

## **FULL COUNCIL**

A meeting of the **Full Council** will be held on **Thursday, 22nd April, 2021 at 10.00 am.** This will be a virtual meeting and you can observe the meeting [via our Youtube Page.](#)

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Austen, Bradford, Bullivant, Clarence, Colclough, Connett, Cook, D Cox, H Cox, Daws, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Jenks, Keeling, Kerswell, MacGregor, Morgan, Mullone, Nutley, Nuttall, Orme, Parker-Khan, Parker (Vice-Chair), Patch, Peart, J Petherick (Chair), L Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne, Tume and Wrigley

**Please Note:** The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

### **AGENDA**

1. **Apologies for absence**
2. **Minutes** (Pages 7 - 16)  
To approve as a correct record and sign the minutes of the previous Council meeting.
3. **Announcements (if any)**  
Announcements only from the Chair of Council, Leader, Members of the Executive or the Managing Director.

4. **Declarations of interest (if any)**

5. **Public Questions (if any)**

Members of the public may ask questions. A maximum period of 15 minutes will be allowed with a maximum period of three minutes per questioner.

The deadline for questions is no later than 12 noon two working days before the date of the meeting.

6. **Councillor Questions (if any)**

Members of the Council may ask questions of the Council subject to procedural rules.

The deadline for questions is no later than three clear working days before the meeting.

**Recommendations from Committees**

7. **Recommendation from Executive - Notice of Motion - To acknowledge the work that the voluntary and charitable sector do particularly but not exclusively during the current Coronavirus pandemic.**

The Leader will present the recommendation from [Executive Tuesday, 6th April, 2021.](#)

**RECOMMENDED** to Council:-

- (1) The Council places on record its gratitude to all sectors of the voluntary and charitable sector for the outstanding work undertaken within the District, particularly but not exclusively during the current Coronavirus pandemic;
- (2) The Council acknowledges the work of many organisations, communities and individuals who have contributed at this uniquely difficult time, and the Communications Team are asked to place a message of thanks on the Council's website to recognise this;
- (3) The Council look, when restrictions regarding the pandemic are relaxed, at the request that Overview and Scrutiny Committee consider ways in which this council may work even more constructively with the sector in the future; and
- (4) A thank you event be agreed in principle. The Executive Member for Homes and Communities with officers explore how this event could be held and how nominations be made and report back to a future Council meeting.

8. **Recommendation from Executive - Future High Street Fund**

The Executive Member for Economy and Jobs will present the recommendation from Executive [on 6 April 2021.](#)

**RECOMMENDED** to Council that, as detailed in the report:-

- (1) The National Cycle Route 2 proposals (as per paragraph 2.3 of the report) and associated Council budget (excluding external funding) of £22,633 be approved;
- (2) The Queen Street proposals (as per paragraph 2.4 of the report) and associated Council budget (excluding external funding) of £81,277 be approved;
- (3) The Market Hall proposals (as per paragraph 2.5 of the report) and associated Council budget (excluding external funding) of £2,236,489 be approved;
- (4) The Council budget (excluding external funding) of £991,921 for the cinema (as per paragraph 2.6 of the report) be approved; and
- (5) Delegated authority be given to the Head of Place and Commercial Services (in consultation with the Executive Member for Economy and Jobs and Chief Finance Officer) to finalise the development details and prepare planning applications in line with the timescales set out in Appendix E to this report and to take such other action as is necessary to implement the approved redevelopment of Newton Abbot town centre to which the approved funding scheme relates.

9. **Recommendation from Standards Committee - New LGA model code of conduct**

The Chair of Standards Committee will present the recommendation of the Standards Committee [26 February 2021](#).

**RECOMMENDED** to Full Council that the new LGA model code of conduct be adopted.

**Matters for consideration**

10. **Procedures Committee** (Pages 17 - 20)

To consider the report of the Leader.

11. **Notices of Motion**

Notice of Motion's shall be referred to the appropriate Committee meeting. The mover of the motion can outline the proposal and then it will stand adjourned. The motion may be debated to assist debate later if agreed by two-thirds of Council Members.

The following motion has been presented by Cllr Eden and supported by Cllrs Bradford, Daws, Macgregor, Orme and Patch.

**Background provided by Cllr Eden to the Motion:**

There are quite a number of gaps that have developed in the Standards Process – some highlighted in my previous motion on Standards Hearings procedure. There also needs to be a wider more precise application of what is or isn't acceptable in terms of conflict of interest.

Recently, this council had to resort to requesting an intervention from the PAS (Planning Advisory Service) over a matter that from the perspective of the general public should be quite clear cut.

From my experience chairing ethics committees in the NHS and from my professional training in matters of conflict and probity, it is clear that the result of the PAS report was far from satisfactory. We need to sharpen our focus on conflict or interest and raise the standard of those definitions.

Doing so will reduce the possibility of a councillor having their impartiality, integrity or probity being called into account.

### **Wording of Motion proposed by Cllr Eden:-**

With that in mind, I would like to propose that the following definitions are added or amended.

- 1) The definition of a Conflict of Interest to be extended (in respect of family and friends) for all elected members to reflect the high standards set by the Charity Commission in respect of a 'Connected Person' - defined as follows;

**“Connected person:** In broad terms this means *family, relatives or business partners* of a councillor, *as well as businesses in which a councillor has an interest through ownership or influence*. The term includes a councillor's spouse or unmarried partner, or civil partner, children, siblings, grandchildren and grandparents, as well as businesses where a councillor or family member holds at least one-fifth of the shareholding or voting rights.”

The Council's legal team would be able to advise (where there is any doubt), but such advice should be made a public record.

- 2) Conflicts of Loyalty to be introduced as a notifiable requirement. This is defined as follows;

**“Conflict of loyalty:** This means a particular type of conflict of interest, in which a councillor's loyalty or duty to another person or organisation could prevent the councillor from making a decision only in the best interests of the council or the residents.”

- 3) Register of interests to include membership of ANY organisation that the member knows an officer of the council is also a member – for instance; Freemasons, professional bodies etc. Devon County Council requires members notify their membership of the Freemasons and TDC should do so right away.

This is an extension of the second point in the motion about Conflicts of Loyalty but deals potentially with influence exerted externally on, or by a councillor or officer.

If you would like this information in another format, please telephone 01626 361101 or

e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)

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## **FULL COUNCIL**

### **22 FEBRUARY 2021**

#### **Present:**

Cllrs Austen, Bradford, Bullivant, Clarence, Colclough, Connett, D Cox, H Cox, Daws, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Jenks, Keeling, Kerswell, MacGregor, Morgan, Mullone, Nutley, Nuttall, Orme, Parker-Khan, Parker (Vice-Chair), Patch, Peart, J Petherick (Chair), L Petherick, Purser, Rollason, Russell, Swain, Taylor, Thorne, Tume and Wrigley

#### **Apologies:**

Cllrs Cook and Phipps

#### **Officers in Attendance:**

Trish Corns, Democratic Services Officer  
Martin Flitcroft, Chief Finance Officer & Head of Corporate Services  
Christopher Morgan, Trainee Democratic Services Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Phil Shears, Managing Director  
Beth Tipton, Administrative Assistant  
Paul Woodhead, Solicitor & Deputy Monitoring Officer

## **12. MINUTES**

The minutes of the meeting on 14 January 2021 were approved as a correct record and would be signed at a later date.

## **13. ANNOUNCEMENTS**

The Chair announced that the Council had made a successful bid application to the Department of Business, Energy and Industrial Strategy (BEIS) for Local Authority Delivery Green Homes Grants and been awarded £1,147,500 to provide 100 air source heat pumps to householders in Teignbridge targeting fuel poor homes.

## **14. DECLARATIONS OF INTEREST**

Cllr Bullivant declared an interest in regards to minute no. 24 as such would not be voting.

Cllrs Dewhirst and Haines declared an interest in regards to minute no.26 due to being personal friends of Cllr Cook and would not be voting.

## 15. PUBLIC QUESTIONS

Public questions and responses are attached to minutes.

The relevant Executive Member responded to the supplementary questions arising therefrom. See the [live stream of this meeting](#).

In response to a supplementary question in relation to Dunchideock Parish Council, the answer was provided by the Executive Member for Corporate Services in writing after the meeting [see *below*]:-

*The District Council does not have a responsibility to oversee and manage the day to day affairs of any town and parish council. There are separate regulations that govern these bodies including any necessary audit requirements. I would refer you to DALC/NALC for any further concerns or how they may oversee this matter.*

## 16. COUNCILLOR QUESTIONS

Member's questions and responses are attached to minutes.

The relevant Executive Member responded to the supplementary questions arising therefrom. See the [live stream of this meeting](#).

## 17. FINAL FINANCIAL PLAN PROPOSALS 2021/22 TO 2023/24

The Executive Member for Corporate Resources proposed the recommendation with an amendment that members do not receive this year's cost of living increase for Members Allowance for 2021/22 and that this be frozen until April 2022, this was seconded by the Leader.

In presenting the budget, the Executive Member for Corporate Resources thanked officers for their preparation of the budget and the Overview and Scrutiny Committees for their work and input into the budget proposals.

The Leader of the Opposition (Cllr Bullivant) outlined his comments on an alternative budget and stated that they would be abstaining from voting on the budget.

The Leader stated that the Council faced budget challenges in the coming year and this budget supported the administrations priorities of Housing, Jobs and Climate Change.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote was recorded (see voting report).

**RESOLVED** that:-



- (1) The Teignbridge band D council tax for 2021/22 be increased by 2.85% or £5 to £180.17 per annum;
- (2) General reserves be increased to 13.0% of the net revenue budget for 2021/22 or just under £2.0 million;
- (3) £100,000 of the general reserve balance in any one year continues to be available to the Executive to meet unexpected expenditure in addition to the agreed revenue budget;
- (1) All other decisions with regard to budgetary change will be approved by reference to virement rules in the financial instructions;
- (2) The summary revenue budget for 2021/22 be £15.3 million as shown at appendix 4. In particular the revenue budget includes:
  - Assumptions of a 1.5% pay from 1 April 2021
  - Revenue contributions to fund capital are suspended in the medium term to protect the revenue budget
  - Rural aid is suspended in 2020/21 and 2021/22
  - The councillors community fund grant is maintained at £1,000 each;
- (3) Fees and charges be approved as shown summarised at appendix 6. This includes an increase in parking income of £94,000 from last years base budget;
- (4) The capital programme as shown at appendix 7 be approved. In particular this includes:
  - Increasing jobs and homes through continuing support for housing whilst backing business and encouraging community-led planning. Work has begun on the Teignbridge 100 affordable housing project at two sites in Newton Abbot. A rented programme across urban and rural sites will be delivered over the next 3 years.
  - Increased investment for climate change projects, including grant bids for low carbon heating and energy system improvements at leisure sites and further provisions the Carbon Action Plan.
  - Infrastructure delivery plan investment contributing to improving education, transport links, sports and open spaces Regeneration investment, including two hotels in Teignmouth and Newton Abbot funded mainly from prudential borrowing. The Council recently received an in-principle funding offer from the Government Future High Street Fund for grant of £9.2 million aimed at improving town centres. This will have a positive impact on Newton Abbot and the wider Teignbridge economy. Cofunding includes CIL, grant from other sources and prudential borrowing. There is also a provision for employment site investment to be funded through prudential borrowing. The Future High Street and employment site projects are indicative at this stage. Business cases will be brought to members for consideration once they are finalised;
- (5) The prudential indicators be noted and the prudential limits approved all as set out in appendix 10;

- (9) The updated treasury management strategy statement and authorised lending list as set out in appendix 11 is approved together with the capital strategy in appendix 11a;
- (10) Each scheme will be considered on its merits as explained at the end of appendix 11 to decide the calculation of minimum revenue provision for capital expenditure in 2021/22;
- (12) The treasury management mid year review for 2020/21 as taken to Executive on 11 February and shown in appendix 12 is noted;
- (13) The council tax resolutions as recommended in appendix 15 be approved; and
- (14) Members Allowance will be frozen until April 2022.

## 18. CONSTITUTION

The Leader advised Members of the Constitution Working Group meeting which Cllr Patch attended and spoke on the matters mentioned in his Notice of Motion put to this meeting.

The Leader stated that he believed the November 2020 updated Constitution reflected the resolution taken by Council on September 2019. He proposed that the Council establish a new committee to have oversight of constitution, procedural matters, members training and development and reports from the Independent Remuneration Panel. The terms of reference and membership details, along with any other relevant matters to be reported to Council in due course.

This was seconded by Cllr Bullivant.

Cllr D Cox voiced support as the previous constitution was out of date.

**RESOLVED** that a new committee be established to have oversight of the Council's constitution, procedural arrangements, councillor training and development, reports from the councillor's Independent Remuneration Panel. Terms of reference and membership details, along with any other relevant matters to be reported to a future meeting of the Council.

## 19. NOTICES OF MOTION

Cllr Eden presented her Notice of Motion on Standards Committee process changes. The Notice of Motion was referred, without discussion, to the Executive for consideration.

Cllr G Hook presented his Notice of Motion to acknowledge the work that the voluntary and charitable sector do particularly but not exclusively during the

current Coronavirus pandemic. The Notice of Motion was referred, without discussion, to the Executive for consideration.

Cllr Patch presented his Notice of Motion regarding the Constitution. The Notice of Motion was referred, without discussion, to the Executive for consideration.

**20. RECOMMENDATION FROM EXECUTIVE - TEIGNMOUTH PUBLIC SPACES PROTECTION ORDER (PSPO)**

It was proposed by the Executive Member for Homes and Communities and seconded by Cllr L Petherick that the recommendation be approved.

Local Ward Members supported the Public Spaces Protection Order (PSPO) to help address Anti-Social Behaviour in Teignmouth.

A roll call was taken (see voting report).

**RESOLVED** that the Council:-

- (1) On being satisfied that the statutory grounds for making the Order have been established as detailed in the Report, the Public Protection Spaces Order be made; and
- (2) Delegated authority is given to the Head of Community Services and Improvement to:
  - (a) appoint authorised persons for the purpose of giving direction under the Order; and
  - (b) (in consultation with the Solicitor to the Council and the Executive Member for Homes and Communities) make such minor amendments to the draft Order as they considers appropriate, before the Order is sealed.

**21. RECOMMENDATION FROM EXECUTIVE - NOTICE OF MOTION - EQUALITY OF REPRESENTATION**

It was proposed by the Executive Member for Economy and Jobs and seconded by Cllr Morgan that the recommendation be approved.

The Executive Member for Economy and Jobs in presenting this recommendation stated that there had been huge amount of support for this proposal and she read out a letter of support from Social and Environmental Action Round Chudleigh (SEARCH).

Cllr L Petherick proposed an amendment to recommendation Motion 7 (2), to add that if an organisation did not have an Equalities Policy it would affect their application. This was agreed to be added by the proposer and seconder.

A roll call was taken and the vote was unanimous.

**RESOLVED** that the Council:-

**Motion No (1)**

- (1) Equalities training for members is arranged through Democratic Services and members are encouraged to attend by Group Leaders;
- (2) That the Committee report template is amended to include "Equalities Considerations" and whether a Business Impact Assessment is required; and
- (3) The Council's Equalities Policy, which expires in 2020, is reviewed and considered by O&S and Executive and included in 2021 Forward Plan;

**Motion Nos (2) and (4)**

The Leader of the Council write to the Secretary of State for Education urging him to:

- (4) Review the primary school, GCSE and A Level national curriculum with a view to ensuring that the historical record of the British Empire is treated in a way which fully takes account of slavery, the actions and views of historical figures and other oppressive experiences of BAME people, many of whose descendants are now part of our community.
- (5) Show compassion and understanding by starting a national debate led by the BAME community, which seeks to define racism, the impacts of it in today's society - and demonstrate how we can all help people of colour feel fully included and welcomed in the UK (this could be part of the current government review)
- (6) Identify a Cabinet minister champion for the BAME community;

**Motion No (3)**

- (7) Councillors to promote the pilot educational project being undertaken in partnership with Teignmouth Community School by raising awareness of the project through their formal and informal networks and encouraging other schools in the District to utilise the curriculum resources developed through the project and/or undertake similar projects in local schools.

**Motion No (5)**

- (8) Following completion of the Equalities Impact assessment on the recovery plan, members of Audit Scrutiny Committee to review and determine if there are any areas of weakness. Comments to then be sought from external registered groups representing the interests of that group;

**Motion No (6)**

- (9) Recommend that the Council encourages local historic societies to identify street names of particular historic significance and develop signage to explain the history behind the street's name.
- (10) Review the street naming and numbering procedure to reflect the recent LGA advice note relating to requests from the public to change the public realm.

**Motion No (7)**

- (11) An additional 2 questions should be included in the Councillors Community Fund form:  
1. *How does your organisation or project meet the needs of (tick all or any that apply)*  
*Older people (over 65yrs)*  
*Young people (under 18yrs)*  
*People with disabilities*  
*Members of the LGBT community*  
*Pregnant Women*  
*Black, Asian and Minority Ethnic (BAME) people*
- Please add any further comments here*
2. *Do you have an Equalities Policy Yes / No (this will not affect your application if you do not have one)*  
*If Yes please upload a copy*

**22. RECOMMENDATION FROM EXECUTIVE NOTICE OF MOTION - RETENTION OF THE £20 UNIVERSAL CREDIT UPLIFT**

It was proposed by the Leader and seconded by Cllr D Cox that the recommendation be approved.

Cllr D Cox commented that that by doing this, it would help keep families afloat and strengthen the social security system so it provided the public service that residents could all turn to when they hit hard times. In retaining the £20 Universal Credit uplift it would support the wider economic recovery and cutting support for those on the lowest incomes would reduce demand in the economy at a time when the county was trying to secure a recovery.

A roll call was taken and the vote was unanimous.

**RESOLVED** that the Leader of the Council be instructed to write to the Chancellor of the Exchequer and the Members of Parliament serving Teignbridge to call for the retention of the £20 Universal credit uplift.

**23. RECOMMENDATION FROM STRATA JOINT EXECUTIVE - STRATA BUSINESS PLAN**

It was proposed by the Executive Member for Homes and Communities and seconded by the Executive Member for Sport, Culture and Recreation that the recommendation be approved.

A roll call was taken (see voting report).

**RECOMMENDED** that East Devon District Council, Exeter City Council and Teignbridge District Council approve the Strata Business Plan 2020/21 and beyond including:-

- (1) The 21/22 Proposed Savings;

- (2) Hardware budgets being returned to East Devon District Council and Teignbridge District Council;
- (3) Appointment of a Data Analyst post;
- (4) Benchmarking to be undertaken by SOCITM; and
- (5) The mechanism for work prioritisation.

## **24. MEMBERS ALLOWANCES**

Cllr Bullivant declared an interest and did not vote on this item.

The Executive Member for Corporate Resources introduced the report of the Independent Remuneration Panel and proposed the recommendations, this was seconded by the Leader.

Cllr Patch proposed an amendment that the overall budget for SRA should not be increased to fund the Special Responsibility Allowance (SRA) for the additional posts. In order for the budget not to increase all SRAs be adjusted on a pro rata basis to fund the new additional SRA's, this was seconded by Cllr Daws.

A roll call was taken on the amendment (see voting report), the amendment was lost.

On a further roll call (see voting report), it was:-

**RESOLVED** that the following changes to the Members' Allowances Scheme to take effect from 3 September 2020 be approved:-

- (1) The Special Responsibility Allowance for the Chairs of Overview and Scrutiny Committee be a multiplier of 1.1 and Vice Chairs of Overview & Scrutiny Committees be a multiplier of 0.3;
- (2) The Special Responsibility Allowance for the Chair of Licensing and Regulatory Committee be a multiplier of 0.75 and the Vice Chair of Licensing and Regulatory Committee be a multiplier of 0.40; and
- (3) The Special Responsibility Allowance for the voting Executive Member without portfolio be a multiplier of 1.1.

## **25. COMMITTEE SEATS AND POLITICAL BALANCE**

It was proposed by the Leader and seconded by the Executive Member for Sport, Culture and Recreation that the committee seat allocation as set out in the agenda be approved.

The Managing Director had been advised that Cllr Jenks was no longer a Planning Committee Member and Cllr Parker was a member of Overview and Scrutiny Committee (1).

Cllr Haines commented on the percentages and that in the past a single Independent member would be on Overview & Scrutiny Committee rather than Planning Committee and this could create a precedent in the future if there were any other single Independent members.

A roll call was taken (see voting report).

**RESOLVED** that the committee seat allocation be as follows:-

Committee	Total Seats	Lib Dem		Con		Ind		NSN		No Group	
Overview & Scrutiny (1)	13	6.36	7	3.32	3	2.21	2	0.83	1	0.26	0
Overview & Scrutiny (2)	13	6.36	7	3.32	3	2.21	2	0.83	1	0.26	0
Planning	17	8.32	8	4.34	4	2.89	3	1.09	1	0.34	1
Licensing & Regulatory	11	5.38	5	2.81	3	1.87	2	0.70	1	0.22	0
Audit Scrutiny	8	3.91	4	2.04	2	1.36	1	0.51	1	0.12	0
Standards	6	2.94	3	1.53	2	1.02	1	0.38	0	0.16	0
Strata Scrutiny	3	1.47	1	0.77	1	0.51	1	0.19	0	0.06	0
<b>Total</b>	<b>71</b>		<b>35</b>		<b>18</b>		<b>12</b>		<b>5</b>		<b>1</b>

## 26. WAIVER OF SIX MONTH COUNCILLOR ATTENDANCE RULE

The Chair expressed his support and empathy for Cllr S Cook and wished her well.

Cllr L Petherick proposed the recommendation, this was seconded by Cllr Rollason.

Members wished Cllr Cook a speedy recovery.

A roll call was taken (see voting report).

**RESOLVED** that the request to extend Cllr Cook's period of office beyond the six month period of non-attendance provided for within section 85(1) of the Local Government Act 1972 on the grounds of ill health for a period of three months to expire on 30 June 2021 be approved.

## **Voting Report**

The meeting started at 10.00 am and finished at 2.50 pm.

Chair



**TEIGNBRIDGE DISTRICT COUNCIL  
FULL COUNCIL  
22 APRIL 2021**

<b>Report Title</b>	<b>NEW PROCEDURES COMMITTEE</b>
<b>Purpose of the Report</b>	This report sets out the recommendations for the formation of a new Procedures Committee.
<b>Recommendation</b>	<p><b>The Leader RECOMMENDS to Full Council that:</b></p> <p style="text-align: center;"><b>1. A Procedures Committee be established and the Constitution be amended as follows:</b></p> <p><u>Section 3.11A Procedures Committee</u></p> <p>3.11A.1 Membership: The committee comprises the following elected councillors:</p> <ul style="list-style-type: none"> <li>(a) The Chair of Council (who will Chair the Committee);</li> <li>(b) All Group Leaders;</li> <li>(c) Two additional members from each Group (who are appointed at Annual Council) provided that the Group comprises 10% or more of the Council full membership; and any member may be substituted if a committee member is unable to attend.</li> </ul> <p>3.11A.2 Areas of Work:</p> <ul style="list-style-type: none"> <li>(a) To review the operation of the Constitution, its Standing Orders, conventions and working practices;</li> <li>(b) To oversee the Councils programmes for member development/training; and</li> <li>(c) To make recommendations to the Council on its Scheme of Members' Allowances.</li> </ul> <p style="text-align: center;"><b>2. The political balance requirements for this Procedures Committee shall not apply.</b></p>
<b>Financial Implications</b>	No additional costs anticipated due to delivery and operation from existing resources. Chief Finance Officer <a href="mailto:martin.flitcroft@teignbridge.gov.uk">martin.flitcroft@teignbridge.gov.uk</a>
<b>Legal Implications</b>	The changes in Recommendation 1 (the terms of reference for the committee) will be inserted into the Constitution in a new Section 3.11A. If adopted by full Council in line with 3.11A.2 the proposed committee will not have any decision making powers. It will (only) have authority to undertake reviews of the matters listed in paragraph "3.11A.2 Areas of Work" and it will need to make recommendations to full Council or other committees on relevant matters. With reference to the paragraph numbers 3.11A.2(a) to (c) in Recommendation 2, the following points should be noted:

	<p>(a) Consideration should be given as to what is meant by “standing orders” and “conventions”. The former is generally an older alternative term for the rules set out in the constitution (sometimes limited to but not necessarily so, procedural rules). As such, the reference to such is open to confusion and is in part duplicitous given the preceding reference to the Constitution.</p> <p>Further, “conventions” would be matters which do not form part of the current constitution but are in practice applied in the governance of the Council yet are not statutory (the latter applying in any event). Following the work of the Constitution Working Group no such practices currently exist outside of the constitution. It is understood that is intended that the new committee will undertake the work of and replace the Constitution Working Group, albeit subject to usual committee meeting requirements (as per the Council’s procedural rules).</p> <p>It will be appreciated that given the extent of the Constitution’s coverage, there is significant potential for overlap between the areas of work of other committees, in particular the Standards and Audit Scrutiny Committees. If any of the above points are of concern to full Council, 3.11A.2(a) could be amended to simply read:  <i>To undertake reviews of the Constitution on matters which do not fall within the ambit of other committees.</i></p> <p>(b) The committee could be given the power to determine (rather than simply recommend to full Council or even the Head of Corporate Services / Team Leader for Democratic Services who have delegated authority to deal with such matters) member development and training programmes. It is assumed that the committee will not be dealing with all member training needs as opposed to developing an annual corporate Member Development / Training programme. To address these points, 3.11A.2(b) could read: <i>To consider and approve Council programmes for Member development and training.</i></p> <p>(c) It should be noted that the area of work to which 3.11A.2(c) refers will slow down the decision making process, as the committee will only (as per the proposed wording and law) be able to receive the report of the IRP, undertake an in-house review of the recommendations before referring the IRP’s report to full Council for consideration and adoption of any new scheme for the forthcoming year. Currently, the responsible officer (namely the Head of Corporate Services / Team Leader Democratic Services) reports the IRP recommendations to Council for its approval or otherwise.</p>
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	<p>Recommendation 2 is included in view of the proposed membership of the committee (see paragraph 3.11A.1), which would not accord with usual seat allocations in line with political representation within the Council. The number of seats would not be fixed in the Constitution but would potentially range from 1 member (if there were no political groups albeit the committee could not be legally convened in such a situation) to 28 (the maximum number of political groups with 10% of council membership, given there are 47 members of council). Clearly the range of membership is most unlikely to be so wide in practice and under current political arrangements, the number of members would be 11 (Chair of Council; 4 Group Leaders; and 2 additional members from each of the Conservative, Independent and Lib Dem groups). Importantly, such alternative arrangements can only be applied lawfully if no single member votes against Recommendation 1 at full Council (as opposed to there simply being a majority vote). If a member does vote against such, assuming the proposed size of committee is acceptable (i.e. fixed number of 11, 11 being a consequence of the recommendation), the seats would be allocated as follows taking account of current political groupings and size:</p> <ul style="list-style-type: none"> <li>(a) Conservatives – 3 seats (in practice same as proposed including the group leader)</li> <li>(b) Lib Dems – 5 seats (in practice, 2 more than proposed of which one will be the group leader)</li> <li>(c) Independents Group – 2 seats (1 less than proposed, not including the Chair of Council although the latter is currently an independent group member. If an ex officio chair is proposed, unless Council approves such, that post will also need to be accommodated within the usual political seat allocation)</li> <li>(d) NSN – 1 seat (which would have to be filled by the group leader)</li> <li>(e) Independent – not aligned - nil (same as proposed)</li> </ul> <p>Monitoring Officer karen.trickey@teignbridge.gov.uk</p>
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## 1 BACKGROUND

- 1.1 Full Council on 22 February 2021 resolved that a new committee be established to have oversight of the Council’s constitution, procedural arrangements, councillor training and development, reports from the councillor’s Independent Remuneration Panel.

## 2 REPORT DETAIL

- 2.1 The Leader proposes that the new committee reflects similar arrangements to that which exists at Devon County Council Procedures Committee namely “*To keep under review all matters relating to the governance of the Council including the operation of its Constitution, its Standing Orders, conventions, working practices and calendar of meetings; to oversee its civic arrangements and programmes for member development/training and to make recommendations to the Council on its Scheme of Members' Allowances*” following consultation with the Managing Director the terms of reference will excluded the calendar of meetings and civic arrangements.
- 2.2 The Leader also proposes that the membership comprises of the Chair of Council (who will Chair the Committee) and
- All Group Leaders
  - Two additional members from each Group where the Group comprises 10% or more of the Council full membership.
- 2.3 Finally the Leader proposes the usual political proportionality be dis-applied and any member of the committee may be substituted if a member is not able to attend a particular meeting.