casting vote.
88. **Membership of Statutory Boards, Committees and Panels**
   a. Every Member of the Council will be appointed to at least 1 statutory board or committee or panel. Except that no Member of the Cabinet will be appointed as a Member of an Overview and Scrutiny Panel.
   
b. Membership of the Standards Committee will not include the Leader of the Council or more than one Member of the Cabinet.

89. **Substitute Members**
   a. Where an ordinary Member of a statutory board - except the Licensing Board, committee or panel is to be absent from the whole of a forthcoming meeting a substitute who is not a member of the Cabinet, may be designated to attend the meeting by the Leader of the appropriate political group, provided the substitute is a Member of the Council who has received appropriate training.
   
b. The Service Director of Legal and Democratic will be notified of the intended substitution before the start of the meeting.
   
c. In the case of the Standards Committee the substitute Member must have served at least one term of office with the Council.
   
d. No Member will sit as a substitute on the Appeals or Planning Boards without having first received the appropriate training.
   
e. The Member who has been substituted will regain his or her position on the relevant board, committee or panel, together with any positions held on that body - that is Chair or Vice-Chair - immediately following the conclusion of the meeting from which he or she was absent, unless otherwise notified by the Leader of the appropriate political group.
   
f. No substitutes will be appointed for Members of the Cabinet who are unable to attend meetings.

90. **Resignation from Cabinet, Statutory Board, Committee or Panel.**
   Any Member may resign his or her membership of the Cabinet, statutory board, committee or panel by giving notice in writing to the Chief Executive. The resignation will take effect from the time it is received.

91. **Appointment of Members on Non-Council or Joint Organisations**
   a. Unless otherwise provided by any statutory provision, every Member appointed as a representative of the Council on any other organisation or body who at the time of his or her appointment was a Member of the Council, will upon ceasing to be a Member of the Council, also cease to be a member of the organisation or body to which he or she was appointed.
b. Members appointed to any outside organisations or body as a representative of the Council will be required to provide feedback on the work of those organisations on at least an annual basis through the submission of reports to the Cabinet, statutory board, committee or panel or other bodies as appropriate.

92. Attendance at Meetings
a. Members of the Cabinet will be entitled to attend all meetings of the statutory boards, committees or panels and, at the discretion of the Chair, will be allowed to speak (but not to vote).

b. The Chair or, in his or her absence the Vice-Chair of a statutory board, committee or panel, will be entitled to attend all meetings of any sub groups set up by any statutory board, committee or panel of which they are not members, and to speak - but not to vote - at such meetings.

c. Any Member of the Council may attend the meeting of the Cabinet and any statutory board, committee or panel of which he or she is not a member but may not speak without the approval of the Chair of the meeting and may not vote.

d. Under section 85(1) of the Local Government act 1972, the Council agrees that any maternity/paternity or other similar leave for a period exceeding six months which a Member would be entitled to take from his or her employment under current legislation will be treated as approved absence from meetings of the authority provided that the Member gives advance notice of such leave in writing to the Service Director Head of Law and Governance.

93. Co-opted Members
Members of the public may be co-opted to Membership of a statutory board, committee or panel without voting rights unless otherwise authorised by Statute. Such co-opted members will be required to indicate a willingness to be bound to the general principles of these Procedure Rules as a condition of membership.

94. Place of Meetings
The Cabinet and every statutory board, committee and panel will meet at the Town Hall, Bourne Avenue, Bournemouth unless the Chair of the Cabinet, statutory board, committee or panel authorises a different venue.

95. Day and Hour of Meeting
The Cabinet and each statutory board, committee and panel will from time to time fix its own day and hour of meeting.

96. No Meetings of Cabinet, Statutory Boards, Committees and Panels During Council Meetings
The Cabinet or a statutory board, committee or panel will not meet:
a during a Council meeting except with the permission of the Council.

b during a day on which a Council meeting is held except with the permission of the Mayor.

97. **Special Meetings of Cabinet Statutory Boards, Committees and Panels**

   a. The Chair of the Cabinet, statutory board committee or panel may at any time call on the Service Director of Legal and Democratic to summon a Special meeting of the body he or she chairs.

   b. A Special Meeting will also be summoned on the demand in writing of a third of the Members of the Cabinet, statutory board, committee or panel.

   c. A Special Meeting of an Overview and Scrutiny Panel may be called by the Service Director of Legal and Democratic under the “Call-In” procedure set out in the Overview and Scrutiny Procedure Rules contained in this Constitution.

   d. The Agenda will set out the business to be considered at the Special meeting and no business other than that set out in the Agenda we be considered at that meeting.

98. **Voting in Cabinet, Statutory Boards, Committees and Panels.**

   a. Subject to the rule governing Voting at Council Meetings, in particular Voting on Appointments, all questions in the Cabinet, Statutory Boards, Committees and Panels will be determined by show of hands by a majority of the Members present and voting.

   b. Any 4 members of the Cabinet, a statutory board, committee or panel then present may require the names of the persons voting and the votes given to be entered in the minutes.

   c. Any Member will upon request be entitled to have recorded in the minutes of the proceedings his or her dissent to a decision reached on any subject by the majority of the Members present. Such request must be made before the meetings proceeds to the next business.

99. **Confidential and Exempt Matters**

   A Member will not disclose without the permission of the Council, the Cabinet or the appropriate Statutory Board, committee or panel:

   a the content of any document marked “not for publication” and containing exempt information;

   b any item of business carried out with members of the public excluded, unless or until it has been made public by the Council, the Leader, the Cabinet or the appropriate statutory board, committee or panel.
100. Attendance of Chief Executive and Statutory Officers

a. The Cabinet, a statutory board, committee or panel or any other decision making body set up by the Council will not exclude the Chief Executive, Monitoring Officer or the Chief Finance Officer or their representative during any part of any meeting unless any one of those officers has an interest in the matter under discussion in which case that officer will withdraw from the meeting.

b. The Chief Executive will make the final decision on the issue of whether or not an interest arises.

c. In the event that all 3 of the officers referred to in paragraph (a) above are excluded by reason of an interest, then the meeting will take place in the presence of some other appropriate officer as agreed between the Chief Executive and the Chair of the meeting.

MISCELLANEOUS PROCEDURE RULES

101. Order of Seniority for Civic Purposes

a. Members will rank in seniority as follows:

   i. The Mayor

   ii. The Ex-Mayor if not the Deputy Mayor

   iii. The Deputy Mayor

   iv. Councillors

b. Councillors rank according to length of uninterrupted service as a Councillor which will include service on the former Bournemouth County Borough Council whether as Alderman or Councillor. Period of service will not be deemed interrupted if a Councillor is re-elected no later than the day his or her previous term of office expires.

c. If 2 or more Councillors are being elected on the same day seniority amongst them will be determined in the following sequence:

   i. Councillors who have previously served as Councillors for the Borough but whose service has been interrupted.

   ii. Councillors returned unopposed for the maximum term of office.

   iii. Councillors elected after a contest for the maximum term of office.

   iv. Councillors either returned unopposed or elected after a contest for less than the maximum term of office. Precedence in this group is to be taken:
a. firstly according to the length of the period for which they were returned unopposed or elected as the case may be,

b. secondly according to whether they were returned unopposed or elected after a contest, and

c. thirdly according to the number of registered voters for each ward, the highest number first, not taking into account fluctuations consequent to elections.

d. Nothing in this Rule will affect the order of seniority existing on the day of the adoption of these Procedure Rules.

102. Inspection of Land and Premises by Members

a. No member of the Council may visit or enter any premises occupied by or any works carried out by a particular service area on behalf of the Council, to question, seek to obtain information concerning the business of a service from any officer of the Council except the relevant Service Director or a person properly authorised to act on his or her behalf, unless:

i. They have been invited to do so;

ii. It is for the purpose of interviewing the Director concerned;

iii. They are acting under the direct authority of the Council; or

iv. They have the permission of the Leader, Cabinet, statutory board, committee or panel, which permission will not be unreasonably withheld.

b. Any member aggrieved because permission is withheld will have the right to appeal to the Standards Committee whose decision will be final subject to any direction as the Council may at any time give by resolution.

103. Custody of the Common Seal

The Common seal of the Council will be secured by a lock, the keys of which will be kept in a safe place in the custody of the Service Director of Legal and Democratic or a duly assigned Officer in the Council’s Legal Services section.

104. Sealing of Documents

a. The common seal of the Council will not be affixed to any document unless the sealing has been authorised by the Council or, where appropriate, the Leader, Cabinet, statutory board, committee or panel.

b. A resolution of the Council, Leader, Cabinet or individual decision taker authorising the acceptance of any tender for the purchase,
sale, letting or taking of any property, the issue of any stock, the presentation
of any petition memorial or address, the making of any Council Tax or contract
or any other matter or thing, will be a sufficient authority for sealing any
document necessary to give effect to the resolution.

c. The sealing will be attested by at least one of the following individuals, the
Mayor, the Deputy Mayor, the Chief Executive, the Service Director Legal and
Democratic, the Monitoring Officer, the Deputy Monitoring Officer or in the
absence of any of them an Executive Director.

d. An entry of every document sealed will be made in a register and be
consecutively numbered. Each entry will be signed by the person or persons
who will have attested the sealing.

105. Signature on Documents
Unless any enactment requires or authorises otherwise or the Council has given the
necessary authority to some other person for the purpose of such proceedings, any
document which will be a necessary step in legal proceedings on behalf of the Council
or which requires to be signed on behalf of the Council will be signed by the Chief
Executive or the Service Director of Legal and Democratic or where the document has
been previously approved by the Council’s Legal Services section, by any Director
concerned with the matter to which the document relates.

106. Civic Ceremonies
Members representing the ward where any Civic Ceremony attended by the Mayor in
his or her official capacity is being held and which particularly affects their ward, will
be included in the list of persons invited to the ceremony.

107. Matters outside the control of the Council
Matters which, in the opinion of the Mayor are not relevant to any operation over
which the Council has power or which do not affect the Borough will not be submitted
to the Leader, the cabinet, statutory board, committee or panel.

108. Filming and recording public meetings
a. All public meetings of the full Council, statutory Boards, Cabinet, Committees
and Panels can be filmed, photographed or audio recorded and reported on
from the public gallery using social media such as tweeting and blogging.

b. Oral commentary is not permitted during the meeting for the reason that
it would be disruptive to the good order of the meeting.

c. The public gallery must not be filmed and requests from other members of
the public to cease recording when they speak – for example when
presenting a deputation or petition or asking a question - must be
respected.

Note:
I. This Procedure Rule is conditional on the provisions allowing the
exclusion of the press and public as set out in the Access to Information
Procedure Rules contained in Part 4 of this Constitution.
II. This Procedure Rule must be read together with the Protocol for filming and audio recording at public Council meetings as set out in Part 5 of this Constitution.

III. See also the ‘Openness of Local Government Bodies Regulations 2014’ and the Department for Communities and Local Government guidance ‘Open and accountable local government – a guide for the press and public on attending and reporting meetings of local government’ dated June 2014.
## Constitution of Bournemouth Borough Council

### PART 4.5

OFFICER EMPLOYMENT PROCEDURE RULES

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OFFICER EMPLOYMENT PROCEDURE RULES

These procedure rules relate to Council officers - in particular chief officers - and supplement the Council’s Codes and Procedures regulating staff employed by it.

DEFINITIONS

1. Appointer
In these rules ‘Appointer’ means, in relation to the appointment of a person as an officer of the Council, the Council. Where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, then ‘Appointer’ means that committee, sub-committee or other officer as the case may be.

2. Dismissor
In these rules ‘Dismissor’ means, in relation to the dismissal of an officer of the Council. Where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Council then ‘Dismissor’ means that committee, sub-committee or other officer as the case may be.

3. Proper Officer
In these rules ‘Proper Officer’ means the officer designated in accordance with section 4 of the Local Government and Housing Act 1989 specifically for the purposes referred to in these rules.

4. Non Statutory Chief Officer
In these rules ‘Non Statutory Chief Officer’ means a person within the meaning of section 2(7) of the Local Government and Housing Act 1989.

5. Deputy Chief Officer
In these rules ‘Deputy Chief Officer’ means a person who, in respect of all or most of the duties of his or her post, is required to report directly to or is directly accountable to one or more of the statutory or non statutory chief officers - excluding persons whose function is solely secretarial, clerical or otherwise in the nature of support services - as defined by the Local Government and Housing Act 1989 sections 2(8) and 2(9).
6. **Discharge of Functions**
The function of appointment and dismissal of and taking disciplinary action against a member of staff of the authority must be discharged on behalf of the authority by the officer designated under section 4(1) of the Local Government and Housing Act 1989 - designation and reports of head of paid service - as the head of the authority’s paid service or by an officer nominated by him or her.

7. **Exceptions - Appointment, Dismissal, Disciplinary Action**
Paragraph 6 above will not apply to the appointment and dismissal of or disciplinary action against:

a. The Head of Paid Service

b. A Statutory Officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 - politically restricted posts.

c. A non Statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989.

d. A deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989.

e. a person appointed under section 9 of the Local Government and Housing Act 1989 - assistant to a political group/

8. **Exceptions - Appeals**
Nothing in paragraph 6 above will prevent a person from serving as a member of any committee or sub-committee established by the Council or consider an appeal by:

a. another person against any decision relating to the appointment of that other person as a member of staff of the authority;

b. a member of staff of the authority against any decision relating to the dismiss of, or taking disciplinary action against that member of staff.

9. **Involvement of Councillors on Appointment and Dismissal Committees**
Where a committee or a sub-committee of the Council is discharging on behalf of the Council the function of appointment or dismissal of:
a. The Head of Paid Service

b. A Statutory Officer within the meaning of section 2(6) of the Local Government and Housing Act 1989 - politically restricted posts

c. A non Statutory officer chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989

d. A deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989

At least one member of the executive must be a member of that committee or sub-committee.

10. Involvement of Councillors in Disciplinary Action
Councillors must not be involved in the disciplinary action against any officer below deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council’s Disciplinary, Capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

11. Involvement of Councillors in Dismissals
Members of the Council will not be involved in the dismissal of any officer below deputy chief officer, except where such involvement is necessary under the council’s Disciplinary, Capability and related procedures as adopted from time to time where a right of appeal to members in respect of dismissals has been exercised.

**APPPOINTMENTS**

12. Appointments Generally

a. Appointments to be on merit
Every appointment of a person to a paid office of the Council will be made on merit and in accordance with the Council’s policies and procedures.

b. Declarations
i Every Member and Senior Officer will disclose to the Chief Executive any relationship known to him or her to exist between himself and herself and a candidate for an appointed under the Council of which he or she is aware.

ii The Chief Executive will report to the appropriate decision making body any such disclosures made to him or her.

iii For the purposes of this Procedure Rule:
a. ‘Senior Officer’ means an Executive Director or Service Director,

and

b. Persons shall be deemed to be related if they are husband and wife, partners or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter, brother, sister, nephew, niece of the other or the spouse of the other - including ‘step’ relationships.

c. **Seeking support for appointment**

i Canvassing of Members of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate from such appointment. This principle shall be included in the appointment information pack sent to all applicants.

ii A Member must not solicit for any person or recommend any person for such appointment or for promotion. This procedure Rule will not however:

   a. preclude a Member from giving a written testimonial of a candidate’s ability, experience or character for submission to the Council with an application for appointment.

   or

   b. apply to any discussions in a meeting when any application for an appointment are under consideration.

iii A Member must not without the consent of the Council attend any meeting of officers held on premises owned by the Council for the purpose of discussing rates of pay, hours of work or any other matter relating to the conditions of service of those officers.

iv Any complaint or request with reference to any such matters to any Member by an officer shall be reported by the Member to the Chief Executive or the Executive Director or Service Director concerned with a view to its consideration by the appropriate Council decision making body.

13. **Role of the Chief Executive in making Executive Director Appointments**

The Chief Executive will have voting rights alongside elected Members in the recruitment process for Executive Directors but this is never to be a casting vote.
14. **Decision to Appoint Head of Paid Service**
Where a committee, sub-committee or officer is discharging on behalf of the Council, the function of appointment of an officer designated as the head of the Council’s paid service, the Council must approve that appointment before an offer of appointment is made to him or her.

15. **Decision to Appoint Other Chief Officers**
The decision to make an offer of appointment to the following posts:

a. Monitoring Officer

b. Chief Finance Officer

c. Other Chief Officers

d. Chief Executive where this position is not also held by the Head of Paid Service.

will be made by an Appointer

16. **Offer of Appointment of Head to Paid Service and Chief Officers**
Before an offer for the position of Head of Paid Service, statutory chief officer, non statutory chief officer or deputy chief officer is made to a candidate, the following steps must have been taken:

a. the appointer must:

   i. notify the proper officer of the name of the person who the appointer wishes to make the offer to;

   ii. notify the proper officer of any other information which the appointer considers is relevant to the appointment.

b. The proper officer must notify the Leader and every other member of the Cabinet of:

   i. the name of the person to whom the appointer wishes to make an offer;

   ii. any other information which the appointer considers is relevant to the appointment

   iii. the period within which the Leader of the Council, on behalf of the Cabinet, can raise with the proper officer any objection to the making of the offer.
c. In addition to all of the above one of the following must have taken place:

i. The Leader of the Council has, within the period for notice of objection to the offer, notified the appointer that neither the Leader nor any other member of the Cabinet object to the offer being made;

ii. The proper officer has notified the appointer that no objection was received within that period from the Leader of the Council;

iii. The appointer is satisfied that any objection received from the Leader of the Council within that period is not material or is not well founded.

**DISCIPLINE**

17. Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. Any such suspension will be on full pay and last no longer than two months.

18. Investigation by Independent Person

a. No disciplinary action may be taken against the Council’s Chief Executive, Monitoring Officer of Chief Finance Officer, other than in accordance with the recommendations made in a report following an investigation carried out in accordance with the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001, into the alleged misconduct by an independent person appointed for that purpose.

b. The identity of the independent person appointed to conduct the investigation must be agreed between the Council and the officer under investigation, or in default of such agreement, must be a person nominated by the Secretary of State.

c. The independent person may direct:

i. That the authority terminate any suspension of the officer under investigation;

ii. That any suspension must continue after the expiry of the period of two months;

iii. That the terms on which any suspension has taken place must be varied in accordance with the direction;
iv that no steps - whether by the Council or any committee, sub-committee or officer acting on behalf of the Council - towards disciplinary action or further disciplinary action be taken against the officer under investigation, other than steps taken in the presence, or with the agreement of the independent person, are to be taken before the independent person has delivered a report.

d. The independent person may inspect any documents relating to the conduct of the officer under investigation which are in the possession of the Council or which the Council has power to authorise him to inspect.

e. The independent person may require any member of staff of the Council to answer questions concerning the conduct of the officer under investigation.

f. The independent person must make a report to the Council:

i stating his opinion as to whether - and if so, the extent to which - the evidence has obtained supports any allegation of misconduct against the officer under investigation.

ii recommending any disciplinary action which appears to him or her to be appropriate for the authority to take against the officer under investigation; and

iii no later than the time at which he or she makes the report send a copy of the report to the officer under investigation.

**DISMISSAL**

19. Decision to Dismiss Head of Paid Service
Where a committee, sub-committee or officer is discharging on behalf of the Council, the function of dismissing an officer designated as the head of the Council’s paid service, the Council must approve that dismissal before notice of dismissal is served on him or her.

20. Council Approval for Dismissal
a. The following officers cannot be dismissed without the approval of the Council first being given:

i The Chief Executive - Head of Paid Service

ii Any Statutory Chief Officer

iii Any Non Statutory Chief Officer

iv Any Deputy Chief Officer
21. **Dismissal of Head of Paid Service and Chief Officers**

Before notice of dismissal is given to a statutory chief officer, non statutory chief officer or deputy chief officer, the following steps must have been taken:

a. The dismissor must:
   i. notify the proper officer of the name of the person who the dismissor wishes to dismiss;
   ii. notify the proper officer of any other information which the dismissor considers is relevant to the dismissal.

b. The proper officer must notify the Leader of the Council and every other member of the Cabinet of:
   i. the name of the person to whom the dismissor wishes to dismiss;
   ii. any other information relevant to the dismissal which the dismissor has notified to the proper officer.
   iii. the period within which the Leader of the Council, on behalf of the Cabinet, can raise with the proper officer any objection to the dismissal.

c. In addition to all of the above one of the following must have taken place:
   i. The Leader of the Council has, within the period for notice of objection to the dismissal, notified the dismissor that neither the Leader nor any other member of the Cabinet object to the dismissal;
   ii. The proper officer has notified the dismissor that no objection was received within that period from the Leader of the Council;
   iii. The dismissor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well founded.

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**MISCELLANEOUS**

22. **Motions Affecting Officers**

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any officer, the Press and Public will be excluded and it will be considered by the Council in Committee.
23. **Complaints by Officers**
Any officer who wishes to bring to the notice of the Council a matter concerning his or herself or his or her position, will do so through his or her Executive Director or Service Director in accordance with the Council’s Grievance Procedures. Officers must not make personal appeal, written or oral, direct or indirect to individual Councillors and any such appeal will be held to be a breach of the Council’s Disciplinary Code and consequently can form the basis of disciplinary proceedings under the Council’s Disciplinary Procedure.

24. **Medical Examination**
No person will be appointed as an officer to any established position in the Council, unless his or her employment is agreed by the Council’s Medical Advisor.

25. **Report on Officers relating to Pensions and Extension of Service**
All recommendations concerning the Pension of officers or extensions of service of Officer will by made by the Cabinet in sufficient time to allow a period of six months between the date of the Council meeting at which approval is given to Pension or extension of service and the date when the Officer concerned will attain the age of 65 - or the appropriate date if an extension of service has been granted. Service Directors will report to Cabinet at the appropriate time for all cases due for Pension.
## Constitution of Bournemouth Borough Council

### PART 4.6

**OVERVIEW AND SCRUTINY PROCEDURE RULES**

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## CONSTITUTION OF
### THE BOROUGH OF BOURNEMOUTH

## PART 4.7

### OVERVIEW AND SCRUTINY RULES

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OVERVIEW AND SCRUTINY PROCEDURE RULES

These rules set out how the Overview and Scrutiny Function is carried out and the structure of the Overview and Scrutiny Panels.

HOW OVERVIEW AND SCRUTINY OPERATES

1. Arrangements for Overview and Scrutiny
   a. The Overview and Scrutiny function will be carried out by the Council’s 6 themed Scrutiny Panels as set out in Article 8 in Part 2 of this Constitution and the relevant parts of the Access to Information Procedure Rules.
   b. The Panels will perform the functions set out in Article 8 and Parts 3:3.3 of this Constitution.
   c. No member of the Council may be involved in scrutinising a decision in which he or she has been directly involved.
   d. The Council may vary the number and membership of scrutiny Panels as it considers appropriate from time to time.
   e. The Panels may appoint Task and Finish groups as and when they consider it appropriate, to carry out specific work within a fixed time period. These groups can only act within the limits of the powers delegated to it by the parent panel.

2. Work Programmes and Agendas
   a. Each Overview and Scrutiny Panel will be responsible for setting its own work programme. When doing so they will take into account the wishes of members on the panel who are not members of the largest political group on the Council.
   b. Any member of an Overview and Scrutiny Panel may give notice to the Monitoring Officer that he or she wishes an item relevant to the panel to be included on the agenda for the next available meeting of that panel.
   c. Any Member of the Council who is not a member of an Overview and Scrutiny panel may give written notice requesting that an item be included on the agenda of a relevant Overview and Scrutiny panel. This entitlement does not relate to items where:
i. The Councillor Call for Action Procedure set out in Part 5 of this Constitution applies: or

ii. Where there is a statutory appeals procedure, for example licensing and planning matters.

d. On receipt of a notice the Monitoring Officer will include the item on the agenda for the next available meeting of the relevant Overview and Scrutiny panel for consideration by that panel.

e. In addition, where a ward has issues of significant community concern which have not been resolved through other available channels then, the Local Government and Public Involvement in Health Act 2007 and the Police and Criminal Justice Act 2006 allow a Councillor to make a Call for Action. The procedure to be followed for a Councillor Call for Action is set out in the Councillor’s Guide to the Councillor Call for Action which is included in Part 5 of this Constitution.

f. As soon as the work programme permits an Overview and Scrutiny Panel will respond to requests from the Council, Cabinet or the Public to review/scrutinise Council activity. Where they do so, the Council and/or Cabinet shall consider the report of the Overview and Scrutiny Panel within one month or receiving it.

g. Where a matter for consideration by an Overview and Scrutiny Panel also falls - completely or partly - within the remit of one or more other Overview and Scrutiny Panel then the panel conducting the review shall either:

i. invite the chair - or chair’s nominee - of the other Panel to attend meetings when the matter is being reviewed.

ii. invite the other Panel to comment on findings prior to submitting its report to the Cabinet and/or Full Council.

iii. form a joint Task and Finish group for the purpose of carrying out the review.
3. **Rights to Documents of Overview and Scrutiny Panel Members**
   a. In addition to their rights as Councillors, Members of the Overview and Scrutiny Panels have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules contained in Part 4 of this Constitution.
   
b. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Panels as appropriate depending on the particular matter under consideration.
   
c. Overview and Scrutiny Panels will in any event have access to the Cabinet’s Forward Plan and timetable for decisions and intentions for consultation.

4. **Frequency and Conduct of Meetings**
   a. Meetings of the Overview and Scrutiny Panels will be carried out under these Procedure Rules and the Council Meeting Procedure Rules where appropriate.
   
b. In addition to ordinary meetings, special meetings of any Overview and Scrutiny Panel may be called from time to time as and when required by:
      i. the Chair of the relevant panel or
      ii. at the request of one third of the members of the relevant panel or
      iii. the Monitoring Officer acting in accordance with the ‘Call-in’ procedure set out below.

5. **Quorum.**
   No valid business of an Overview and Scrutiny Panel can take place unless one third of the whole number of members eligible to vote on specific agenda items or 3 voting members whichever is the greater are present at the meeting.

6. **Education Functions**
   a. When an Overview and Scrutiny Panel deals with any functions which are not related to the Council’s education functions, then any education representatives on the panel will not have a right to vote on these matters, although they may stay in the meeting and, with the discretion of the chair, speak.
b. Voting education representatives on an Overview and scrutiny Panel may only sign a Call-in request when the matter called in relates to an education function.

c. If an education representative does not attend a meeting of the panel on which they serve for a period of 6 consecutive months without the approval of the council, they shall cease to be a member of the panel.

7. Appointment of Chair and Vice Chair
The Chair and Vice Chair of the Overview and Scrutiny Panels will be appointed at the first meeting of each panel following the Ordinary Council Meeting in April.

8. Order of Business
At ordinary meetings of the Overview and Scrutiny Panels will consider the following business:

- Minutes of the last meeting.
- Declarations of interest including whipping declarations.
- The Panel’s own work programme.
- Cabinet responses to reports from Overview and Scrutiny Panel.
- Cabinet responses to reports from Overview and Scrutiny.
- Any decisions that have been referred to the Panel under the Call-in procedure.
- The Cabinet Forward Plan.
- Any other business set out on the agenda for the meeting.

POLICY REVIEW AND DEVELOPMENT

9. Budget and Key Policy Framework
a. In relation to Council Policy the Overview and Scrutiny Panels may make proposals to the Cabinet for development or review of key strategies, plans, policies and budgets to the extent that they relate to matters within the respective terms of reference of each Panel.

b. As part of Cabinet’s requirement to consult in respect of any proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Key Policy Framework, the
Overview and Scrutiny Panels will take part in the consultation process under the Budget and Key Policy Framework Procedure Rules contained in this Constitution.

10. Other Policy Review
In addition to the above, and having regard to available budgets, the Overview and Scrutiny Panels may:

a. Consider, provide opinion and make recommendations to Cabinet on any other matters that are consistent with their respective terms of reference;

b. Hold enquiries and investigate the available options for future direction in policy development and review and may appoint advisers assessors or other representatives with relevant experience and/or knowledge to assist them in this procedure;

c. Do anything which is reasonable to assist or inform its deliberations, including site visits, conduct public surveys, hold public meetings and commission research;

d. Invite witnesses and other representatives with relevant knowledge and/or information to attend to address them on any matter under consideration and pay reasonable fees and expenses to any advisers, assessors and witnesses for doing so.

e. The Overview and Scrutiny Panels may appoint Task and Finish groups to perform the above tasks. The Task and Finish Groups will perform the tasks in line with the Overview and Scrutiny Task and Finish Group Protocol which is in Part 5 of this Constitution.

11. Producing Reports
a. Once it has formed recommendations on proposals for development, an Overview and Scrutiny Panel will prepare a report and submit it to the Service Director of Legal and Democratic for consideration by the Cabinet or the Council. Where recommendations are made that relate to an external organisation, the report will also be submitted to that body.

b. If an Overview and Scrutiny Panel cannot agree on one single final report to the Cabinet or Council, then one minority report may be prepared and submitted for consideration with the majority report.

12. Considering Reports
a. Where an Overview and Scrutiny Panel produces a report which includes recommendations, it will submit a copy of the report to the relevant decision-making person or body. It will also copy the report to the Leader of the Council - unless the Leader is the decision maker - and the Service Director of Law and Governance indicating the decision makers to whom the report has been sent.

b. When submitting the report the Overview and Scrutiny Panel must give notice to the body or person to which the report or recommendation is submitted requiring that body or person to:

i. consider the report or recommendations or findings;

ii. respond to the Overview and Scrutiny Panel indicating what - if any - action the body or person proposes to take;

iii. publish the response - if the Overview and Scrutiny Panel has published the report or recommendation;

iv. provide the individual Member with a copy of the response - if the Overview and Scrutiny Panel submitted a copy of the report or recommendation to an individual Member of the Council or Cabinet.

v. comply with the requirements of i - iv above within two months beginning with the date on which the body or person received the report or recommendation or, if later, the notice.

vi. Where the report relates to an Overview and Scrutiny Panel’s crime and disorder functions and is made under the relevant part of the Police and Justice Act 2006 then the person or body on which the report is served must respond to the requirements in i - iv above within 28 days of the date of the report or recommendation.

13. Where The Decision Maker is The Council

a. When Full Council meets to consider the report, it shall also consider the response of the Cabinet to that report. The outcome of the discussion at Full Council will be placed on the agenda of the next scheduled meeting of the Overview and Scrutiny Panel.

b. The Council as appropriate shall consider the reports - minority or otherwise - within two months of it or them being submitted to the Service Director of Legal and Democratic.

14. Where The Decision Maker is The Cabinet - Collectively

a. The report will be considered under the standing item “issues Arising from Overview and Scrutiny” unless it can be considered in the context of the Cabinet’s deliberations on a substantive item on the
agenda. The Cabinet shall also consider the response of the lead Cabinet Members for the portfolio areas to which the report’s findings relate.

b. The Cabinet must consider the report and by way of response report back to the Overview and Scrutiny Panel within two months of receiving it. Details of the procedure to be followed by Cabinet are contained in the Cabinet Procedure Rules.

c. The outcome of the discussion by the Cabinet will be placed on the agenda of the next scheduled meeting of the Overview and Scrutiny Panel.

15. Where the Decision Maker is the Leader or Other Individual Member of Cabinet

a. The Leader or Member with delegated decision making power must consider the report and by way of response report back to the Overview and Scrutiny Panel within two months of the date the report is submitted to the Service Director of Legal and Democratic.

b. If the member does not accept some or all of the recommendations of the Overview and Scrutiny Panel then that Member must when responding to the report include within that response the reasons for not doing so, sending a copy of his or her response to the Service Director of Legal and Democratic and attend the meeting of the Overview and Scrutiny Panel that considers the response.

16. Where the Decision Maker is an External - non-Council Organisation

a. Where that organisation has a statutory duty to respond to the Panel, a written response shall be requested within the timescale required or, if mutually agreed, by another set deadline so the response can be placed on the agenda of the next scheduled meeting of the Panel, if appropriate.

b. Where that organisation does not have a statutory duty to respond to the Panel, a written response shall be invited within 8 weeks noting that, if submitted, the response would be placed on the agenda of the next scheduled meeting of the Panel, if appropriate.

c. However, where the report relates to an Overview and Scrutiny Panel’s crime and disorder functions and is made under the relevant part of the Police and Justice Act 2006 then the organisation on which the report is served must respond to the requirements in i - iv above within 28 days of the date of the report or recommendation.
MEMBERS, OFFICERS AND OTHERS GIVING ACCOUNT

17. Attendance of Cabinet Members and Officers
   a. An Overview and Scrutiny Panel may in accordance with the Functions Regulations contained in Part 3 - 3.3 and Part 3 - 3.4 as appropriate, scrutinise and review decisions made or actions taken in connection with the discharge of any of the Council’s Functions.
   
b. The request for any Member or officer to attend an Overview and Scrutiny Panel under this rule shall be made by the Chair of that Panel who will inform the Monitoring Officer.
   
c. The Monitoring Officer on being informed of the request will inform the Member or officer by giving at least seven working days written notice of the meeting at which the Member or Officer is required to attend.
   
d. The notice will state:
      i. The nature of the item of which account is to be given;
      ii. Whether the panel require any papers or reports to be produced.
   
e. Where the Panel require a report to be produced, then the Member or officer concerned will be given sufficient notice to allow for preparation of that report.
   
f. Where the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Panel shall in consultation with the Member or officer arrange an alternative date for attendance to take place within a maximum of 28 days from the date of the original request.

18. Attendance by Others
   a. Where an Overview and Scrutiny Panel conducts investigations or discusses issues of local concern the Panel may invite people other than elected members and representatives of organisations to attend to give evidence. It may, for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector.
   
b. Meetings held for the purpose of panel investigations must be conducted in the following way:
      i. The investigation must be conducted fairly.
ii. All members of the panel must be given the opportunity to ask questions of attendees.

iii. All members of the panel must be allowed to contribute and speak at the meeting.

iv. Those assisting the panel by giving evidence must be treated with respect and courtesy.

v. The investigation must be conducted in a way that will maximise the efficiency of the investigation and/or any analysis and/or review that the panel is undertaking.

c. Following any investigation, analysis or review, the panel will prepare a report of its findings and any recommendations for submission to the Cabinet and/or Council as appropriate and will make the report available to the public.

19. Questions

a. The Panel may question relevant Cabinet Member or officers about their decisions and performance, whether generally in connection with services and targets over a period of time or in relation to particular decisions plans or projects.

b. Questions must be delivered in writing - which description includes electronic mail - to the Democratic Services’ Manager no later than 2 working days before the meeting.

c. The Leader of the Council may arrange for a question addressed to him or her to be replied to on his or her behalf by the relevant Cabinet Portfolio holder.

d. Every question will be asked and answered without discussion.

e. The Chair will allow the questioner to ask up to 2 supplementary questions.

f. The relevant Council Meeting Procedure Rules relating to General Questions and Procedures shall apply to questioning of Cabinet Members and officers at Overview and Scrutiny Panels.

CALL - IN

20. General Principles

a. Call-in is the exercise of Overview and Scrutiny’s statutory power to review a Cabinet - or ‘executive’ decision - which has been made but not carried out.
b. In this section a Cabinet decision includes decisions made by the Leader, The full Cabinet, a Panel of the Cabinet, a Portfolio holder or a key decision ordinarily made by any of them which is delegated to an officer.

c. Call-in should only be used in exceptional circumstances. These are where 2 or more Overview and Scrutiny Members have evidence to suggest that the decision-making body, or officer with delegated authority from the Cabinet:

i. did not take the decision in accordance with the principles of Article 13 this Constitution.

ii has made a key decision which was neither published in accordance with the requirements for the Cabinet Forward Plan and not subject to the ‘general exception’ or ‘special urgency procedures’ set out in this Constitution;

iii where a decision is outside the Key Policy or Budget Framework.

d. Call-in shall be used in accordance with the following principles:

i. All Cabinet decisions are subject to Call-in except where provided for by these rules.

ii Call-in will only be used for the purposes of effective scrutiny.

iii The urgency provisions which prohibit Call-in will only be used in cases of genuine urgency.

iv No action can be taken on a decision until the Call-in procedure has been completed.

v A decision shall be called in once only. If however the Cabinet or individual Cabinet member substantially amends the original proposal in a way which the Scrutiny Panel has not considered, nor could reasonably have foreseen, to the extent that in reality it is a different proposal, the Scrutiny Panel has the right to call it in again.

vi only a Cabinet decision as defined in Rule 20b above, may be called in. Where a Cabinet decision simply refers a report to Full Council for a decision, such a decision may not be called in.

vii The Call-in and urgency provisions will be monitored annually and a report submitted to the Overview and Scrutiny Management Panel and Council with proposals for review if necessary.
21. Call-in Procedure

a. When a decision is made by the Cabinet or an individual member of the Cabinet, or a committee of the Cabinet or a key decision is made by an officer with authority delegated from the Cabinet or under joint arrangements, the decision will:
   
i. be published and made available at the Town Hall; and
   
ii. be sent to all Members by the person responsible for publishing the decision, normally within 2 working days of the decision being made.

b. The notice will bear the date on which it is published and will specify that the decision will become effective after the expiry of 5 working days, after which time it may then be carried out unless called in under these rules.

c. During that 5 day period 2 or more Overview and Scrutiny Members may in writing request the Monitoring Officer to call in a decision for scrutiny by the relevant Overview and Scrutiny Panel.

d. A valid request for Call-in must:
   
i. have the correct amount of signatures.
   
ii. give reasons for the Call-in. Reasons must be legitimate and not designed to create an obstacle to or delay the proper transaction of business nor should it be vexatious, repetitive or improper in any other way.
   
iii. state whether the Members believe the decision is outside the Key Policy or Budget Framework and if so in what ways.

e. On receipt of a request for Call-in the Monitoring Officer must:
   
i. Call-in a decision for scrutiny by the relevant Panel
   
ii. Notify the decision taker of the Call-in.
   
iii. Call a meeting of the relevant Panel on such a date as he or she may determine, where possible after consultation with the Chair of the Panel - or in the Chair’s absence the Vice-Chair - and in any case within 7 working days of the decision to Call-in.

f. In the event that the chair or vice chair of the relevant Overview and Scrutiny panel decides not to support a Call-in request received within deadline and signed by 2 or more panel members - including
education representatives for the purposes of education decisions only - they are required to set out their reasons in writing and the reasons will be circulated to Members and other interested stakeholders.

22. **Call in Meeting and Action Required of Decision Makers**

a. At the meeting the Overview and Scrutiny Panel will consider the Call-in request and in particular whether or not the decision might be contrary to or not wholly consistent with the approved budget and/or Key Policy Framework. Advice should be sought from the appropriate chief officers, the Monitoring Officer or the Chief Finance Officer. A copy of the Monitoring Officer’s report and/or Chief Finance Officer’s report shall be sent to every Member of the Council.

b. If having considered the decision, the Overview and Scrutiny Panel is still concerned about the matter, it may:

   i. refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council; or

   ii. refer the matter to Full Council if the decision is deemed to be contrary to or not wholly consistent with the Budget and/or Key Policy Framework.

c. If the matter is referred to the decision maker then, if it is the view of the Monitoring Officer and/or the Chief Finance Officer that the decision falls within the Budget and/or Key Policy Framework then before making a final decision, the decision maker must reconsider the matter and may decide to amend the decision.

d. After the relevant Overview and Scrutiny Panel has considered the decision, a representative of the Panel will be allowed to address the Cabinet or the appropriate Cabinet Member to explain their case for Call-in of a particular decision. Panel Members will also be allowed to explain their case to Full Council if the decision is referred to Full Council for review.

e. If following a Call-in request an Overview and Scrutiny Panel overrules the objection and does not refer the decision back to the decision making person or body or refer the matter to Council, the original decision shall take effect on the date of the Overview and Scrutiny Panel meeting.

23. **Matters Referred to Full Council**

a. Full Council will be provided with details of the Overview and Scrutiny decision, the advice of the Monitoring Officer and/or the Chief Finance Officer, the comments of the Overview and Scrutiny Panel and the report from the decision maker.
b. Between the date of the referral to Full Council and the Full Council Meeting at which the decision will be considered, the decision maker must decide what action to take in respect of the Monitoring Officer’s and/or Chief Finance Officer’s report and any relevant report from an Overview and Scrutiny Panel and prepare a report to Full Council.

c. If Full Council does not object nor refer the matter back to the decision making person or body, the decision shall take effect on the date of the Full Council Meeting.

d. Where Full Council accepts that the decision is within the Budget and Key Policy Framework it may either:

i. raise no objection and endorse the decision or proposal of the decision taker. In this case no other action is required save that the decision of Full Council be recorded and circulated to all Members in the normal way; or

ii. object to the decision and refer the decision back to the decision making person or body, together with Full Council’s views on the decision. The decision maker will then reconsider the decision and choose whether to amend the decision before reaching a final decision and carrying it out, reporting this to the relevant Overview and Scrutiny Panel.

e. Where Full Council finds that the decision is contrary to or not wholly in accordance with the Budget or Key Policy Framework, it may either:

i. amend the Council’s Budget or Key Policy Framework to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of Full Council be recorded and circulated to all Members in the normal way; or

ii. require the decision maker to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer to reconsider and/or amend the decision and this will be reported to the relevant Overview and Scrutiny Panel.

iii. Quash the decision - that is, to set it aside.

24. Call-in and Urgency

a. The Call-in procedure set out in these rules do not apply where the decision being taken is urgent. A decision is considered to be urgent if any delay caused by the Call-in procedure would seriously prejudice the Council’s or the public’s interest/financial loss to the Council or
some form of hardship or loss to a person or body outside the Council. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision maker the decision is an urgent one and therefore not subject to Call-in.

b. The Mayor must agree that both the decision proposed is reasonable in all the circumstances and must agree to it being treated as urgent. In the absence of the Mayor, the Deputy Mayor’s consent shall be required. In the absence of both, the Chief Executive or his or her nominee’s consent shall be required.

c. Decisions taken as a matter or urgency must be reported to the next available meeting of Full Council, together with reasons for the urgency.

d. The operation of the provisions relating to Call-in and urgency will be monitored annually and a report submitted to Full Council with proposals for reviews if necessary.

e. The Call-in procedure will not apply to any decisions taken under the Officer Scheme of Delegations contained in Part 3 of this Constitution.

PARTY WHIPS

25. The Party Whip and Overview and Scrutiny Panels

a. The aims and principles of independent and effective scrutiny of executive functions mean that the use of the Party Whip is inappropriate to any agenda item and vote of any Overview and Scrutiny Panel.

b. The Party Whip will not be used at or apply to meetings of Overview and Scrutiny Panels or any of its sub panels or Task and Finish Groups.

c. If a member of any Overview and Scrutiny panel is subject to a Party Whip on any agenda item, the Member must declare the existence and nature of the whip before the start of the discussion on that matter. The declaration and the detail of the whipping arrangements will be recorded in the minutes of that meeting.

d. For the purposes of this section the expression ‘party whip’ means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any panel or sub committee or group or the application or threat to apply any sanction by the group in respect of that councillor should he or she speak or vote in a particular manner.
Constitution of Bournemouth Borough Council

PART 4.7

FULL COUNCIL MEETING PUBLIC PETITIONS SCHEME
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Full Council Meeting Public Petitions Scheme

This scheme sets out the rules for presenting petitions to meetings of the full Council.

1. Introduction

Bournemouth Borough Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

This procedure sets out how the public can submit a petition, how the petition will be dealt with and what the Council can do to respond to the issues raised in the petition.

2. How to submit a petition to the council

1. Paper petitions can be sent to:
   
   The Democratic Services Manager  
   Law and Governance  
   Bournemouth Borough Council  
   Town Hall  
   Bourne Avenue  
   Bournemouth BH2 6DY

   Or you can email the petition and related documents to:

   democratic.services@bournemouth.gov.uk

3. Who can submit a petition?

1. The Council is keen to receive feedback from all residents, visitors and from people working or studying in the Bournemouth area.

2. There are no restrictions as to who can submit a petition. School children and other young people have the same rights for their voices to be heard as well as adults. However, it is recognised that, in practice, a teacher or parent would oversee the submission of a petition from school children.

3. Signatures for the petition should have been collected no more than 6 months before the submission of the petition to ensure that the issues raised are considered within a suitable period of time.

4. What information must a petition include?

1. Petitions submitted to the council must include:
• a brief and clear statement covering the subject of the petition. It should state what action the petitioners wish the Council to take

• the name, address, and signature of any person supporting the petition.

2. In addition to the petition, we need contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

5. Relevant matters

1. As a community leaders and place shaper, the council has a key interest in issues that, although wider than its own functions, affects the local area. In view of this, it is likely that the council will be required to respond to petitions that relate to an improvement in the economic, social or environmental well-being of its area to which any of its partners could contribute. This means that as well as being able to consider petitions for which the Council has direct responsibility, we can also consider petitions that relate to the functions of partners, including those matters that are sub-regional and cross-council.

2. In practice, this may mean acting as an advocate for the local community working with partners to resolve the issue, lobbying a partner organisation on behalf of the community or instigating an overview and scrutiny review of the issue.

3. Where a petition calls for action to change a policy of the Council, the council reserves the right to decline the request but in doing we will clearly explain to the lead petitioner the reasons why the requested action cannot be carried out.

6. Issues specifically excluded from this petitions scheme

1. The following matters are specifically excluded under the Petitions Scheme and will not be considered:

• Any matter relating to a planning decision, including a development plan document or the community infrastructure levy

• Any matter relating to an alcohol, gambling or sex establishment licensing decision

• Statutory petitions - for example requesting a referendum on having an elected mayor

• Any matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates where other procedures apply.

• Any matter which is **vexatious, discriminatory, inappropriate or not reasonable
2. A petition will be rejected if it is substantially similar to one received within the preceding 12 months.

3. Where a petition relates to an excluded matter, the Council will write to the petition organiser and explain why the matter is not covered by the Council’s Petitions Scheme.

NOTE: ** See Explanatory Notes at the end of this procedure - page 10 - for guidance on issues considered to be vexatious, discriminatory, inappropriate or not reasonable.

7. What will the council do when it receives my petition?

1. We will send an acknowledgement to the petition organiser within two working days of receiving the petition.

2. The Council will generally accept any petition on face value but reserves the right to verify the signatures or investigate further if deemed necessary.

3. We will not take action on any petition that contains an excluded matter - see section 6 above - and will explain the reasons for this in our acknowledgement of the petition.

4. To ensure that people know what we are doing in response to the petitions we receive the details of the petitions submitted to us will be published on our website. Whenever possible we will publish the correspondence we have received relating to the petition - all personal details will be removed.

5. If the petition is considered valid - see Section 6 above, the Council will endeavour to consider the petition at its next meeting. However, on some occasions, this may not be possible and it will be considered at the following meeting. To enable a petition to be included on the Agenda, it should be received at least 10 working days before a formal scheduled full Council Meeting. Dates of these meetings can be found here.

6. In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale that will apply.

8. How will the council respond to petitions?

i. Procedure at the full council meeting

   1. The lead petitioner and up to one other person will be invited to address the Council. They will have up to five minutes in total to read out the action they would like the Council to take and indicate the number and description of the signatories. Alternatively, at the petition organiser’s request, a Ward Councillor may present the petition to Council on behalf of the relevant petitioners. That Councillor has 5 minutes to address the Council.
2. The relevant Ward Councillors, Cabinet Portfolio Holders and Officers will be informed when a petition covering their Wards/areas of responsibility is received and when/how the petition will be considered.

3. After the petition has been received at the full Council meeting the meeting will agree:
   a. If the contents of the petition relates to a matter on the agenda for the meeting:
      ‘That the contents of the petition be considered when the relevant agenda item is debated’; or
   b. ‘That the petition be referred - as suitable - to the:
      • Leader of the Council, or
      • relevant Cabinet Portfolio Holder, or
      • Chair of the relevant meeting
      for further consideration and a response that may include one or more of the options set out in section 8.a.ii below; or
   c. ‘That the contents of the petition be discussed at this meeting for a maximum of 15 minutes to enable full council to decide how to respond to the petition; a response may include one or more of the options set out in section 8.a.ii below.

4. The petition organiser will be informed in writing of the Council’s decision and this information will be published on the Council’s website. If a further meeting is to be held to consider the issues raised in the petition, the petition organiser will be supplied with the relevant details and given the opportunity to address the meeting and answer any questions.

ii. Options for responding to petitions

1. The response to a petition will depend on what a petition asks for and how many people have signed it. It may include one or more of the following:
   o taking the action requested in the petition
   o holding an inquiry into the matter
   o undertaking research into the matter - this could include referring the matter to the Leader, relevant Cabinet Portfolio Holder, Chair of the relevant meeting or Officer of the Council
   o holding a public meeting
   o consulting on the issue
   o holding a meeting with petitioners
   o referring the petition to the relevant Overview and Scrutiny Panel**
   o calling a referendum
writing to the petition organiser setting out the Council’s views about the request in the petition.

Note - ** The Council currently has one overarching Overview and Scrutiny Management Panel and six other Overview and Scrutiny Panels. Collectively these Panels have responsibility for policy development, carrying out overview and scrutiny reviews and holding the Cabinet collectively and individual Cabinet Portfolio Holders to account for the decisions they make.

2. If your petition is about something over which the Council has no direct control - for example the local railway or hospital - we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason - for example if what the petition requests conflicts with Council policy - we will set out the reasons for you.

You can find more information on the services for which the Council is responsible [here](#).

3. If your petition is about something that a different council is responsible for we will consider what the best method is for responding to it. This might consist of simply sending the petition to the other council - but could involve other steps. In any event, we will always notify you of the action we have taken.

9. What can I do if I feel my petition has not been dealt with properly?

1. If you feel that the process used by the Council to consider your petition did not follow the process set out in this petition scheme the petition organiser can refer the matter to the Council’s Complaints procedure.

10. What are the alternatives to submitting a petition?

1. As an alternative to submitting a petition you can contact your local councillor who may be able to raise your concerns direct with the Council under a procedure called ‘Councillor Call for Action’. This procedure is designed specifically for dealing with neighbourhood or locality issues and the quality of public services at a local level.

2. If you want to find out more either click [here](#) or contact the Democratic Services Team, using the same contact details as listed under page 3.
Appendix 1

Explanatory Notes

Bournemouth Borough Council welcomes petitions as a positive initiative for engaging with local communities. However, any petition, which in the opinion of the Council - as advised by the Monitoring Officer - is considered to be vexatious, abusive, discriminatory, otherwise inappropriate, or not reasonable, will not be accepted for this Procedure.

Each petition will be looked at on its merits. Who has submitted the petition or whether someone thinks there is an ulterior motive for the submission of the petition are not relevant to this procedure.

Vexatious and persistent

A useful definition of what is meant by the word ‘vexatious’ is set out in guidance to the Freedom of Information Act. This states that:

‘Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.’

The Council’s Vexatious complaints policy defines a vexatious or unreasonably persistent complainant ‘as a person who:

- Makes a complaint which, in the Council’s opinion, is unfounded, unreasonable or trivial and is made with the intention of wasting the Council’s time and resources, preventing the Council from carrying out its business, or harassing the Council and its staff, or is otherwise made in bad faith;
- Has been advised of the terms of the complaints procedure but repeatedly and, in the Council’s opinion, unreasonably fails to follow that procedure;
- Repeatedly demands that the Council reconsider a decision which has been reached in accordance with the corporate complaints procedure;
- Repeatedly seeks to raise issues or present information in relation to an existing complaint which, in the Council’s opinion, are not relevant to the complaint;
- Behaves in an abusive or threatening way towards any member of the Council’s staff whether casual, part-time, temporary or contractor.’

However, a persistent request may well be entirely valid - it may relate to a systematic problem that has not been effectively resolved. A request that some councillors may regard as vexatious, for political reasons, may actually be entirely reasonable. It should be the subject matter, rather than personalities or the way in which the issue is presented, that is the deciding factor.
**Discriminatory**

A modern interpretation of the word ‘discrimination’ is provided at section 45 of the Equality Act 2006, in relation to religion and belief. In summary, this explains that discrimination on grounds of religion or belief means treating a person less favourably than another person is or would be treated because of their religion or belief.

This definition can easily be extended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race.

Public bodies are required to comply with the Equality Act and with the various other pieces of law covering anti-discrimination, such as the Race Relations Act, the Disability Discrimination Act, the Age Discrimination Act and the Sex Discrimination Act and the legal equalities duties that arise from them.

So, a discriminatory petition might be one that implies or states that a group of people or an area receives better, or worse, services because of that group’s predominant religion, race, sex or other characteristic, as covered by discrimination law.

**Inappropriate**

Matters that may be considered inappropriate include those involving legal proceedings, a current complaint investigation or which target individual members of a community.

**Not reasonable**

In the interests of transparency, ‘not reasonable’ should not be interpreted as being the same as the legal word ‘unreasonable’. It is best to consider it as a qualifier to the word ‘vexatious’, as a vexatious request is likely not to be reasonable, and a request that is not reasonable is likely to be vexatious.
Petitions Form

This form is intended to assist the public in setting out the issues relating to their petition. Other formats are also acceptable.

<table>
<thead>
<tr>
<th>Purpose of Petition</th>
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<table>
<thead>
<tr>
<th>Ward / Area the Petition Issue covers</th>
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<table>
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<tr>
<th>What action do you wish the Council to take in relation to this issue?</th>
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<table>
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<tr>
<th>Would you like the opportunity to present this petition to a meeting of the full Council?</th>
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<tbody>
<tr>
<td>Yes ☐ No ☐</td>
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<table>
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<tr>
<th>Would you like one of your Ward Councillors to present the petition on your behalf?</th>
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<tbody>
<tr>
<td>Yes ☐ No ☐</td>
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</table>

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<tr>
<th>If yes, who?</th>
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<tr>
<th>How would you like the receipt of your petition acknowledged?</th>
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<tr>
<td>Contact Details of the Petition Organiser</td>
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<td>------------------------------------------</td>
</tr>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>please print</td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td>including postcode</td>
</tr>
<tr>
<td><strong>Contact Numbers:</strong></td>
</tr>
<tr>
<td><strong>Email Address:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of Petition organiser:</th>
<th>Date of Petition:</th>
</tr>
</thead>
</table>

Please complete and return this form to the address below or e-mail to democratic.services@bournemouth.gov.uk

   The Democratic Services Manager  
   Law and Governance  
   Bournemouth Borough Council  
   Town Hall  
   Bourne Avenue  
   Bournemouth BH2 6DY
We, the undersigned are submitting this petition calling for action in relation to ..........................................................

..........................................................................................................................................................................................

<table>
<thead>
<tr>
<th>Name print</th>
<th>Postal Address including postcode</th>
<th>Email Address</th>
<th>Signature</th>
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PART 4.9

HEALTH AND WELLBEING BOARD PROCEDURE RULES

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# CONSTITUTION OF THE BOROUGH OF BOURNEMOUTH

## PART 4.9

### HEALTH AND WELLBEING BOARD PROCEDURE RULES

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HEALTH AND WELLBEING BOARD
PROCEDURE RULES

These rules set out how the Health and Wellbeing Board operates.

1. Members of the Board should:
   a. Commit to attending the majority of meetings or nominate a substitute who can attend in their place. Only Board members or their named representatives can attend Board meetings.
   b. Uphold and support the Board decisions and be prepared to follow through actions and decisions obtaining the necessary financial approval from their organisation for the Board proposals and declaring any conflict of interest should it arise.
   c. Be prepared to represent the Board at stakeholder events and support the agreed consensus view of the Board when speaking on behalf of the Board to other parties.

2. Working Groups:
   Arrangements will be made, where appropriate, for the establishment of groups to support the work of the Board comprising a range of stakeholders including providers.

3. Governance and Accountability:
   a. The key focus of the Board is the improvement of health and wellbeing and the reduction of health inequalities for the population of Bournemouth and Poole.
   b. Proposals and recommendations of the Board will be referred to the relevant statutory decision making bodies for approval where appropriate, through the appropriate decision making routes e.g. in authorities via Cabinet to Council.
   c. Recommendations from the board will be informed by the work of the health and wellbeing board working groups who will report to the board annually, and more often by exception.
   d. In the spirit of effective collaboration and partnership working, the Board will always seek to come to agreement through consensus and unanimity following debate and discussion where all the members will be encouraged to participate.
   e. In the event that a vote is required, all Members of the Board will be entitled to vote. Decisions will be made on a simple majority basis.
   f. The Board will also act as a joint committee of the two Councils under Section 102 of the Local Government Act 1972 and under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
   g. The Board can establish sub-committees to discharge any of its functions if required.
   h. The Members of the Board will be expected to subscribe to the seven principles of public life in their work and decision making. The
principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

i. Members of the Board must disclose pecuniary interests, and declare any personal interests in the business of the Board and to withdraw from participation where such interests are disclosable pecuniary interests.

j. Councils existing Overview and Scrutiny arrangements for Health and Social Care and children will continue and will have the ability to scrutinise the decisions and performance of the Board. Scrutiny Committees may also refer a significant health change proposal to full Council for referral to the Secretary of State.

4. Meetings of the Health and Wellbeing Board:
   a. The Board will elect a Chairman and Vice chairman from amongst its members.
   b. The Chairman will agree the dates, times and venues for the meetings of the Board.
   c. The Chairman shall normally preside at all meetings of the Board.
   d. The Chairman will be responsible for agreeing meeting agendas and draft minutes for circulation.
   e. Agendas and papers for the meeting will be sent out with at least five working days notice prior to the meeting.
   f. Secretariat support will be provided by Legal and Democratic Services from the two Councils on an annual rotating basis. In the first instance, Bournemouth Borough Council will fulfil this role and provide support to the Chairman in setting dates for meetings, preparing agendas, recording and preparing minutes of the meeting and coordinating the distribution or relevant papers and reports to the Board members.
   g. Board meetings will be held in public and where appropriate the Procedure Rules of the Council organising the meeting shall apply as if the Board was a committee of that Council. This will include the public engagement provisions for deputations, public questions and petitions. Meeting reports, agendas and subsequent minutes will be published on www.boroughofpoole.com and www.bournemouth.gov.uk.
   h. In order to support the development of the Board, quarterly seminars and other development events may also take place.
Constitution Of Bournemouth Borough Council

PART 5

This Part of the Constitution contains rules called Codes and Protocols which Councillors, co-opted community representatives and staff have to follow.
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PART 5

CODES AND PROTOCOLS

Contents

Code/Protocol

Local Code of Conduct for Councillors and Co-opted Community Members

Statement of Code of Conduct for Council employees and the Anti-Fraud and Corruption Strategy for Council Employees, Elected Members and Members of the Public

Local Code of Corporate Governance

Protocol for Member/Officer Relations

Local Code of Best Practice relating to Planning Issues

Protocol for Members’ Gifts and Hospitality

Cabinet Decisions Protocol

Cabinet Member Decision Record Template

Officer Decision Record Template

Cabinet Portfolio Holders’ involvement in the overview and scrutiny process

Filming and recording at public Council meetings
Members’ Code of Conduct

Version 4.0 dated 1 October 2015

Published by Monitoring Officer
MEMBERS’ CODE OF CONDUCT

INTRODUCTION

1. The Council has a duty under section 27(1) of the Localism Act 2011 (“the Act”) to promote and maintain high standards of Conduct by its members and co-opted members.

2. Under section 27(2) of the Act the Council in discharging this duty must in particular adopt a Code of Conduct (“the Code”) dealing with the conduct that is expected of Council members and co-opted members when acting in that capacity.

3. This Code was adopted by the Council on 12 June 2012. The Code reinforces and is supported by more detailed provisions in Council policies, protocols, procedures and other documents relating to the conduct of members.

DEFINITIONS AND INTERPRETATION

References in this Code to member or members

4. In this Code all references to “member” or “members” include any person who is a “co-opted member”.

5. For the purposes of the Code "co-opted member" means, in accordance with section 27(4) of the Act, a person who is not a member of the Council but is either:

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

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

Acting in the capacity of a member

6. Acting in the capacity of a member includes conducting the business of and representing the Council.

7. However the public nature of the role and responsibilities of a member means that the distinction between acting in the capacity of a member and that person’s private life may at times become blurred.

8. Members are entitled to a private life and must take care and use commonsense to ensure as far as possible that there is clear separation between what they do in their private life and when acting in their capacity as a member.
ASPIRATIONS OF THE CODE

9. This Code sets out the standards of conduct that members are required to meet at all times. Members are also expected to aspire to exceed the provisions of the Code.

10. The Council Leader, Group Leaders and the Chairman and members of the Council’s Standards Committee, individually and collectively, have a special responsibility in their own conduct to set an excellent example and to inspire other members to achieve the highest standards of conduct.

11. High standards of conduct by members are not only important in their own right; they also have an influence on the Council as a whole in achieving high standards of performance.

PRINCIPLES OF THE CODE

12. To comply with section 28(1) of the Act the Code must when viewed as a whole be consistent with the following principles:

- Selflessness
- Honesty and Integrity
- Objectivity
- Accountability
- Openness
- Leadership

13. This Code is in addition consistent with the following principles:

- Personal judgement
- Respect for others
- Duty to uphold the law
- Stewardship

14. These ten principles are defined at Appendix A.

OBLIGATIONS ON MEMBERS UNDER THE CODE

General Obligations

- To comply with the Council’s Protocols relating to the conduct of members, as listed at Appendix B.

Specific Obligations

- To have regard to advice given under their statutory duties by the Council’s Monitoring Officer and Chief Financial Officer.
• Not to disclose confidential information to any person without first seeking legal advice from the Monitoring Officer.
• Not to compromise the impartiality of Council officers, or try to do so.
• Not to allow his/her conduct or behaviour to bring disrepute on the Council, or compromise the Council’s duty to promote and maintain high standards.
• Not to use or attempt to use his/her position improperly for his/her or any other person’s gain or loss.
• Not to bully, harass or intimidate other people.

**DISCLOSURE AND REGISTRATION OF INTERESTS**

15. The Council’s Monitoring Officer is required under section 29 of the Act to establish and maintain a register of members’ interests. Members must notify the Monitoring Officer of the following interests to be entered in the Council’s register:

**Disclosable pecuniary interests**

16. A "disclosable pecuniary interest" means a pecuniary interest prescribed in Regulations made by the Secretary of State under section 30(3) of the Act. Detailed information about pecuniary interests that must be disclosed by members, when such interests must be disclosed and the legal consequences of a member failing to make a full and timely disclosure is at Appendix C.

**Disclosable interests other than pecuniary interests**

17. Detailed information about interests other than pecuniary interests that must be disclosed by members, and when such interests must be disclosed, is at Appendix D.

**ALLEGATIONS OF FAILURE TO COMPLY WITH THE CODE**

18. Any complaint received by the Monitoring Officer alleging misconduct by a Member under the Code will be considered by the Council’s Standards Committee in accordance with the arrangements at Appendix E.

19. Any Member who is the subject of a complaint relating to this Code or is the person who made the complaint or is believed to have information relating to the complaint must co-operate with the Standards Committee’s enquiries into the complaint.

**REVIEW OF CODE**

20. This Code will be kept under review by the Council’s Standards Committee which will make recommendations to the Council for any revisions to the Code it considers may be necessary from time to time.
APPENDIX A

GENERAL PRINCIPLES OF THE CODE OF CONDUCT

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of the Council, and should be prepared to give reasons for those actions.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. Members should respect the impartiality and integrity of the Council’s statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place on them.

**Stewardship** – members should do whatever they are able to do to ensure that the Council uses its resources prudently and in
accordance with the law.

APPENDIX B

COUNCIL PROTOCOLS
RELATING TO THE CONDUCT OF MEMBERS

• Treatment of gifts and hospitality offered to Members
• Member/Officer protocol
• Local Code of Best Practice relating to Planning Issues
• Such upgraded and or new protocols that may from time to time be agreed by the Council for addition to this list.

APPENDIX C

DISCLOSURE BY MEMBERS OF PECUNIARY INTERESTS

1. In accordance with Section 30(3) of the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 a pecuniary interest is a ‘disclosable pecuniary interest’ either if –
   (a) it is an interest of a member, or
   (b) it is an interest of –
      (i) the member’s spouse or civil partner,
      (ii) a person with whom the member is living as husband and wife, or
      (iii) a person with whom the member is living as if they were civil partners, and the member is aware that that other person has the interest.

2. A member has a disclosable pecuniary interest in any business of the authority where it relates to or is likely to affect –
   (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
   (b) Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
   (c) Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the authority –
(i) under which goods or services are to be provided or works to be 
executed; and
(ii) which has not been fully discharged.
(d) Any beneficial interest in land which is within the area of the authority.
(e) Any licence (alone or jointly with others) to occupy land in the area of the 
authority for a month or longer.
(f) Any tenancy where to the member’s knowledge –
   (i) the landlord is the authority; and
   (ii) the tenant is a body in which the relevant person has a beneficial 
interest.
(g) Any beneficial interest in securities of a body where –
   (i) that body to the member's knowledge has a place of business or 
land in the area of the authority; and either
   (ii) the total nominal value of the securities exceeds £25,000 or one 
hundredth of the total issued share capital of that body; or
   (iii) if the share capital of that body is of more than one class, the total 
nominal value of the shares of any one class in which the relevant 
person has a beneficial interest exceeds one hundredth of the total 
issued share capital of that class.

NOTE:
For the purpose of the Relevant Authorities (Disclosable Pecuniary Interests) 
Regulations 2012, the following interpretations apply:

‘member’ includes a co-opted member;
‘relevant person’ means the member or any other person referred to in 1(b) 
above;
‘body in which the relevant person has a beneficial interest’ means a 
firm in which the relevant person is a partner or a body corporate of which the 
relevant person is a director, or in the securities of which the relevant person 
has a beneficial interest;
‘director’ includes a member of the committee of management of an industrial 
and provident society;
‘land’ excludes an easement, servitude, interest or right in or over land which 
does not carry with it a right for the relevant person (alone or jointly with 
another) to occupy the land or to receive income;
‘securities’ means shares, debentures, debenture stock, loan stock, bonds, 
units of a collective investment within the meaning of the Financial Services and 
Markets Act 2000 and other securities of any description, other than money 
deposited with a building society.

APPENDIX D

DISCLOSURE BY MEMBERS OF OTHER INTERESTS

Members are required to declare their membership of outside bodies and 
organisations where such membership involves a position of control or significant 
influence on the outside body or organisation concerned.
Note - The above provision will automatically include all those outside bodies and organisations upon which the Council appoints representatives.
APPENDIX E

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT

Complaint made to Monitoring Officer (MO)

Stage 1
Receipt of Complaint

Within 3 working days, MO provides full details of the complaint to the Member and:
- Asks the Member for a response to include his/her account including details of any witnesses and any relevant information/documents
- Advises member of right to seek views of an Independent Person (IP)

Within 5 working days or longer at the discretion of the MO, the Member:
- Provides a response to the complaint to the MO
- Advises MO whether he/she has sought views of an IP
Stage 2
Preliminary Consideration

Within 5 working days, the Chair of the Standards Committee in consultation with the Members of the Standards Committee and MO decides whether:
- No Breach of the Code and therefore no further action to be taken
- Potential Breach and informal resolution appropriate - informal resolution to include for example mediation/conciliation; training; apology
- Potential Breach - Investigation and Hearing

No Action

Informal resolution

Investigation

Within 5 working days MO notifies Member and complainant of decision

MO arranges informal resolution

If Member refuses or fails to carry out the informal resolution the MO
- undertakes or arranges investigation
- advises the Member and complainant

MO undertakes or arranges investigation and consults Independent Person
Stage 3
Hearing Panel
(Standards Committee)

The Hearing Panel will:
• Consider the report of the Monitoring Officer following the investigation and make a decision as to whether there has been a breach of the Code and, if so, what action is appropriate. The Hearing will accord with the principles of natural justice, and the process will be at the discretion of the Committee.
• The Member and complainant may be asked to attend and be questioned by the Panel.

Within 5 working days MO notifies Member and complainant of the decision providing full written reasons

If the complaint is upheld, the MO:
• Issues a press statement of the decision
• Advises the Member's Group Leader of the decision
STATEMENT OF CODE OF CONDUCT FOR BOURNEMOUTH BOROUGH COUNCIL EMPLOYEES
&
ANTI-FRAUD AND CORRUPTION STRATEGY FOR BOURNEMOUTH BOROUGH COUNCIL EMPLOYEES, ELECTED MEMBERS & MEMBERS OF THE PUBLIC

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Anti-Fraud and Corruption Strategy

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Code of Conduct Amended 2/5/06
STATEMENT OF CODE OF CONDUCT

1. Introduction

1.1 The public is entitled to expect the highest standard of conduct from all employees who work for local government. Confidence in the integrity of staff will be threatened by any suspicion, whether well founded or not, that staff may be influenced, in the performance of duties, by improper motives.

This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist this Council and its employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially oriented environment. This includes Local Government Re-organisation (LGR), the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

If there is any uncertainty concerning anything in this code, employees must seek advice and guidance from their Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate. Employees should always check if in doubt regarding any matters relating to their conduct.

2. Status of the Code

2.1 The Code sets out the minimum standards that should apply. The aim of the Code is to lay down guidelines for all Bournemouth Borough Council employees, including part-time and seasonal staff, to maintain and improve standards and protect employees from misunderstanding or criticism.

The Code is formed around the Local Government Management Board (LGMB) model which has been approved by the Local Authority Associations in England and Wales and the LGMB in consultation with those bodies listed in appendix B.

3. Who the Code applies to

3.1 The Code applies to all Bournemouth Borough Council employees, including casual, part-time and temporary staff.

3.2 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within the Council, including office holders such as Registrars. Activities carried out by employees acting as members of companies or voluntary organisations are also subject to the Code.

4. Standards

4.1 Local government employees are expected to give the highest possible standards of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors, fellow employees and the general public impartially. Employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees should report to the appropriate manager any impropriety or breach of procedure.
4.2 All employees are required to comply with the Council’s Disciplinary Procedures and Rules and Grievance Procedures.

4.3 The Council expects the highest standards of conduct and integrity from all that have dealings with it. The Council is committed to the elimination of fraud and corruption, whether attempted from within the Council or by an outside individual, group, or organisation. The Council’s Statement of Anti Fraud and Corruption Strategy forms part of this Code.

5. Disclosure of Information

5.1 It is generally accepted that open government is best. The law requires that certain information should be available to Members, Auditors, Government Departments, Service Users and the Public. The Council may decide to open other types of information. Employees should be aware of which information within their Council is open and which is not, and act accordingly.

5.2 Employees should not use any information obtained in the course of their employment for improper personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor, member of the public or other person, which is personal to that individual and does not belong to the Council should not be divulged by the employee without the prior approval of that individual, except where such disclosure is required or sanctioned by the law.

6. Political Neutrality

6.1 Employees serve the Council as a whole. It follows they should serve all Councillors and not just those of the controlling group. They should ensure that the individual rights of all Councillors are respected.

6.2 Subject to the Council’s conventions, employees may also be required to advise political groups. They should do so in ways that do not compromise their political neutrality.

6.3 Employees, whether or not politically restricted, should follow every lawfully expressed policy of the Council’s and should not allow their own personal or political opinions to interfere with their work.

6.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 6.1 to 6.3.

7. Relationships

7.1 Councillors

Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council’s work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors. Therefore it should be avoided.

7.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community as defined by the policies of the Council.
7.3 Contractors

All relationships of a business or private nature with external contractors who are, or may in the future, supply a service to the Council should be made known to the appropriate manager. Orders and contracts should be awarded only in accordance with the Council’s Standing Orders and by fair competition against other tenders. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local business community should be discriminated against.

7.4 Employees who engage or supervise contractors, or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager at the outset.

8. Appointment and other Employment Matters

8.1 Employees involved in appointments should ensure that these are made on the basis of merit and equality. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to or have a close personal relationship outside work with an applicant.

8.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee to whom they are related or have a close personal relationship outside work.

9. Outside Commitments

9.1 Employees must declare to their Head of Establishment, Service Director, Executive Director, Chief Executive and Monitoring Officer, as appropriate, details of any other paid employment or business. Such employment must not, in the opinion of the Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate, conflict with nor have a detrimental effect on the Council’s business. Where the Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate, considers that the other paid employment or business would be in conflict, he will notify the employee in writing to this effect.

9.2 No private work may be undertaken in the Council’s time, or on the Council’s premises, or on the Council’s equipment, without prior written consent of their Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate.

9.3 If, in the course of work resourced by the Council, an employee creates a copyright work, that work becomes the property of the Council. Similarly, if an employee’s work resourced by the Council creates a patentable invention, or creates a design capable of registration, then this will also become the property of the Council. The employee will be required to co-operate in the registration formalities. Where an employee considers that he/she is working in his/her own time, using his/her own resources in an activity related to his/her employment, to create a copyright work, patentable invention or design capable of registration, he/she will notify the Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate, to that effect. Discussion will then take place between the parties in order to reach agreement as to ownership of any intellectual or other property rights.

9.4 An employee may appeal against any decision made by his/her manager regarding outside commitments, including copyright work, through the grievance procedure.
Register of Outside Interests

10.1 Employees must declare in writing to their Service Director:

10.1.1 any financial interest which they or their relative/partner have which could conflict or be seen to conflict with the Council’s interests;

10.1.2 any financial interest which they or their relative/partner may have in any existing or proposed contract with the Council to provide services;

*(NOTE: This is a requirement of Section 117 of the Local Government Act 1972. Failure to do so is a criminal offence.)*

10.1.3 any non-financial interests or relationships which they or their relative/partner may have that may conflict with the Council’s interests;

10.1.4 any membership they or their relative/partner may have of any organisation or association not open to the public without formal membership and commitment of allegiance and that has secrecy about rules or membership or conduct.

10.2 For the purposes of 10.1 above, a ‘relative’ means a spouse, partner, parent-in-law, son, daughter, child of partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons and a ‘partner’ means a member of a couple who live together.

10.3 Where the employee is:

10.3.1 a Service Director declarations must be made to his Executive Director;

10.3.2 a Executive Director declarations must be made to the Chief Executive;

10.3.3 the Chief Executive declarations must be made to the Monitoring Officer.

10.4 Declarations must be completed using the form at Appendix 1. This may be done electronically or by hard copy.

10.5 Declarations must be recorded in a register kept by the Service Director, Executive Directors, Chief Executive and Monitoring Officer, as appropriate.

10.6 The Service Director, Executive Directors, Chief Executive and Monitoring Officer, as appropriate, shall:

10.6.1 review the Registers annually, at least;

10.6.2 ensure that new employees are asked to consider if they need to make a declaration on their first day at work as part of the Induction Process.

10.8 Employees must review, as they or their relative/partner’s circumstances change, the need to make a first declaration or to revise an existing declaration.
10.9 Employees advising the Council, the Cabinet or any Board or other body must act in the same manner as would a Member in relation to personal and prejudicial personal interests as defined in Part 2 of the Members’ Code of Conduct declaring any such interest and leaving the room in the case of any prejudicial interest.

11. Equality Issues

11.1 All local government employees should ensure that policies relating to equality issues as agreed by the Council are complied with, in addition to the requirements of the law. These are that the Council will provide equal opportunities to any employee and will not discriminate either directly or indirectly on the grounds of gender, colour, ethnic origin, trade union activity, sexual orientation, religion, marital status, disability, age, being transgender or because they are living with HIV. The Council also affirms its commitment to treat part-time staff as equitably as full-time staff.

11.2 All members of the local community, customers and other employees have a right to be treated with fairness and equity.

12. Separation of Roles during Tendering

12.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility should be aware of the need for accountability and openness.

12.2 Employees in contractor or client units should exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

12.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

12.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw immediately from the contract awarding process.

12.5 Employees should ensure that no special favour is shown to anyone to whom they are related or have a close personal relationship outside work, or to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity.

13. Corruption

13.1 Corruption is defined in the introduction to the Statement of Anti-fraud and Corruption Strategy.

13.2 Employees should be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. If such an allegation is founded then appropriate action will be taken against the employee which, depending upon all the circumstances, may include dismissal.
13.3 Employees should report to their Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate, any corrupt offer that is made to them.

14. Use of Financial Resources

14.1 Employees should ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

15. Hospitality

15.1 Employees should only accept offers of hospitality if, in the best interests of the Council, there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community, or where the Council should be seen to be represented. It should be properly authorised and recorded.

15.2 When hospitality has to be declined, the offering person should be courteously but firmly informed of the procedures and standards operating within the Council.

15.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant items of token value such as pens and diaries. **If in any doubt, seek advice.**

15.4 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

15.5 The acceptance by employees of hospitality through attendance at relevant conferences and courses is only permissible where it is clear the hospitality is corporate rather than personal, where the Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate, gives consent in advance and is satisfied that any purchasing decisions are not compromised. Where visits to sites are required, e.g. to inspect equipment, with a view to purchase, employees should ensure that the Council meets the cost of such visits, or pays its fair share, to avoid jeopardising the integrity of subsequent purchasing decisions.

15.6 Where significant personal gifts are offered, or where hospitality has either been declined or accepted for the above reasons, then details should be entered in the Gifts and Hospitality Register, held by the Service Director Executive Director, Chief Executive or Monitoring Officer, as appropriate.

16. Sponsorship – Giving and Receiving

16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care should be taken when dealing with contractors or potential contractors.

16.2 Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative should benefit from such sponsorship in a direct way without there being full disclosure to the Head of Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer, as appropriate, of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means gives support in the
community, employees should ensure that impartial advice is given and that there is no conflict
of interest involved.

17. Other Documents

17.1 Employees should also be aware of the Council’s Standing Orders, and of any procedure
manuals operated in their Business Unit, which should always be complied with. The Head of
Establishment, Service Director, Executive Director, Chief Executive or Monitoring Officer,
as appropriate, holds copies of these. If in doubt, please ask.

18. Generally

18.1 This Code cannot cover every eventuality. Its purpose is to show the standards expected
of employees. It does not replace the general requirements of the law.
Appendix 1 to Paragraph 10 of the Employee Code of Conduct

BOURNEMOUTH BOROUGH COUNCIL

DECLARATION OF OUTSIDE INTERESTS (EMPLOYEES)

TO:  HEAD OF* .................................................................................................................. /

EXECUTIVE DIRECTOR* .................................................................................................. /

CHIEF EXECUTIVE*/MONITORING OFFICER*

In accordance with Paragraph 10 of the Council’s Code of Conduct, I declare that I and/or my relative/partner* (name) .............................................. have the following outside interests:

*delete as appropriate

Print name .................................................................

Post title ........................................................................

Signature ................................................................. Date .............................................

Reviewed: by .......................................................... Date ..... 

NOTE: The Council may be obliged to disclose Register of Employee interests information under the Freedom of Information Act.
STATEMENT OF ANTI FRAUD
AND CORRUPTION STRATEGY

1. Introduction

Bournemouth Borough Council expects the highest standards of conduct and integrity, not only from its employees but also from Elected Members and members of the public who have dealings with it. The Statement of Anti-Fraud and Corruption Strategy, therefore, applies to employees, Elected Members and members of the public who have dealings with Bournemouth Borough Council. All these groups are reminded that as per the Statement of Code of Conduct for Employees, the Council is fully aware of the high expectations of the public and the extent of scrutiny to which large public bodies are subject.

The Council is committed to the elimination of fraud and corruption. For this purpose:

☐ Fraud is any act of deception which acts to the financial detriment of the Council, and

☐ Corruption describes a situation where an Elected Member or Employee, either alone or with another person(s), carries out, or fails to carry out, an action as a result of an inducement or bribe.

The Council is determined to protect itself and the public from such unlawful activities, whether they are attempted from within the Authority, or by an outside individual, group or organisation.

2. Prevention of Fraud and Corruption

2.1 Framework

2.1.1 The Council operates within a framework of:

☐ Statutes
☐ Regulations
☐ Codes of Conduct
☐ Proper Systems and Procedures.

These are designed to prevent fraud and corruption and to enhance accountability to the public.

2.1.2 The Council has a statutory responsibility, under Section 151 of the Local Government Act, 1972, to ensure the proper administration of its financial affairs and also to nominate one of its officers to take responsibility for those affairs. In Bournemouth, this nominated officer is the Head of Resources.

2.1.3 The Council has in place systems and procedures that incorporate internal controls, including separation of duties. Managers are required to ensure that such controls are properly maintained.

The Internal Audit Section independently reviews the existence and effectiveness of these controls.

2.1.4 The Head of Law and Corporate Governance is the Council’s Monitoring Officer, with responsibility under Section 5 of the Local Government and Housing Act, 1989, to
guard against, among other things, illegality, impropriety and maladministration in the
Council’s affairs.

2.1.5 Arrangements are in place which encourage the exchange of information on fraud and
corruption between the Council and other agencies, such as:

☐ The Police
☐ The External Auditor
☐ Government Departments
☐ Other Local Authorities

2.2 Employees

2.2.1 Employees are bound by the above provisions and, where appropriate, also by the
standards laid down by their Professional Bodies.

2.2.2 Section 117 of the Local Government Act, 1972, requires that employees must disclose
any personal interest in contracts that have been, or are proposed to be, entered into by
the Council.

Section 117 also prohibits the acceptance of fees, gifts or rewards; other than by way of
proper remuneration from the Council, or otherwise where this has been specifically
authorised by a Director and where it has been recorded in the Hospitality Register
maintained by the Chief Executive.

All these requirements are reinforced by the Council’s Constitution.

2.2.3 The Council’s Rules of Procedure on contracts and financial matters place an
obligation on employees to act in accordance with those rules and also best practice,
when dealing with the Council’s affairs.

2.2.4 The Council’s Code of Conduct for Employees requires them:
- To declare Membership of outside bodies and organisations as defined in the Code
  of Conduct.
- To declare to their Head of Establishment, Service Director or Director, as
  appropriate, any outside paid employment or business, which must not conflict with
  the interests of the Authority.
- Not to accept significant personal gifts or hospitality. Any gifts or hospitality
  accepted or declined must be recorded in the Register that is held by the Chief
  Executive.

2.2.5 A Disciplinary Procedure is operated by the Council, which applies to all employees.
This contains provisions for dealing with, among other things, allegations of fraud and
corruption.

2.3 Elected Members

2.3.1 Elected Members are required to operate within:
- The Council’s Rules of Procedure
- The Local Code of Conduct for Councillors
- Sections 94 – 97 of the Local Government Act, 1972
2.3.2 These matters are brought to the attention of Elected Members as part of the induction procedure. **Members should refer any queries to the Head of Law and Corporate Governance.**

3. **Reporting Suspected Fraud, Corruption or other Malpractice**

   The Council operates a style of open management whereby the Chief Executive, Directors; Service Director and Heads of Establishment have an ‘open door’ policy. This is reinforced by the following paragraphs.

3.1 **Employees**

3.1.1 Employees are encouraged and, indeed, expected to raise any concerns that they may have, without fear of recrimination. Such concerns will be treated in the strictest confidence and will be properly investigated. As far as possible, a request from an employee for anonymity will be respected.

3.1.2 In the first instance, an employee can choose to contact his/her line manager, or approach one of the following officers:

   - The Head of Resources (Tel: 01202 451537 – direct line)
   - The Council’s Chief Auditor (Tel: 01202 451283 – direct line)
   - The Council’s Chief Executive (Tel: 01202 451130 – direct line)
   - A Director (Tel: 01202 451451 – main switchboard)

3.2 **Elected Members**

3.2.1 Elected Members should normally report any concerns to:

   - The Chief Executive (Tel: 01202 451130 – direct line)
   - The Head of Resources (Tel: 01202 451537 – direct line)
   - The Head of Law and Corporate Governance (Tel: 01202 451167 – direct line)

3.3 **The Public**

3.3.1 The General Public are also encouraged to report any concerns through any one of the above Officers.

3.4 Any information concerning suspected fraud or corruption involving an Elected Member will be referred to the Chief Executive. Such matters will then normally be referred to the District Auditor and/or the Police.

3.5 In the event that any person feels unable to raise their concerns with one of the Council Officers named above, they may wish to report those concerns to the District Auditor, as the Council’s External Auditor (Tel: 01962 852717), or otherwise to the Police.

4. **Action following the Allegation**

4.1 **Senior Managers**

4.1.1 Any senior manager who has received information about any suspected fraud or corruption must report it immediately to the Head of Resources who will, where appropriate, ensure that the Chief Executive is also informed.
4.1.2 Senior managers of the Authority will also:
- Co-operate fully with Internal Audit and the Police during any investigation.
- Implement the Council’s Disciplinary Procedure, where appropriate.
- Take prompt action to remedy any weaknesses discovered in internal control procedures.
- Deal swiftly, fairly and firmly with those who offend against the Council.

4.2 **Internal Audit**

In respect of any case of suspected fraud or corruption discovered by or referred to them, Internal Audit will:
- Deal promptly with the matter.
- Maintain full documentation of all evidence received.
- Ensure that the evidence is sound and adequately supported.
- Report findings to the Head of Resources and also to the Chief Executive, where appropriate.
- With the agreement of the Chief Executive, refer the matter to the Police, as appropriate.
- Assist in any disciplinary proceedings.

4.3 **Abuse of the Reporting Process**

The reporting and investigation process must not be misused. Any abuse, such as raising allegations without reasonable foundation or else maliciously will be dealt with as follows:

4.3.1 **Employees**

Such matters will be dealt with in accordance with the Council’s Disciplinary Procedure.

4.3.2 **Elected Members**

Cases involving Elected Members will be referred to the relevant Political Group Leader(s) for appropriate action to be taken.

4.3.3 **The Public**

Where members of the General Public are suspected of misusing the reporting and investigation process, details will be referred to the Head of Law and Corporate Governance, for consideration of any necessary Civil or Criminal action, involving the Police where appropriate.

5. **Conclusion**

5.1 This statement sets out the Council’s clear commitment to fight fraud and corruption and also its arrangements for the prevention, detection and investigation of such activities. The Council expects the highest standard of probity in all its activities.
Bournemouth Borough Council
Local Code of Corporate Governance
**Introduction and Background**

Corporate governance is the system by which organisations are directed and controlled. It became an important concept for the private sector in the early 1990s, in the light of continuing concern about standards of financial reporting and accountability. In 1992 the Committee on the Financial Aspects of Corporate Governance, chaired by Adrian Cadbury, reported its findings and recommendations for corporate governance in the private sector. The main recommendation was that all companies listed on the London Stock Exchange should adopt a Code of Best Practice and assess their adherence to the Code’s principles, of openness, integrity and accountability. The “Cadbury Report” argued that adopting the Code would ensure that companies operated within a framework of effective accountability, achieving the necessary high standards of corporate behaviour, and that companies with high standards of corporate governance are more likely to gain confidence of stakeholders.

Corporate governance in public services took Cadbury as a starting point and focused on the control and accountability aspects of governance. The Committee on Standards in Public Life (the “Nolan Committee”) considered the allegations of a lack of accountability and found that the vast majority of councillors and officers do observe high standards of conduct. However, there was no comprehensive framework of principles and standards for local authorities to adhere to. In 2001, CIPFA (The Chartered Institute of Public Finance and Accountancy) and SOLACE (The Society of Local Authority Chief Executives and Senior Managers), in association with the LGA and the Audit Commission, published a Guidance Note and Framework entitled “Corporate Governance in Local Government: A Keystone for Corporate Governance”. This defined corporate governance, as applicable to local authorities, to be “the system by which local authorities direct and control their functions and relate to their communities”. All local authorities have now been recommended to draw up a Local Code of Corporate Governance, based on the CIPFA/SOLACE Guidance.

This document sets out Bournemouth Borough Council’s Local Code of Corporate Governance and the process for monitoring and maintenance of the Code. This Code provides the framework for the Council to achieve its aims and objectives. In order to implement the Code in a meaningful and practical manner the Council will undertake an initial assessment of compliance with the Code, using the best practice standards for corporate governance set out in the CIPFA/SOLACE Guidance, and report on this at a later date.
The Local Code of Corporate Governance for Bournemouth Borough Council

Foundation

Bournemouth Borough Council is committed to effective leadership, which is the foundation for effective corporate governance. To this end, the Council commits to:

• Providing a vision for the local community and leading by example in decision making and other processes and actions
• Members and managers conducting themselves in accordance with the highest standards of conduct.

Three Principles

The Council embraces the following three principles of good corporate governance and will continually strive to ensure that they underpin the delivery of services to the public:

• **Openness and Inclusivity** - being open through genuine consultation with stakeholders and providing access to full, accurate and clear information and seeking to ensure that all stakeholders and potential stakeholders have the opportunity to engage effectively with the decision making processes and actions of the Council.
• **Integrity** - including both straightforward dealing and completeness, based upon honesty, selflessness and objectivity and high standards of propriety and probity in the stewardship of public funds and management of the Council’s affairs.
• **Accountability** - the process whereby Members and officers are responsible for their decisions and actions, including their stewardship of public funds and all aspects of performance, and submit themselves to appropriate external scrutiny.

In order to ensure that these three principles underpin service delivery the Council commits to:

• Monitor their effectiveness in practice; and
• Review on a continuing basis to ensure that they are up to date.

Five Dimensions

In accordance with the CIPFA/SOLACE Guidance the Council recognises that the three principles need to be reflected in five different dimensions of service delivery as set out below and recognise that the dimensions are not mutually exclusive. The Council will strive to ensure that within each of the five dimensions, the three principles of good corporate governance are applied.
Community Focus

In carrying out its general and specific duties and accepting it’s responsibilities and ability to exert wider influence, the Council commits to:

- Work for and with local communities
- Exercise leadership in the local communities, where appropriate
- Undertake an ‘ambassadorial’ role to promote the well-being of the Borough, where appropriate, through maintaining effective arrangements:
  - For explicit **accountability** to stakeholders for the Council’s performance and its **effectiveness** in the delivery of services and the sustainable use of resources
  - Demonstrate **integrity** in the Council’s dealings in building effective relationships with other public agencies and the private/voluntary sectors
  - Demonstrate **openness** in all dealings
  - Demonstrate **inclusivity** by communicating and engaging with all sections of the community to encourage active participation
  - Develop and articulate a clear and **up-to-date** vision and Corporate Strategy in response to community needs.

Service Delivery Arrangements

The Council commits to ensure that continuous improvement is sought, agreed policies are implemented and decisions carried out by maintaining arrangements which:

- Discharge **accountability** for service delivery at a local level
- Ensure **effectiveness** through setting targets and measuring performance
- Demonstrate **integrity** in dealings with service users and developing partnerships to ensure the ‘right’ provision of services locally
- Demonstrate **openness and inclusivity** through consulting with key stakeholders, including service users
- Are flexible so that they can be kept **up-to-date** and be adapted to accommodate change and meet user wishes

Structure and Processes

The Council commits to establishing effective political and managerial structures and processes to govern decision-making and the exercise of authority within the organisation. The Council will maintain arrangements to:

- Define the roles and responsibilities of Members and officers to ensure **accountability**, clarity and ordering of the Council’s business
- Ensure that there is proper scrutiny and review of all aspects of performance and **effectiveness**
- Demonstrate **integrity** by ensuring a proper balance of power and authority
- Document clearly such structures and processes and to ensure that they are communicated and understood to demonstrate **openness and inclusivity**
- Ensure such structures and processes are kept **up to date** and adapted to accommodate change
**Risk Management and Internal Control**

The Council commits to establishing and maintaining a systematic strategy, framework and processes for managing risk. Together, these arrangements:

- Include making public statements to stakeholders on the authority’s risk management strategy, framework and processes to demonstrate **accountably**
- Include mechanisms for monitoring and reviewing **effectiveness** against agreed standards and targets and the operation of controls in practice
- Demonstrate **integrity** by being based on robust systems for identifying, profiling, controlling and monitoring all significant strategic and operational risks
- Display **openness and inclusivity** by involving all those associated with planning and delivering services, including partners
- Include mechanisms to ensure that the risk management and control process is monitored for continuing compliance to ensure that changes in circumstances are accommodated and that it remains **up to date**

**Standards of Conduct**

The openness, integrity and accountability of individuals within the Council form the cornerstone of effective corporate governance. The reputation of the Council depends on the standards of behaviour of everyone in it, whether Members, employees or agents contracted to it. Therefore Members and senior officers will:

- Exercise leadership by conducting themselves as role models for others within the authority to follow.
- Define the standards of personal behaviour that are expected from Members and staff and all those involved in service delivery, and put in place arrangements to ensure:
  - **Accountability**, through establishing systems for investigating breaches and disciplinary problems and taking actions where appropriate, including arrangements for redress
  - **Effectiveness** in practice through monitoring their compliance
  - That objectivity and impartially are maintained in all relationships to demonstrate **integrity**
  - That such standards are documented and clearly understood to display **openness and inclusivity** and are reviewed on a regular basis to ensure that they are kept **up to date**
Monitoring and Maintaining the Code

Bournemouth Borough Council is committed to the principles of good corporate governance identified in the CIPFA / SOLACE Guidance and confirms its ongoing commitment and intentions though the development, adoption, monitoring and maintenance of the Local Code of Corporate Governance. The Council recognises that achieving high standards of corporate governance will encourage our stakeholders to have confidence in us and allow the Council to more effectively undertake the role of Community Leader.

Monitoring the Code

Compliance should be demonstrated through the “vowel” test recommended in the CIPFA/SOLACE Guidance:

- Accountability
- Effectiveness
- Integrity
- Openness and Inclusivity, and by keeping their arrangements
- Up to date

Officers are preparing an initial assessment of the Council’s compliance with the Code using best practice standards for Corporate Governance identified in the CIPFA/SOLACE Guidance, and will report on this at a later date.

The Head of Law and Corporate Governance and Leader will make an annual “Statement of Assurance” giving their position on whether the corporate governance arrangements are adequate and are operating effectively.

The Head of Law and Corporate Governance has been given responsibility for:

- Overseeing the implementation and monitoring the operation of the Code.
- Reviewing the operation of the Code in practice on an annual basis.
- Reporting annually to the Cabinet on compliance with the Code and any changes that may be necessary to maintain it and ensure its effectiveness in practice.
- Preparing a summary report to be made available in the annual Best Value Performance Plan and Performance Plan Summary - from 2003/04.

In addition the Corporate Governance Manager has been given the responsibility to review independently and to provide assurance within the annual report to the Cabinet on the adequacy and effectiveness of the Code and the extent of compliance with it.

The annual reports of the Head of Law and Corporate Governance and the Corporate Governance Manager should report on any aspects of the Code that are not yet in place, and propose appropriate steps to address the areas to further enhance the corporate governance arrangements. This approach to annual reporting should ensure that the principles of corporate governance are embedded in the culture of the Council and are transparent to stakeholders and partners.
**Maintaining the Code**

The annual reports of the Head of Law and Corporate Governance and the Corporate Governance Manager should identify areas in which the Code has become out of date or irrelevant. The Head of Law and Corporate Governance will be responsible for updating the Code and for ensuring the ongoing relevance and application of the Code. Cabinet should discuss any significant revisions to the Code before their approval. Any significant revisions to the Code should be reported to stakeholders and partners.
Officer Member Protocol

Published by the Monitoring Officer

July 2013
INTRODUCTION

This Protocol governs relations between Members of the Council and Officers.

Its purpose is to assist the smooth running of the work of the Council by:

- promoting trust, openness, fairness and honesty by setting out some ground rules;
- defining roles so as to:
  - be clear about responsibilities - who does what
  - avoid conflict, and
  - prevent duplication or omission

This Protocol applies to Members of the Council, including Co-opted Members, and Officers. Unless the context indicates otherwise, Officer means a person employed by the Council, a person engaged directly by the Council to provide services or employed by an organisation that has contracted with the Council.

The Standards Committee will review the content and operation of this Protocol from time to time. Any Members or Officer suggestions for changes to it should be passed to the Monitoring Officer or Chief Executive who will bring them forward to the Standards Committee.

Members and Officers must follow this Protocol at all times.

Breaches of this Protocol by a Member may result in a complaint to the Council's Standards Committee.

Breaches by an Officer may lead to disciplinary action.

The specific roles of Members and Officers are set out in the Council's Constitution.
THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

A recognition of, and respect for, the respective roles and responsibilities of Officers and Members is vital and mutual trust, respect and courtesy is key.

Members should:

1. respect Officers’ professional integrity;

2. not involve Officers in any criticism of the position or conduct of other Members or Officers which is, or could be construed as being, of a personal or party political nature;

3. not apply pressure on Officers to:
   (a) change their professional opinion or advice
   (b) do anything which they are not empowered to do or which is against an Officer’s professional judgment
   (c) take any action which the officer considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct, including professional codes of conduct

4. not do anything that compromises, or which is likely to compromise, the impartiality of Officers or those who work for or on behalf of the Council;

5. in seeking advice and support, have due regard to the seniority of the Officer with whom they are dealing;

6. not purport to exercise line management control over an Officer or issue any formal instruction to an Officer;

7. not disclose at a meeting open to the press and public, by comment to the media or by any other means to any person outside the Council, personal or confidential information which relates to a Council employee, past or present, except with that employee’s consent;

8. not comment publicly on individual staff issues or perceived capability of individual staff. This does not prevent Members from exercising their legitimate right to hold Officers to account at relevant Council meetings;

9. ensure that all communication between them and Officers, including written communication, does not bring the Council into disrepute, or lead to the breakdown of mutual trust, respect and courtesy in Officer/Member relations;

10. endeavour to give timely responses to enquiries from Officers;

11. avoid personal close familiarity with Officers.

Officers should:
1. respect the political perspective of Members;

2. co-operate with all reasonable requests from Members and endeavour to give timely responses to enquiries from Members;

3. not seek to take advantage of Members or to cause them embarrassment or difficulties in the performance of their roles;

4. not act to frustrate the proper political objectives of Members;

5. not seek to influence a Member to make a decision in their favour;

6. not discuss with a Member personal matters concerning themselves or another individual employee. This does not prevent Officers raising on a personal basis and in their own time a matter with their Ward Member;

7. not make claims or allegations to Members about other Officers;

8. maintain confidentiality;

9. perform their duties effectively, efficiently and with political neutrality;

10. behave in a professional and courteous manner;

11. be helpful to Members and understand and respect their roles, workload and pressures;

12. avoid personal close familiarity with Members;

13. report to their manager, the Monitoring Officer or the Chief Executive should a member put pressure on them to deal with a matter outside Council procedure or policy;

14. comply with the current Codes and Protocols applicable to Officers;

All Members have the same rights and obligations in relationships with Officers and should be treated equally. Where a political group forms the majority Administration it is recognised that the relationship between Officers, particularly Senior Officers, and the Administration will differ from that with opposition groups. Officers must ensure that, even when they are predominantly supporting the Leader and Cabinet Portfolio Holders, that their political neutrality is not comprised.

Members and Officers must be particularly aware of the image of the Council at meetings open to the public and should treat each other with respect and courtesy regardless of an individual’s personal, political or professional views. Meetings require a degree of formality to be adopted, both in the conduct of
business and in the manner in which participants are addressed in order to maintain public confidence.

Members may make written/oral representations to the relevant Senior Officer about issues raised by Officers with them as their ward Member, but the Member must:

- avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, because of actions of the Member(s) may be held to be the actions of the Council, as an "employer";
- avoid taking a proactive part to represent or in any other way advocate on behalf of any such employee in any staffing issues or disciplinary procedures brought by the Council against any such employee.

OFFICER ADVICE TO POLITICAL GROUPS AND OTHER MEETINGS

Officer Advice to Political Groups

Officers serve the Council as a whole and not exclusively any Political Group, combination of Groups or Individual Members. Officers must treat Political Groups and individual Members in a fair and even handed manner.

There is statutory recognition of Political Groups. It is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant formal Council body. Officers may on occasions be called upon to support and contribute to such deliberations by Political Groups but must at all times maintain a stance which is politically impartial. The support provided by Officers may range from a briefing meeting with a Chairman or Cabinet Portfolio Holder before a meeting to a presentation to a Political Group meeting.

Any advice given to a Political Group or Member will be treated with the strictest of confidence by the Officers concerned and not be accessible to any other Political Group(s). Factual information upon which any advice is based will be available to all Political Groups.
When Officer attendance is requested for Political Group meetings:

1. the request to attend a Political Group meeting must be made through the Chief Executive or appropriate Senior Officer (Service Director or above);

2. such a request can only be made in relation to Council business not Party policies or business;

3. at the meeting Officers will:
   a. provide relevant information and advice on Council business only and not on matters which are purely of a party political nature and must at all times do so in a way which is politically impartial;
   b. normally leave during the deliberations of the Political Group on the issue - to avoid any appearance of impropriety or misunderstanding;
   c. respect the confidentiality of any Political Group discussion at which they are present; Members must not do anything which compromises or is likely to compromise Officers' impartiality. This must not prevent an Officer providing feedback to other Senior Officers as appropriate.

The duration of an Officer's attendance at a Political Group meeting will be at the discretion of the Group, but an Officer may leave at any time if he/she feels it is no longer appropriate to be there.

An Officer accepting an invitation to the meeting of one Political Group must not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

An Officer must be given the opportunity of verifying comments and advice attributed to him/her in any written record of a Political Group meeting.

No Member will refer in public or at meetings of the Council to advice or information given by Officers to a Political Group meeting.

Political Group meetings perform an important part in the preliminaries to Council decision-making. However, they are not formal decision-making bodies of the Council and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not rank as Council decisions.

The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

The principles of this section apply to informal meetings of Cabinet.

Officer Advice to Other Meetings
Officers are available to attend meetings called under the arrangements set out in the Constitution and as specified in this Protocol. Other meetings such as area/community forums, public meetings, local meetings, consultations arranged by Members are not official business meetings of the Council. Officers will not attend such other meetings unless authorised/agreed by the relevant Senior Officer.

LOCAL WARD ISSUES

To enable them to carry out their Ward role effectively, Members need to be fully informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep local Members informed, thus allowing Members to contribute to the decision-making process and develop their representative role.

This requirement is particularly important:

- during the early stages of policy development, where practicable;
- in relation to major or sensitive operational matters;
- whenever any form of public consultation exercise is undertaken;
- during an Overview and Scrutiny process.

When a public meeting is organised by Officers to consider a local issue, all the Members representing the Wards affected must be invited to attend the meeting. Similarly, when Officers undertake any form of consultation on a local issue, the local Members should be notified at the start of the exercise.

If local Members intend to arrange a public meeting on a matter concerning some aspect of the Council’s work, they can invite a relevant Officer to attend if they so wish. Provided that the meeting has not been arranged on a party political basis an Officer may attend but is not obliged to do so and the meeting may be held in Council-owned premises.

Officers will not be able to attend such meetings in the immediate run-up to Council elections. Further guidance is in the Council’s Media Policy and Local Election Protocol.

Officers must never be asked to attend Ward or Constituency Political Party meetings.
In seeking to deal with constituents' queries or concerns, Members must not seek to place Officers under undue pressure to deal with their query in a way which circumvents the usual Council procedures. Officers may not be able to carry out the work required by Members in the requested timescale and may need to seek instructions from their managers. Corporate Customer response times apply.

If either of the Members of Parliament - MPs - is involved in a local issue, Officers may invite the MP, in addition to the Ward Members. If Officers consider this is not appropriate for any reason they may meet the MP separately.

CORRESPONDENCE INCLUDING EMAILS

Official correspondence written on behalf of the Council must normally be in the name of the relevant Officer rather than in the name of a Member. It may be appropriate in some circumstances, for example representations to a Government Minister for letters to appear in the name of the appropriate Member, for example, the Leader - but this should be only in exceptional circumstances. Letters that, for example, set up meetings, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

The Mayor may correspond in his/her own name.

Correspondence which creates legally enforceable obligations or gives instructions on behalf of the Council must never be sent in the name of a Member.

IF THINGS SHOULD GO WRONG

Members or Officers with questions about the implementation or interpretation of this Protocol should seek guidance from the Monitoring Officer.

If Members believe that an Officer has breached this Protocol or have concerns about the conduct, behaviour, or performance/capability of an Officer they should raise the matter direct with that Officer's manager or Service Director; where the Officer concerned is a Service Director the matter should be raised with the relevant Executive Director; when the Officer is an Executive Director, with the Chief Executive; and when the Officer is the Chief Executive, with the Monitoring Officer.

In all cases, the Officers with whom the concerns have been raised will report back to the Member concerned, giving as much information as they can as to the conclusions they have reached.

This procedure is only appropriate where their issues arise in the Member’s capacity as a Member of the Council, rather than as a service user or individual
affected by the Council’s decision. In such cases their concerns should be dealt with in accordance with the Council’s complaints procedure.

If Officers are concerned about the conduct of a Member they should raise the matter with their Manager or Service Director as appropriate. The Manager will discuss the matter with their Service/Executive Director, who will seek to resolve it to the Officer’s satisfaction, in consultation with the Monitoring Officer, where appropriate. The aim of these discussions is to resolve the matter by conciliation, rather than by more formal means. Nevertheless, it must be recognised that Officers, like any members of the public, may make an allegation of a breach of the Code of Conduct for Councillors and can also use the procedures set out in the Council’s Bullying and Harassment policy.

Where the concerns are about potential unlawful conduct of an Officer or Member, the Whistleblowing Policy may be relevant.

For further advice, please contact:

Tanya Coulter, Monitoring Officer

T: 01202 451172 E: Tanya.Coulter@bournemouth.gov.uk
Local code of best practice relating to planning issues

Adopted by Council on 22 April 2014
Published by Monitoring Officer
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Local code of best practice relating to planning issues

1.0 Introduction

1.1 The Council’s Code of Conduct provides guidance for elected Councillors and paid Council officials about the high ethical standards expected of all those in public service. Copies of the Code are available from the Council’s Democratic Services Team – Telephone 01202 451104 – or it can be viewed on the following web address:


1.2 The Council through its Planning Board makes decisions on planning applications, planning policies and other planning matters which have a considerable effect on amenity, the character of the Borough and on the value of land. This Local Code of Best Practice specifically addresses the issues and procedures involved in ensuring that decisions are made on planning grounds alone and are based on sound judgement and reason. The process for ensuring this happens should mean that the public have confidence that planning decisions are made in an impartial, open, transparent and fair manner taking account of all the relevant information.

1.3 The principles for making planning decisions are laid down in local and national planning policy, development plans and legislation. The Town and Country Planning Acts require decisions to be made in accordance with the relevant adopted Plans unless there are material planning reasons not to do so. Decisions should also be made having regard to the overarching role of National Planning Policy Statements. However, it is necessary in making decisions to exercise a level of judgement on the issues, in some instances to balance conflicting elements, and to take account of replies to consultations with interested parties and the public. It is essential that decisions are made solely on proper planning issues and are made impartially, in a clear, open and transparent manner which can be easily understood by all, and which cannot give rise to public suspicion or mistrust.

1.4 Each Council is required to approve a code of practice to show how national guidance notes on conduct are to be applied locally. This document sets out the Council’s Code of Best Practice in relation to planning issues in order to provide a clear statement of the expectation of conduct by both Councillors and Officers, and of the procedures to be followed, so that decisions are made and can be seen to have to be made, in a proper manner.

A copy of the current national guidance code ‘Probity in Planning’ can be viewed on the following web link:

http://www.pas.gov.uk/c/document_library/get_file?uuid=e0cde66c-8cda-4f56-b784-a45cdd41f089&groupId=10180
Section 1 - Conduct of councillors and officers

2.0 Role and conduct of Councillors and Officers

2.1 Councillors and Officers have different but complementary roles. Unless stated otherwise, references to Councillors in this Code are to those Councillors dealing with planning matters.

2.2 All Council staff must comply with the Statement of Code of Conduct for Bournemouth Borough Council Employees. Copies of the Code are available from the Council’s Democratic Services Team – Telephone 01202 451104. The Code can be viewed on the following web address:


2.3 All Councillors and Officers should also be guided by the Localism Act 2011 and the seven principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

2.4 Planning Officers must adhere to the Royal Town Planning Institute’s Code of Conduct. Copies of the Code are available from the Director, Planning Transport and Regulation Services – Telephone 01202 451315. Other specialist staff must comply with the requirements for conduct stipulated by their appropriate professional body.

2.5 Councillors and Officers have different roles in respect of planning matters but it is important that they work as a team and treat each other with mutual respect and understanding at all times, including never engaging in personal criticism. Concerns about Officer conduct should be addressed to the Director, Planning Transport and Regulation Services. Concerns about the conduct of Councillors should be addressed to the Council’s Monitoring Officer - Service Director, Legal and Democratic.

3.0 Voting and impartiality

3.1 Councillors must reach planning decisions on the basis of sound planning grounds and in the interests of the whole Borough. Their overriding duty is to the whole community rather than just the people living in their Electoral Ward. This should be balanced with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.

3.2 Councillors should ensure that they take account of all the relevant material considerations, in relation to an application, including the recommendations made by Officers, but at the Planning Board it is Councillors of the Borough Council who make the decisions. Certain decisions on applications or other matters have been delegated to the
President, Planning and Transport Services under the Scheme of Delegation agreed by the Council and indicated in the Constitution.

Copies of the Scheme of Delegation are available from the Council’s Democratic Services Team – Telephone 01202 451104. The Scheme can be viewed on the following web address:


3.3 Recommendations and decisions shall not discriminate in favour or against any individuals, groups or locality and shall be based firmly on the policies in the relevant adopted Plans and national policy and guidance, unless there are sound planning reasons to do otherwise.

3.4 Councillors must form judgements and make decisions on the basis of the relevant reports, evidence, representations and recommendations presented, in a non-partisan manner, with no pre-arrangements by any party or group as to how Councillors will vote. Given that the point at which a decision on a planning application is made cannot occur before a meeting of the Planning Board, when all available information is to hand, and has been duly considered, any political group meeting before the Board meeting should not be used to decide how Councillors should vote.

4.0 Lobbying of Councillors

4.1 It is important to recognise that lobbying – trying to influence - is a normal and perfectly proper part of the political process. However, lobbying can lead to the impartiality of a Councillor or the Council’s decision being called into question unless care and common sense are exercised by all the parties concerned.

4.2 With the exception of Ward Councillors not involved in the decision-making process, Councillors should avoid organising support for or opposition to a planning application and should not lobby other Councillors. Councillors who decide to go public in support or opposition for a particular outcome will not be able to argue convincingly when it comes to a decision being made on the application that they are impartial and have maintained an open mind. In such cases the appropriate course for the Councillor to take is to make a declaration and not vote. In these circumstances a Councillor may speak on the item as a member of public, not as a member of the Planning Board, and must then withdraw from the room during the whole consideration of that item. A Councillor must not seek to improperly influence a decision in the matter.

5.0 Ward Councillors

5.1 Ward Councillors have an important role to play as representatives of their communities and to bring local information to the decision-making process. Ward Councillors may therefore become involved in discussions with Officers about individual applications. They should however remember that it is very easy to create the impression that they are using their position to influence the progress of the application and
should avoid any implication that this is the case. Any discussions with Officers should be seen to be transparent, fair, open and above board. Officers should make a written note of any such discussions.

5.2 Ward Councillors who are also members of the Planning Board need to take extreme care that they are not perceived as acting with partiality or with a closed mind and should consider whether discussions on an applications/issues may be better represented by a ward colleague who is not a member of the Planning Board. Ward Councillors who are not members of the Planning Board can make representations and attend meetings of the Board. With the Board’s agreement they can address it on planning applications in their Ward. Any representations or address should relate to the planning merits of a planning application. Councillors should avoid lobbying fellow Councillors and the exertion of undue pressure on Planning Officers for a particular recommendation.

6.0 External lobbying of councillors

6.1 Lobbying can be verbal or by the circulation of letters or documents to all or some Councillors. If contacted about individual applications Councillors should refer such persons or any correspondence received to the appropriate officer to circulate or respond, as appropriate. Problems can occur if, Councillors are given information or assurances by the applicants, agents, site owners, neighbours or objectors which are not part of the formal application or proposal and which would not be enforceable. Problems can also arise if the information provided to Councillors outside the formal process is misleading or untrue. Any such information or assurances should be disregarded when considering the determination of an application, unless substantiated. If contacted about individual applications Councillors should refer such persons to the appropriate officers and advise the person contacting the Councillor accordingly.

6.2 Councillors should not meet or discuss issues with developers alone or put themselves in a position where they appear to favour a person, company or group or locality. Even a ‘friendly’ private discussion with a developer could cause others to mistrust the impartiality of Councillors.

6.3 If approached by an applicant or someone affected by a proposed development, an individual Councillor:

- may listen to what is being said
- can give procedural advice, for example explain the right to address the Planning Board with a deputation where a planning application is to be determined by the Board, how to make representations and so on
- must not indicate how they intend to vote on any particular issue.

Where lobbying has taken place:

- the Councillor should state that any comments should be put in writing and sent to the Director, Planning Transport and Regulation Services so that proper consideration is given to these
issues.

- in the absence of any written submission the Councillor should declare at the relevant Board meeting the nature of the lobbying, who with, when, and the content of the issues raised, by whom and when.

Failure to follow these procedures could prejudice the proper consideration of the application and lead to deferral or delay in the determination of the proposal.

7.0 **Declaration of interest/hospitality and gifts**

7.1 The Code of Conduct for Councillors of the Bournemouth Borough Council sets out the requirements for the declaration of interests by Councillors. The Localism Act has altered the nature of interests that are required to be disclosed and narrowed the range to what is now referred to as Disclosable Pecuniary Interests. Such interests are those that a Councillor may have and also those of that Councillor’s spouse/civil partner or person who they may be living with in such a capacity that the Councillor may be aware of.

7.2 The Members’ Code of Conduct defines the Disclosable Pecuniary Interest in Appendix C and can be found at the following web address;


Any such interests should be included on the Register of Interests maintained by the Monitoring Officer. This register is available for inspection and is published on the Council’s website at the following web address;


Other Disclosable Interests that are not pecuniary interests that still need to be disclosed are set out in Appendix D of the Members’ Code of Conduct and can be found at the following web address;


7.3 Where a Councillor has a Disclosable Pecuniary Interest or other disclosable interest in connection with any person, company or body who is a party in any item being considered by the Planning Board, then that Councillor must leave the room while the item is being considered and must not participate or seek to improperly influence the decision making process in any way, in connection with that item

7.4 Councillors need to be particularly aware of that even when a disclosable interest may not be prejudicial, and in theory would not prevent them
from participating in the decision making process, Councillors serving on the Planning Board need to consider whether the existence of the disclosable interest could create the perception that they were not completely impartial. For the sake of transparency Councillors always need to consider if they have any other potential interest or connection with any of the parties involved in an item being considered, for example they may know an applicant. This won’t necessarily bar them from taking part in that item, but it may be that such information should be disclosed. This will always depend on the circumstances of the case and the nature of the connection and will be a matter for the individual Councillor to consider public perception. In general terms it is better to err on the side of caution. The Council’s Service Director, Legal and Democratic will provide advice for Councillors if requested.

7.5 An interest should be declared at the beginning of the meeting or as soon as it becomes known to the Councillor that there is an interest to declare. A specific agenda item is included for Declarations of Interest at the start of the meeting. Where a Councillor is not present at the beginning of the Board meeting, or becomes aware of an interest during consideration of an item, any interest should be declared as soon as practicable. Any Councillor not present throughout the entire consideration of an item should not participate or vote on that item.

7.6 Officers must comply with the Statement of Code of Conduct for Bournemouth Borough Council Employees and ensure that declarations required under Section 10 of the Code are a full and true record of their interests.

7.7 Hospitality and gifts – details are set out in the Code of Conduct for Councillors.

8.0 Planning applications made by Councillors or Officers

8.1 Applications submitted by Councillors, Officers in the Planning Transport and Regulation Services Business Unit or by Senior Officers - defined as the Chief Executive, Executive Directors, Service Directors and Service Managers - will automatically be referred to the Planning Board for consideration where the recommendation is to grant the application.

8.2 References in the report will be made to any Council, Councillor or Officer interest. The Councillor or Officer concerned will take no part in handling the application or determining the recommendation or making the decision on the application. In these circumstances the Councillor or Officer may speak on the item as a member of public and must then withdraw from the room during the whole consideration of that item.

8.3 Where a Councillor frequently declares an interest and therefore is unable to take part in the proper consideration of planning matters referred to the Planning Board, the Council should review the presence of that Councillor on the Board with a view to replacing him or her with another Councillor whose interests would not prevent him or her considering and deciding planning issues referred to the Board.
Section 2 – The decision making process

9.0 How the Council deals with its own applications

9.1 The Council acknowledges that particular care needs to be taken in the handling of planning applications for Council development or for the development by another party affecting the Council’s land. Central Government guidance requires the Council to notify the Secretary of State if it is proposed to grant consent to itself in a manner which contravenes the relevant adopted Plans.

9.2 A decision on the Council’s own planning application will be made in accordance with the same procedures as apply to planning applications submitted by other applicants.

9.3 As a matter of law, Councillors serving on other Council Boards/Overview and Scrutiny Panels considering a development who also sit on the Planning Board do not have any interest which would disqualify them from taking part in the decision. If individual Councillors in this situation consider that they should declare an interest they may still be permitted to speak and vote. Councillors are also free to withdraw from the meeting if they so wish. Relevant Council Officers and, in particular, the Monitoring Officer will be pleased to give advice when Councillors are concerned over a conflict of interest. However, such advice should be sought as soon as the Councillor is aware that it is needed rather than immediately before the meeting.

10.0 Pre-application discussions

10.1 Informal discussions between applicants, property owners and the Council about proposed development can be beneficial to both parties helping to address issues early in the formulation of schemes and speeding up the decision-making process. It is a practice encouraged by the Government. Councillors should always follow the rules on lobbying and the advice contained in Positive Engagement – A Guide For Planning Councillors (2008) which can be viewed on the following web address:

http://www.pas.gov.uk/c/document_library/get_file?uuid=52865c3e-18c4-45f3-aadd-8b24c4c54bc3&groupId=332612

10.2 It is essential that such discussions do not prejudice the proper consideration of the development or policy change when it is decided. To ensure this, the following guidelines should be followed:

- Individual Councillors in their role as members of the Local Planning Authority should not advise owners, applicants or agents
about the acceptability of planning proposals, or the likelihood of a change of policy, but should advise applicants to contact the Director, Planning Transport and Regulation Services for further guidance. In special circumstances and in accordance with arrangements agreed by the Director, Planning Transport and Regulation Services, developers and/or agents may make informal presentations to Councillors on planning proposals. Such presentations will be structured in a similar manner to the conduct of Planning Board items and will be public meetings except in instances where they are held before the submission of an application.

- Councillors in their role as members of the Local Planning Authority should not have discussions with applicants, owners or agents in connection with development proposals or prospective changes in policy, or enter into negotiations either before or after submission of an application.

- Officers should make clear to applicants or their agents or site owners from the outset that discussions will not bind the Council to making a particular decision.

- Officers will state that views expressed in any meeting about planning proposals are personal and/or provisional, since not all relevant information will be available, neither will consultation have taken place which may have a material effect on the recommendation.

- Officers will ensure that any advice given will be consistent with the relevant adopted Plans and other material planning considerations.

10.3 Meetings with applicants/prospective developers/agents will be held at Council offices unless there is an overriding reason not to, such as the need to inspect the site at the same time, or where there is presentation material which cannot be easily transported, or displayed in the Council offices.

11.0 Councillor ‘call-in’ procedure

11.1 The Council’s Scheme of Delegation allows an individual Councillor to request that an application be referred to the Planning Board because it is contentious and raises wider issues which, in the opinion of the Councillor, should be resolved by the Board.

11.2 Such ‘call-in’ requests will be governed by the following procedures:

- Councillors must request referral to the Planning Board in writing or by e-mail by the end of the official first round publicity period.

- The request to ‘call-in’ will be made on the prescribed form which is available from the Director Planning, Transport and Regulation.
• ‘Call-in’ requests must include properly based planning reasons.

• Requests that are not made in line with the already established method will not be accepted. Councillors should particularly note that it is a fundamental principle that planning is about the public interest and not the rights of one particular individual against another individual. If the development does not affect the wider public interest it should not, apart from in exceptional cases, be ‘called-in’. For example, the wider interest might be that a development is so large that it would affect the character of the wider area rather than a case where one particular neighbour believes they are adversely affected. It should be borne in mind that the fact that there are numerous objections or support for an application is not in itself a reason to refuse or approve an application.

• The right to ‘call-in’ applications will be applied to applications within the Councillor’s Ward only.

• Any Councillor who ‘calls-in’ an application will be required to attend the Planning Board to present his or her planning case. Where there are mitigating circumstances preventing their attendance a substitute Councillor can be nominated to present the planning case for ‘call-in’.

12.0 Reports to Planning Board

12.1 Councillors must have the proper information to make an informed decision. The issues and reasoning behind the Officer recommendation should be set out clearly in any report. The following information will be included in a report on a planning application:

• The Applicant’s name

• The Agent’s name - if relevant

• A clear description of the development proposed and the site, including a location plan.

• A summary of the relevant policies in the adopted Plans which must be taken into account when considering the proposal, including particular reference if the application is a departure from policies in the relevant adopted Plans.

• The planning history of the site.

• An accurate summary of the responses to consultation, and other representations received specifying where comments relate to schemes which have been subsequently amended.

• An appraisal of the material planning considerations.
• A recommendation, including; all conditions and details of all
  issues to be included in a Section 106 Agreement\(^1\) if
  recommended for approval or the reasons for a refusal.

• The name of the case Officer responsible for the application and
  his or her telephone number.

12.2 Where a change in policy is being considered the following information
will be included:

• Relevant related planning policies.

• The implications for other owners and occupants in the area.

• An accurate summary of the responses to consultation.

• A recommendation.

12.3 All reports will be available for public inspection in accordance with the
provision for access to information in the Local Government Act 1972.
The Board will not consider reports tabled at the meeting unless the
Board resolves that there is an overriding reason for doing so - such as
public safety. Verbal reporting of additional considerations which relate
to representations which have been raised after the report was written
may be made at the Planning Board meeting.

13.0 Delegated decisions

13.1 The Council’s Scheme of Delegation authorises the Director, Planning
Transport and Regulation Services to decide specific categories of
applications. These are largely not contentious. However, it is
important that the same level of care and attention is given to ensure
that all material considerations have been taken into account and that
there is a clear reason for the decision made. Councillors should bring to
officers’ attention all relevant matters on a delegated decision but should
not put pressure on officers for a particular decision or do anything to
compromise or that is likely to compromise, the officers’ impartiality or
professional integrity on an application.

13.2 All reports on applications delegated for determination by the Director,
Planning Transport and Regulation Services will include:

• A clear description of the development proposed and the site,
  including a location plan.

• A summary of the relevant policies in the adopted Plans which
  must be taken into account when considering the proposal,
  including particular reference if the application is a departure from
  policies in the relevant adopted Plans.

\(^1\) Section 106 agreements provide legally binding planning obligations that are attached
to a piece of land and enable a Council to secure contributions to services, infrastructure
and amenities in order to support and facilitate a proposed development.
• The planning history of the site.
• An accurate summary of the responses to consultation, and other representations received specifying where comments relate to schemes which have been subsequently amended.
• An appraisal of the material planning considerations.
• A recommendation, including all conditions and details of all issues to be included in a Section 106 Agreement if recommended for approval or the reasons for a refusal.
• The name of the case Officer responsible for the application and his or her telephone number.
• Confirmation of the recommendation made by the authorised senior Officer.

14.0 Making representations on planning applications or planning policy

14.1 Persons or parties wishing to make representations on planning proposals will be encouraged to make their comments in writing to the Director, Planning Transport and Regulation Services, so they can be incorporated in the Officers’ report, and considered as part of the appraisal of the application proposals.

14.2 Persons objecting to or supporting a proposed development and the applicant will have the opportunity to speak to the Planning Board if the application is one to be determined by the Board. Where there are no objections and the application or policy matter is recommended for approval and the Planning Board is minded to approve, the applicant or agent will not necessarily be invited to address the Board.

14.3 Applications delegated to the Director, Planning Transport and Regulation Services will not be determined until the consultation period has expired and will take into account any objections or supporting comments.

14.4 A report on a policy matter should specify what consultation has been undertaken and summarise all representations received. Final decisions should not be taken until the expiry of the consultation period. Where possible, a recommended response for each representation should be stated in the report.

15.0 Public speaking at Planning Board meetings

15.1 Public speaking will be allowed at meetings of the Planning Board in accordance with the procedures governing deputations as set out in the Council’s Constitution. Further details of these procedures can be obtained from the Council’s Democratic Services Team – Telephone 01202 451104 – or viewed on the following web address:
15.2 In the case of multiple deputation requests being received in respect of high profile and contentious planning applications, the Service Director, Legal and Democratic, in consultation with the Chair and Vice-Chair of the Board, shall consider the most appropriate arrangements for such deputations being heard by the Board. For example, allocating equal time periods for the grouping of deputations in support and in objection at Planning Board meetings held in the community (‘planning in the patch’).

15.3 Documents not submitted before the Planning Board should not normally be circulated at that Board meeting as Officers may not be able to provide full comment on them and Councillors may not be able to give them proper consideration. Accepting additional material at the Board may present a risk of challenge that proper consideration was not given by Councillors or Officers to the contents. Messages should not be passed to or between Councillors for similar reasons.

If the documents are fundamental to the item to be discussed then an adjournment or deferral may be required to consider them.

16.0 Deferment

16.1 The Planning Board should only defer a decision where there are clear planning reasons for doing so. Where representations are received at the Board meeting which raise issues which are not addressed in the Officers’ report, or cannot be answered by Officers at the meeting, consideration of the application should be deferred until the next meeting. If the issues arise during the meeting, or if material is submitted that the Board feel should be considered, the meeting can be adjourned for a short period or to another later convenient date. The meeting will then resume from the point at which it was adjourned and only the Councillors who were present prior to the adjournment should take part in consideration of that item.

17.0 Councillor attendance

17.1 It is important that the Councillors’ decision takes account of all material issues, not solely those contained in the Officers’ report, but also those which may be presented orally or otherwise at or before the meeting. Any Councillor who is absent during any part of the Planning Board’s consideration of an application must not take any further part in the discussions on the application or vote on that application.

18.0 Site visits by the Planning – Visiting - Board

18.1 Site visits must be justified in planning terms, and authorised by the Planning Board only where there is clear benefit to do so, for example where the impact of the proposed development is difficult to visualise, or where comments made by the applicant or objectors cannot be expressed adequately in writing.
18.2 At site visits Councillors should avoid contact with members of the public and applicants so as to avoid allegations of bias. The planning application will be determined at the site visit in accordance with this Code, except in specific circumstances when the Board consider it appropriate to return to the Town Hall to make its decision - for example, bad weather. Arrangements will be made for any members of the public and the applicant to hear the Board’s determination of the application.

19.0 Decisions contrary to the plans, other relevant policy considerations and/or officer recommendation

19.1 The Town and Country Planning Act requires that decisions should be taken in accordance with the relevant adopted Plans unless material planning consideration indicates otherwise. Applications which it is proposed to grant and which are not in accordance with the relevant adopted Plans – called departures - will be advertised in accordance with statutory requirements.

19.2 If a Councillor wishes to put forward a motion – a formal proposal for the Board to vote upon - that a matter is dealt with contrary to the Plans and/or Officer recommendation, statutory plans or planning guidance, that Councillor must identify:

- The material issues and reasons for their motion
- The reasons for refusal or approval and specific planning conditions

19.3 It is the responsibility of the Chair of the Planning Board, advised by Officers, to make sure that this is done. It is the responsibility of the Democratic Services and Member Support Officer to ensure that the decisions and reasons are recorded.

19.4 Councillors contemplating dealing with a matter contrary to the adopted Plans and/or Officer recommendation and/or statutory plans or guidance, should be mindful of the following:

- Possible appeal against the Council’s decision and who would present evidence on behalf of the Council, where decisions are contrary to the Officer recommendation.
- The financial implications for the Council in not having fully justified reasons based on planning grounds to defend such a decision at appeal and any resulting costs awarded against the Council.

20.0 Section 106 agreements

20.1 The Council will only enter into a Section 106 Agreement where the requirements of the agreement are necessary in order to enable the development to proceed in accordance with the relevant Government advice or policies in the relevant adopted Plans. Applications submitted
to the Planning Board to be subject to a Section 106 Agreement will only be determined when the Section 106 Agreement has been completed and this will be included in the recommendation.

20.2 The completed Section 106 Agreement will be a public document. Any money received through a Section 106 Agreement will be placed in a separate account. Council approval will be obtained for expenditure against each account in accordance with the terms and conditions of the Agreement. An annual statement of expenditure against each account will be produced for public inspection.

Section 3 – Administrative and related matters

21.0 Training

22.1 All new Councillors, as part of their induction programme, will be expected to attend a training seminar giving an introduction to the planning system. Attendance at this training seminar will be mandatory for Councillors who are to be members of the Planning Board and those who are likely to act as substitutes. This mandatory training in the planning system will held as soon as possible after a Councillor’s appointment to the Board and prior to his or her first Board meeting. Regular mandatory briefings will be provided by Officers or consultants as appropriate to keep Councillors advised of changes to Government policy, guidance or best practice.

22.0 Complaints

22.1 Complaints will be fully investigated in accordance with the Council’s agreed procedure. A copy of the Complaints procedure is available from the Council’s Democratic Services Team – telephone 01202 451104 – or further information can be viewed on the following web address:


23.0 Monitoring

23.1 A monthly monitoring report will be submitted to the Planning Board setting out performance in determining applications against performance indicators, and bringing to Councillors’ attention a summary of the main issues in improving the efficiency and effectiveness of the work of the Officers and the Board.

24.0 Breach of this Code

24.1 If anybody wishes to make a complaint that a Councillor has breached this Code, such complaint should be made to the Monitoring Officer. Such complaints will be dealt with under the Council’s arrangements for dealing with breaches of the Local Code of Conduct for Members of the
24.2 If anybody wishes to make an allegation that an Officer has breached the Code, this should be referred to the Monitoring Officer and the allegation will be dealt with in accordance with the Council’s Disciplinary Procedure and Rules.
Protocol for Members’ Gifts and Hospitality

Version 1.0 dated 2 July 2012
Published by Tanya Coulter Acting Monitoring Officer
Protocol for Members’ Gifts and Hospitality

The purpose of this Protocol is to assist Members when they are required to register receipt of gifts or hospitality. This protocol has been updated to reflect the new Standards Framework approved by the full Council on 12 June 2012.

1. As a general rule, Members should always register a gift or hospitality as a matter of good practice whether accepted or refused.

2. Members must give notification by the attached form within 28 days of receiving any gift or hospitality including, but not limited to:

   - Food, drink, accommodation or entertainment free of charge or below normal price.

   - Complimentary tickets for the theatre, sporting or other events even if Members do not use the tickets themselves or the value of such tickets is not known.

3. Members must give notification by the attached form of an accumulation of small gifts or hospitality they receive from the same source over a short period that add up to £25 or more. No formal guidance is given as to what constitutes ‘a short period’ of time. However, because Members are required to register the receipt of any gift or hospitality within a period of 28 days, it is recommended that a similar period be adopted for the purpose of giving notification of an accumulation of small gifts or hospitality from the same source.
**Members’ Gifts and Hospitality**

**To: David Harrison, Principal Democratic Services Officer**

I, Councillor [Name], as a Member of Bournemouth Borough Council declare that I have been offered the gift, or hospitality set out below from the business/individual indicated.

<table>
<thead>
<tr>
<th>Nature of Gift or Hospitality</th>
<th></th>
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<tbody>
<tr>
<td>Name and Address of Business/Individual</td>
<td></td>
</tr>
<tr>
<td>Relationship of business/individual to the Council/employee</td>
<td></td>
</tr>
<tr>
<td>Date Gift or Hospitality offered/received</td>
<td>Date Offered:</td>
</tr>
<tr>
<td></td>
<td>Date Received:</td>
</tr>
<tr>
<td>Value of Gift or Hospitality</td>
<td>£</td>
</tr>
</tbody>
</table>

Please give best estimate of value if value unknown

I *have/have not accepted the above (delete as applicable).*

* My reasons for accepting the above gift or hospitality are: -

Signed:……………………………..………………………           Date:…………………………………

Councillor

The Freedom of Information Act governs the access to recorded business information held by the Council. It is the responsibility of all Council Officers to recognise a request for information under the Act.

For further information about the legislation please go to the following link:

Access to Information Policy is available on BIZ by CLICKING HERE or using the following link:

http://biz/BusinessUnits/LG/LS/IC/Freedom%20of%20Information/Access%20to%20Information%20Policy.doc
Members’ Gifts and Hospitality

Annual Statement Form to be completed before end of January each year

I, of , confirm that for the period 1 January to 31 December 201 have not accepted any gifts and hospitality other than that disclosed in the declarations I have made.

Signed: ........................................ Dated: ..........................................................
Cabinet Decisions Protocol

Executive and Service Directors have delegated authority to take and implement decisions required to run their services and to authorise spending within approved limits.

This delegation should not be exercised where:

- The issue is in conflict with the Council’s Budget and Policy Framework and/or it is not covered by an approved policy
- There are unusual features
- The Leader or an appropriate Cabinet member directs that an officer’s delegated authority should not be used
- There are political or other significant issues
- The decision is specifically reserved to members – for example certain licensing or planning matters.

Where it is not appropriate to use officer delegated powers, the matter should be referred to members to determine. For an executive function the decision should go to Cabinet or portfolio holder, for a non-executive function to the appropriate Board, Committee or Panel - for example, planning and licensing decisions.

In deciding who should determine the matter, early discussion with the portfolio holder, and where appropriate the Leader, is essential.

If it is decided that the matter should be determined by Cabinet, consideration should be given to the responsibilities of Cabinet in the Constitution at page 81 to 84 and whether the matter might be a Key Decision.
A Key Decision is an executive decision which is likely to meet one or more of the following criteria:

1. **decisions which result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the approved budget and policy framework.**

   For example:
   - Disposal of any Council property with a value of £500,000 or more;
   - The Council taking an interest in land with a value of £500,000 or more;
   - The granting of any interest in land worth £500,000 or more;
   - Application for funding from an external body which if successful would require match funding of £500,000, or require revenue commitment of £500,000 or more;
   - An award of a contract worth £500,000 or more in any one year.

   or

2. **relates to anticipated major changes in the provision and/or delivery of a Council service.**

   For Example:

   Major changes in the eligibility criteria for provision of a service, major changes in the fees charged for a service or proposals that would result in a service currently being provided in-house, being outsourced.

   or

3. **likely to have a significant impact or effect on two or more electoral wards though no significant financial spending or saving may be involved.**

   For example:

   Those decisions which are strategic in nature and which will have a positive or negative impact, - for example an environmental, physical, social or economic effect - on a significant number of people living or working in the area affected. In particular, this will include any matter relating to the Council’s budget or key policy framework which is reserved in the Terms of Reference - in Part 3 of this Constitution - for determination by Full Council.

   By way of clarification, a decision will not be a key decision simply because it would result in work being carried out in
two or more wards. For example a programme or works to a number of individual council properties. It is unlikely to have significant impact on the community as a whole. However, proposals to redevelop a site on one of the Borough’s local town centres may be confined to one ward but it’s impact is likely to be significant on the communities in surrounding wards which use those facilities and this would make a matter of this or a similar kind a key decision.

The underlying principle behind having a key decision threshold is to ensure that residents and Overview and Scrutiny are aware in good time of significant matters under consideration, through the published Cabinet Forward Plan.

Where there is any doubt, Directors should err on the side of caution and include the matter in the Cabinet Forward Plan.

If a Director decides to use their delegated powers then they are accountable to the Council or Cabinet or the Board, Committee or Panel which granted those delegated powers, and they must comply with the Financial Regulations and Procurement Rules in force at the time.

Whoever makes a decision must comply with the following decision making principles from the Constitution:

- be clear about what the Council wants to happen and how it will be achieved.
- consider equality, diversity and respect for human rights.
- consult properly and take professional advice from Officers.
- make sure the action is proportionate to what the Council wants to happen.
- make sure the decisions are not unreasonably delayed.
- explain what options were considered and give the reasons for the decision.
- make the decision public unless there are good reasons for it not to be.
In addition before taking any decision under delegated powers an officer

1. will consult with staff in other service areas where the decision is likely to have an impact on that service area.

2. must be satisfied that at as early as possible in the decision making process the following issues are considered:

- All relevant Guidance, law and Codes of Practice including national and regional guidance.
- The responses to consultation conducted in accordance with the Council’s consultation Strategy and the views coming from that process.
- The views of the relevant Cabinet Members, of Chairs of Statutory Boards or Panels or Committees, and where the decision may have cross cutting implications and/or relate to a specific area, the views of relevant Council Boards, Panels or Committees, Cabinet portfolio holders and local ward members.
- The involvement of relevant statutory officers and/or other Executive Directors and service Directors, particularly the Chief Finance Officer and Monitoring Officer;
- Any risks in accordance with the Council’s Risk Management Strategy.
- The staffing, legal and financial implications including the need to secure value for money.
- The range of available options.

NOTIFICATION OF ITEMS TO BE CONSIDERED BY THE CABINET

The Cabinet Forward Plan is published weekly when changes to its content are required. Changes to the Plan are approved by the Leader of the Council acting under delegated powers.
The attached form must be used by officers to notify the Democratic Services Team of new items to be included on the Cabinet Forward Plan. The Forward Plan covers a 12 month period and, therefore, it is essential that items are notified to the Democratic Services Team at the earliest possible stage – that is as soon as an officer is aware that an issue will require a decision by the Cabinet and or full Council. This ensures that the integrity of the Plan is maintained and the public are aware of the executive decisions which are proposed to be taken in the coming year.

Where items already on the Forward Plan need amendment Officers can notify the Democratic Services Team of changes by email. The email must explain the reason for any change.
CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

<table>
<thead>
<tr>
<th>Decision Ref. No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>(Insert name and designation)</td>
</tr>
</tbody>
</table>

Subject:

Decision taken:

Reasons for the decision:

Call-in and Urgency:

Background:

Options - and reasons for rejection:

Consultations undertaken:


Note:
- Consider carefully who should be consulted - and on what basis.
- Advise those you are consulting that their comments may be included in the Record of Decision.
- List who was consulted internally. This includes Councillors and groups of Councillors, Officers, Working Groups.
- Generally comments from Officers should state: “The following Officers have been consulted. They have comments as follows;” If this cannot be set out within a single paragraph, you may need to attach the comments as an appendix to the report.
- Depending on the subject matter, it may be appropriate to provide a summary of comments - but properly balanced.
- List who has been or will be consulted externally. This includes residents, customers, community groups, visitors, businesses, representative bodies, partners or third sector organisations.
- If external consultation is still to be carried out, confirm that Part One of the Consultation Plan has been completed.
- For completed external consultations, confirm that Part Two of the Consultation Plan has been completed and attach as an appendix to the report.
Finance/Resource Implications:

Note:
- Consider Capital, Revenue, Property, Other
- Include comments of Chief Financial Officer
- Ensure Chief Financial Officer has 5 working days to respond BUT if the decision is urgent telephone the Chief Financial Officer to alert him/her

Name:  
Signature: (of Chief Finance Officer)  
Date:

Legal implications:

Note:
- Include comments of Monitoring Officer
- Ensure Monitoring Officer has 5 working days to respond BUT if the decision is urgent telephone the Monitoring Officer to alert him/her

Name:  
Signature: (of Monitoring Officer)  
Date:

Risk assessment:

Note:
- Risk assessment guidance for all report writers is available on BIZ - please click on the following links:  
  - Risk Register Risk Assessment Matrix, Definitions etc  
- Do not attach your full Risk Assessment/Register  
- Include a summary of the key risks. Sufficient information should be provided to ensure risks pertaining to the decision at hand are outlined. In finalising this summary, consideration should be given as to whether any of the risk summary is subject to confidentiality or other exemption - see under Background papers below.  
- Further, please consider the potential reputational impacts - good and bad - of the decision and discuss with the Council’s Communications Team accordingly.

Name:  
Signature: (of Officer completing assessment)  
Date:

Impact Assessments:

Note:
- Include Environmental and Equality and Diversity Impact, as appropriate

Information for/not for publication:

Note:
- Set out whether it is in the public’s interest for this decision to be published or not and the reasons.  
- Guidance is available in the Corporate Report Template - please click on the following link:  
- Further advice can be obtained from the Monitoring Officer or the Democratic Services Team.
Background papers:
Background Papers are those documents relating to the subject matter of the report that disclose any facts or matters on which the report or an important part of the report is based and have been relied on to a material extent in preparing the report, but do not include any published work. Examples are sources of evidence and research.

There is no requirement to list or publish any confidential or exempt information as defined by the Local Government Act. If officers have any concerns or want further advice - particularly in relation to Business Cases - they should contact the Monitoring to discuss the matter at an early stage in the report’s preparation.

- List background papers at the end of the report using bullet points.
- A copy of each document listed must be available for public inspection at the Council’s offices and on the Council’s website.
- You must therefore provide a web link to these documents in your report. Where this is not possible an Adobe PDF version of the document must be sent to Democratic Services for publication on the Council’s website.

<table>
<thead>
<tr>
<th>Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision</th>
<th>Name of Cabinet Member</th>
<th>Nature of interest</th>
<th>Details of any dispensation granted by the Monitoring Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/No*</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Delete as appropriate

Decision taken by:

Councillor .................................. (Print name)

Cabinet Portfolio ............................................................

Signed: .................................................. Date of decision: .................................................

Date of publication of record of decision: (to be inserted by Democratic Services)

Date decision effective - that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:

-insert date-

Note - See separate guidance on recording decisions at Appendix 1.
Guidance

1.0 Recording the Decision

1.1 Upon making an executive decision the Cabinet Member must arrange for the Democratic Services Manager to be provided with

- a signed copy of the completed Record of Decision; and
- a copy of the completed Record of Decision with the signatures redacted\(^1\)

within 2 working days of the date of taking the decision together with a copy of any report upon which the decision was made.

1.2 The Democratic Services Manager will maintain a record of all signed decisions referred to in paragraph 1.1, including any report upon which each decision was made and subject to any requirement for confidentiality, will ensure that the redacted version of the decision is published by the Council on its web site. S/he will also ensure that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge.

1.3 It is essential that the contents of the Record of Decision are clear in conveying the decision taken – that is it will not be sufficient to state that the recommendations in a report were agreed. The form and accompanying report must set out:

- a record of the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected;
- a record of any conflict of interest declared by the decision maker; and
- in relation to any such declaration, a note of any dispensation granted by the Monitoring Officer.

1.5 The Delegated Record of Decision template includes a section for the recording of interests by Cabinet Members. It is important that where Cabinet Members involved in making decisions have a registrable interest this is declared on the form to preserve the integrity of the process.

1.6 Before signing the decision notice the Cabinet Member should ensure that the Corporate Communications Manager is informed about the proposed decision so that consideration can be given to any associated media management issues.

\(^1\) The reason for this is that signatures are considered to be personal data and along with other personal information which is already in the public domain – that is the name of the Councillor and their home address - this would provide sufficient information for some form of identity theft. Whilst the risks of this happening are low, the Council needs to mitigate and remove any potential risks from this happening and safeguard the identity of Councillors.
Notification to Democratic Services Team of Key and Non-Key Decisions for Cabinet

<table>
<thead>
<tr>
<th>Subject</th>
<th>Purpose</th>
<th>Is this a Key or Non-Key Decision?*</th>
<th>When is the decision going to Cabinet?</th>
<th>Who are the key people/groups to be consulted before the decision is made</th>
<th>When is the consultation period?</th>
<th>Which Council officer is writing a report?</th>
<th>Is the report likely to be considered in private i.e. it contains confidential or exempt information?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Inside the Council</td>
<td>Outside the Council</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Proposed recommended referrals to Cabinet must be shown as either: ‘Cabinet - non-key decision’ - or ‘Cabinet - key decision’ – or ‘Report to full Council and Cabinet’ (as consultee). See below for a definition of a 'Key Decision':

'A key decision, which must be included in the Cabinet Forward Plan, is a Leader or Cabinet decision which is likely to meet one or more of the following criteria:

i. decisions which result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the approved budget and policy framework: or

ii. relates to anticipated major changes in the provision and/or delivery of a Council service.

iii. likely to have a significant impact or effect on two or more electoral wards though no significant financial spending or saving may be involved.'
OFFICER DECISION RECORD

This form should be used to record Executive decisions taken by Officers

<table>
<thead>
<tr>
<th>Service Area:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact name:</td>
<td>Tel. No.:</td>
</tr>
<tr>
<td>Email:</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td></td>
</tr>
</tbody>
</table>

**Decision taken:**

**Reasons for Decision:**

**Background:**

**Options - and reasons for rejection:**

**Consultations undertaken:**


Note:
- Consider carefully who should be consulted – and on what basis.
- Advise those you are consulting that their comments may be included in the Record of Decision.
- List who was consulted internally. This includes Councillors and groups of Councillors, Officers, Working Groups.
- Generally comments from Officers should state: "The following Officers have been
consulted. They have comments as follows: “If this cannot be set out within a single paragraph, you may need to attach the comments as an appendix to the report.

- Depending on the subject matter, it may be appropriate to provide a summary of comments – but properly balanced.
- List who has been or will be consulted externally. This includes residents, customers, community groups, visitors, businesses, representative bodies, partners or third sector organisations.
- If external consultation is still to be carried out, confirm that Part One of the Consultation Plan has been completed.
- For completed external consultations, confirm that Part Two of the Consultation Plan has been completed and attach as an appendix to the report.

**Note** – It is the responsibility of the ‘Responsible Officer’ – that is the officer making the decision – to obtain the comments and signature of the Chief Finance Officer and the Monitoring Officer **before** taking the decision and then to send the completed record of decision to the Democratic Services Manager for publication. - see guidance at Appendix 1.

### Finance and Resourcing Implications:

**Note:**
- Consider Capital, Revenue, Property, Other
- Include comments of Chief Financial Officer
- Ensure Chief Financial Officer has 5 working days to respond BUT if the decision is urgent telephone the Chief Financial Officer to alert him/her

**Name:** \hspace{2cm} **Date:**

**Signature:**
*(of Chief Finance Officer)*

### Legal implications:

**Note:**
- Include comments of Monitoring Officer
- Ensure Monitoring Officer has 5 working days to respond BUT if the decision is urgent telephone the Monitoring Officer to alert him/her

**Name:** \hspace{2cm} **Date:**

**Signature:**
*(of Monitoring Officer)*

### Risk assessment:

**Note:**
- Risk assessment guidance for all report writers is available on BIZ – please click on the following links: [Risk Register](#) [Risk Assessment Matrix, Definitions etc](#)
- **Do not** attach your full Risk Assessment/Register
- Include a summary of the key risks. Sufficient information should be provided to ensure risks pertaining to the decision at hand are outlined. In finalising this summary consideration should be given as to whether any of the risk summary is subject to confidentiality or other exemption (see under Background papers below).
Impact Assessments:

Note:
- Include an Equality and Impact Needs Assessment (EINA) as an appendix. EINA guidance is available at the following link:
  [http://biz/BusinessUnits/SS/EqualDivers/EINA%20Forms/EINA%20Template%202014%20Final.docx](http://biz/BusinessUnits/SS/EqualDivers/EINA%20Forms/EINA%20Template%202014%20Final.docx)
  If no EINA has been undertaken please set out clear and valid reasons as to why one has not been done
- Include Environmental Impact Assessments and attach as appendix if appropriate

Information for/not for publication:

Note:
- Set out whether it is in the public’s interest for this decision to be published or not and the reasons.

Background papers:
Background Papers are those documents relating to the subject matter of the report that disclose any facts or matters on which the report or an important part of the report is based and have been relied on to a material extent in preparing the report, but do not include any published work. Examples are sources of evidence and research.

There is no requirement to list or publish any confidential or exempt information as defined by the Local Government Act. If officers have any concerns or want further advice – particularly in relation to Business Cases - they should contact the Monitoring to discuss the matter at an early stage in the report’s preparation.

- List background papers at the end of the report using bullet points.
- A copy of each document listed must be available for public inspection at the Council’s offices and on the Council’s website.
- You must therefore provide a web link to these documents in your report. Where this is not possible an Adobe PDF version of the document must be sent to Democratic Services for publication on the Council’s website.

<table>
<thead>
<tr>
<th>Any declaration of interest by the Officer responsible for the decision</th>
<th>Nature of interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/No*</td>
<td></td>
</tr>
</tbody>
</table>
Note – No officer having a personal financial interest in any matter should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here.

<table>
<thead>
<tr>
<th>Any conflict of interest declared by a Cabinet Member who is consulted by the Officer taking the decision</th>
<th>Name of Cabinet Member</th>
<th>Nature of interest</th>
<th>Details of any dispensation granted by the Monitoring Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/No*</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Decision taken by:**
(Print name and designation)

**Signed:**

**Date of decision:**

**Date decision effective:**

**Date of publication of record of decision:** (to be inserted by Democratic Services)

**Note** - A record of this decision should be kept by the originating Service Area for accountability and published on the Council’s web site – see separate guidance on recording decisions at Appendix 1.
Guidance

1.0 Recording the Decision

1.1 Upon making a ‘Major Operational Decision’ in relation to an executive function the ‘Responsible Officer’ – that is the officer making the decision - must provide the Democratic Services Manager with

- a signed copy of the completed Delegated Record of Decision; and
- a copy of the completed Delegated Record of Decision with the signatures redacted within 2 working days of the date of taking the decision together with a copy of any report upon which the decision was made.

1.2 The Democratic Services Manager will maintain a record of all signed decisions referred to in paragraph 1.1, including any report upon which each decision was made and subject to any requirement for confidentiality, will ensure that the redacted version of the decision is published by the Council on its web site. S/he will also ensure that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge.

1.3 It is essential that the contents of the Delegated Record of Decision are clear in conveying the decision taken – that is it will not be sufficient to state that the recommendations in a report were agreed. The form and accompanying report must set out:

- a record of the decision;
- the reasons for the decision;
- details of any alternative options considered and rejected;
- a record of any conflict of interest declared by any Executive Member consulted; and
- in relation to any such declaration, a note of any dispensation granted by the Monitoring Officer.

1.4 Directorates may consider it advisable to maintain a central record of all delegated decisions with copies of the relevant documentation and clearance forms for ease of inspection.

1.5 The Delegated Record of Decision template includes a section for the recording of interests by officers. It is important that where officers involved in making

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1 The reason for this is that signatures are considered to be personal data and along with other personal information which is already in the public domain – that is the name of the officer - this would provide sufficient information for some form of identity theft. Whilst the risks of this happening are low, the Council needs to mitigate and remove any potential risks from this happening and safeguard the identity of officers.
decisions have a registrable interest this is declared on the form to preserve the integrity of the process.

1.6 There is no requirement to maintain a record of ‘Day to Day Operational Decisions’ for the purpose of Councillor or public access, or to report Day to Day Operational Decisions to a Council decision making body. However, officers are responsible for retaining a record of Day to Day Operational Decisions which they take and the reasons for such decisions sufficient for audit and evidential purposes - against the eventuality of evidence being required for Judicial Review, Employment Tribunal, Ombudsman, internal/external Audit, Ofsted or other proceedings or investigation - and for ensuring that all those who need to know are informed promptly of the decision.

1.7 The Responsible Officer is also responsible for ensuring that consultation is undertaken where appropriate, and especially where they are aware that the decision is likely to be controversial.

2.0 Sub Delegation

2.1 The Scheme of Officer Delegation includes the power for officers to delegate further any function which has been delegated to them under the Scheme, to another officer or officers of suitable experience and seniority.

2.2 Each Service Director must prepare a Sub-delegation Scheme which sets out which officers will be given authority to make decisions under the Director’s delegated powers, and subject to which terms and conditions. Sub-delegation Schemes must be lodged with the Monitoring Officer.

2.3 Whilst Directors may authorise other officers to take delegated decisions, the decision is still the personal responsibility of the Director.

3.0 Referral

3.1 Whilst the Scheme of Delegation is designed to encourage officers to take responsibility for decisions, a Responsible Officer may decide that a particular issue is such that it should be referred to the body which granted the delegation. Such a referral must take place where the proposed decision relating to executive function is in conflict with the Council’s Budget and Policy Framework or the matter raises new issues of policy.

3.2 An appropriate Cabinet Member may direct an officer’s delegated authority should not be exercised and that the matter should be referred to the Cabinet.

3.3 In relation to the exercise of Council functions, the Responsible Officer may decide to refer a particular issue to the relevant Board, Committee or Panel.
Protocol for filming and audio recording at public Council meetings

The Council supports the principle of transparency and encourages filming and reporting by means of social media at its full Council, statutory Board, Cabinet, Committee and Panel meetings that are open to the public. It also welcomes the use of social networking websites - such as Twitter and Facebook - and micro-blogging to communicate with people about what is happening, as it happens.

There is no requirement to notify the Council in advance, but it should be noted that the Chair of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting. The circumstances in which termination or suspension might occur could include:

- public disturbance or suspension of the meeting
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed
- where it is considered that continued recording/filming might infringe the rights of any individual
- when the Chair, considers that a defamatory statement has been made.
- when requests are received from other members of the public to cease recording when they speak – for example when presenting a deputation or petition or asking a question.

In allowing this, the Council asks those recording proceedings not to edit the film/record in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being filmed/recorded.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council’s Communications Team in advance of the meeting to seek advice and guidance. The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

At the beginning of each meeting, the Chair will make an announcement that the meeting may be filmed or recorded. Meeting agendas will also carry this message.
Constitution of Bournemouth Borough Council

PART 6

Members’ Scheme of Allowances
BOROUGH OF BOURNEMOUTH

SCHEME OF MEMBERS’ ALLOWANCES 2016/17

Bournemouth Borough Council, in exercise of the powers conferred by the Local Authorities’ (Members’ Allowances) (England) Regulations 2003, hereby makes the following scheme:-

1. This scheme may be cited as the Bournemouth Borough Council Members’ Allowances Scheme. The Scheme is to take effect from 1 April 2016 and will remain in place until 31 March 2017 or earlier if amendment is applicable.

2. This scheme takes account of guidance published by the Government in 2007 in a document entitled “New Council Constitutions: Guidance on Regulations for Local Authority Allowances”.

3. In this scheme,

   “Councillor” means a member of the Bournemouth Borough Council who is a councillor,

   “Appointed Member” means the following:

   (a) The two independent persons on the Standards Committee and independent persons on the Audit and Governance Committee.

   (b) The two members on the Children’s Services Overview and Scrutiny Panel who represent the Diocesan Authorities and have statutory voting rights.

   (c) The two members on the Children’s Services Overview and Scrutiny Panel who act as Parent Governor representatives (Primary Phase and Secondary Phase) and have statutory voting rights.
“Co-opted Member” means a person who is not a member of the authority but who is a member of an Overview or Scrutiny Panel, Education Admission Appeal Panel or education Exclusion Appeals Panel.

“Year” means the 12 months ending 31st March.

Basic Allowance

4. Subject to paragraph 12, for each year a basic allowance of £9,290.60 shall be paid to each Councillor. This allowance is intended to meet the incidental expenses of Councillors such as postage, telephone calls, arranging Ward surgeries, items of stationery including printers and other IT consumables.

Special Responsibility Allowances

5. For each year a special responsibility allowance, in addition to the basic allowance, shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this scheme.

6. Subject to paragraph 12, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

Co-optees’ Allowance

7. Subject to paragraph 12, for each year a co-optees’ allowance of £929.06 shall be paid to each appointed member.

8. The amount of the co-optees’ allowance payable to any appointed member who presides at a meeting of the Children’s Services Overview and Scrutiny Panel shall not be less than the minimum amount of the special responsibility allowance payable under the Authority’s Scheme to a person who presides at meetings of any other of the Authority’s Overview and Scrutiny Panels.

Childcare and Dependant Carers’ Allowance

9. For each year a childcare and dependant carers’ allowance shall be paid to those Councillors and appointed members who incur expenses in arranging for the care of their children or dependants whilst undertaking duties that are specified in Schedule 2 to this scheme.
10. The amount of such allowance shall be the actual fee per hour but not exceeding £7.98 per hour or such other figure reflecting the actual cost of providing complex care as may be considered appropriate by the Service Director for Legal and Democratic. The paid carer cannot be a member of the immediate family or household. The allowance will cover paid care for the following who live with the claimant:-

- Children aged 15 years and under
- Elderly relative requiring constant care
- Disabled relative requiring constant care
- Relative with learning disabilities requiring constant care

**Renunciation**

11. A Councillor or appointed member may by notice in writing given to the Chief Executive elect to forego any part of his or her entitlement to an allowance under this scheme.

**Part-Year Entitlements**

12. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor or appointed member to basic, special responsibility and co-optees’ allowances where, in the course of the year, this scheme is amended or that Councillor or appointed member becomes, or ceases to be, a Councillor or appointed member, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

(2) If an amendment to this scheme changes the amount to which a Councillor or appointed member is entitled by way of a basic allowance, a special responsibility allowance or a co-optees’ allowance, then in relation to each of the periods

(a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

(b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.
(3) Where the term of office of a Councillor or appointed member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor or appointed member to a basic allowance or co-optees’ allowance shall be to the payment to such part of the basic allowance or co-optees' allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.

(4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a Councillor or appointed member does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such Councillor or appointed member to a basic allowance or co-optees’ allowance shall be to the payment of such part of the basic allowance or co-optees’ allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days which his or her term of office as a Councillor or appointed member subsists bears to the number of days in that period.

(5) Where a Councillor has during part of, but not throughout, a year special responsibilities as entitle him or her to a special responsibility allowance, that Councillor’s entitlement shall be to the payment to such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has special responsibilities bears to the number of days in that year.

(6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor’s entitlement shall be to the payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

**Travelling and Subsistence Allowances**

13. Councillors, appointed members and co-opted members may claim travelling and subsistence allowances in respect of the approved duties and at the rates prescribed in Schedule 3 to this scheme.
Payments

14. Payments shall be made in respect of basic, co-optees’ and special responsibility allowances in instalments of one-twelfth of the amount specified in this scheme on the last banking day of each month.

15. Where a payment of one-twelfth of the amount specified in this scheme in respect of basic allowance, special responsibility allowance or a co-optees’ allowance would result in a Councillor or appointed member receiving more than the amount to which, by virtue of paragraph 12, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Claims

16. Claims for the payment of childcare and dependant carers’ allowance and travelling and subsistence allowances under this scheme must be made using the electronic expenses system within two months of the date on which the duty is carried out. Claims received outside this timescale will only be paid in the case of exceptional circumstances.

17. Claims for the payment of a childcare and dependant carers’ allowance must be supported by the production of an official receipt relating to the expenditure incurred by the Councillor or appointed member for the provision of these services.

Indexing of Allowances

Note: The following uprating mechanisms are now subject to review.

18. Subject to the approval of the Council, the basic, special responsibility, co-optees’, dependant carers’ and childcare, and subsistence allowances set out in this Scheme will be uprated by any percentage pay settlement to local government staff agreed by the National Joint Council for Local Government Services, this uprating mechanism to apply for a period of four years commencing 1st April 2012 after which its application will be reviewed.

19. Subject to the approval of the Council, the motor car and motorcycle allowances set out in this Scheme will be uprated in line with any future changes announced by the Inland Revenue in relation to the maximum limits which will not be treated as a taxable benefit, this uprating to apply for a period of four years commencing 1st April 2012 after which its application will be reviewed.
SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:-

- **Leader of the Council** - £17,652.00
- **Deputy Leader of the Council** - £13,239.00
- **Members of the Cabinet** - £11,034.00
- **Chairmen of Overview and Scrutiny Panels** - £4,413.00
- **Vice-Chairmen of Overview and Scrutiny Panels** - £1,104.00
- **Chairman of the Audit and Governance Committee** - £4,413.00
- **Vice-Chairman of the Audit and Governance Committee** - £1,104.00
- **Chairmen of Planning and Licensing Boards** - £8,826.00
- **Vice-Chairmen of Planning and Licensing Boards** - £4,413.00
- **Chairmen of Appeals Board** - £6,621.00
- **Vice-Chairmen of Appeals Board** - £3,309.00
- **Chairman of Standards Committee** - £4,413.00
- **Vice-Chairman of Standards Committee** - £3,309.00
- **Members of Planning and Licensing Boards (excluding Chairmen and Vice-Chairmen)** - £1,764.00
- **Members of the Planning Agenda Group (excluding the Chairman and Vice-Chairman of the Planning Board)** - £882.00
- **Member of the Adoption Panel** - £1,764.00
- **Member of the Fostering Assessment Panel** - £1,764.00
- **Leaders of Political Groups** - £1,764.00
  plus £176.40 for each other Member of the Group
SCHEDULE 2

An allowance in respect of expenses in arranging for the care of children or dependants shall be paid in respect of the following duties:-

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or any committee or sub-committee of such a body;

(b) the attendance at any meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of Section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -

(i) where the authority are divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or

(ii) if the authority are not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority are a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority are operating executive arrangements;

(e) the performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a number of members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at school approved for the purposes of Section 342 (special schools) of the Education Act 1996(a); and
(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.
SCHEDULE 3

An allowance in respect of travelling and subsistence expenses shall be paid in respect of the following duties:-

(a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or any committee or sub-committee of such a body;

(b) the attendance at any meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of Section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -

(iii) where the authority are divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or

(iv) if the authority are not so divided, it is a meeting to which at least two members of the authority have been invited;

(c) the attendance at a meeting of any association of authorities of which the authority are a member;

(d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority are operating executive arrangements;

(e) the performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a number of members to be present while tender documents are opened;

(f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

(g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at school approved for the purposes of Section 342 (special schools) of the Education Act 1996(a); and
(h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.

The rates for travelling and subsistence are as follows:-

(a) **Travelling Allowances**

(i) Motor Cars:

(A) **40p per mile** irrespective of the size of the car engine.

(B) **45p per mile** in respect of claims by the existing independent members who serve on Education Admission and Exclusion Panels.

Where appropriate such claims may be supplemented by:-

1. **Carriage of passenger(s) (not exceeding four) for whom a travelling allowance would otherwise be payable** - at a rate of **3.0p per mile** for the first passenger and **2.0p per mile** for the second and subsequent passengers.

2. **Not more than the amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.**

(ii) Motorcycles - **24p per mile** irrespective of the size of the motorcycle engine.

(iii) Bicycles - **40p per mile**.

Claims may be made by Councillors, appointed members and co-opted members for the cost of travelling by public transport. Councillors, appointed members and co-opted members are expected to use the most economic method of transport in respect of attendance at duties approved by the Council. In addition, as a general rule, travel by rail in respect of attendance at duties approved by the Council will be at the standard class fare. Receipts for the purchase of rail tickets should be obtained as proof of travel when submitting claims for reimbursement.

(b) **Subsistence Allowances**

(A) **In the case of an absence not involving an absence overnight from the usual place of residence**:-

(a) **Breakfast** (more than 4 hours away before 11.00 a.m.) - **£7.14**

(b) **Lunch** (more than 4 hours including 12 Noon to 2.00 p.m.) - **£10.72**

(c) **Tea** (more than 4 hours including 3.00 p.m. to 6.00 p.m.) - **£5.35**

(d) **Evening Meal** (more than 4 hours away ending after 7.00 p.m.) - **£14.29**
(B) In the case of absence overnight from the usual place of residence - £107.18

(C) For such an absence overnight in London or for the purposes of attendance at an annual conference (including or not including an annual meeting) of the Local Government Association or the British Resorts Association - £142.91

(Notes: -

1. Any rate determined as above shall be deemed to cover a continuous period of twenty-four hours.

2. The rates specified are to be reduced by an appropriate amount in respect of any meal provided free of charge by any authority or body during the period to which the allowance relates.

3. Councillors, appointed members and co-opted members are required to submit receipts for hotel accommodation, meals etc., with their claims in order that VAT may be reclaimed thus reducing the cost to the Authority.

4. The overnight absence rates specified above will not apply in respect of attendance at conferences by Councillors where a designated conference hotel has to be used.

GENERAL NOTES IN RESPECT OF CLAIMS FOR TRAVELLING AND SUBSISTENCE ALLOWANCE

(1) When submitting claims for the payment of travelling and subsistence allowance, Councillors, appointed members and co-opted members are requested to quote, in the column provided on the claim form, the appropriate reference in respect of the approved duty. The references are as follows:

A - Attendance at Agenda Briefing Sessions

C - Attendance at meetings of Council, Cabinet, Overview and Scrutiny Panels, Statutory Boards, Committees, Appeal Panels, and Task and Finish Groups

O - Attendance at Meetings of Outside Bodies (please quote number against each body as set out in Appendix A e.g. for attending a meeting of the South East Dorset Strategic Planning and Transportation Joint Committee, please quote O26)
S - Attendance at Seminars and Training Courses arranged by the Council

(2) In accordance with the policy agreed by Council, when processing claims, priority will be given to those submitted on a regular basis for the preceding Council cycle. Claims for longer periods could be delayed. A claim for a travelling and subsistence allowance under the scheme must be made within 2 months of the date on which the duty is carried out and any claims received outside this timescale will not be paid. Claims received outside this timescale will only be paid in the case of exceptional circumstances.
<table>
<thead>
<tr>
<th>Outside Body</th>
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<td>Bournemouth and Poole Health and Wellbeing Board</td>
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<td>Bournemouth 2026 Trust</td>
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<td>Bournemouth Symphony Orchestra Council</td>
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<td>British Resorts Association</td>
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