

21 January 2022

PROCEDURES COMMITTEE

A meeting of the **Procedures Committee** will be held on **Friday, 28th January, 2022** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Bullivant, Connett (Vice-Chair), D Cox, H Cox, Haines, MacGregor, Mullone, Parker-Khan, Parker (Chair), L Petherick and Thorne

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

AGENDA

Part I

1. **Apologies for absence**
2. **Minutes of the previous meeting** (Pages 3 - 4)
3. **Declarations of interest**
4. **Notice of Motion - Constitution** (Pages 5 - 8)

To consider Cllr Swain Notice of Motion referred to Procedures Committee by Full Council on 30 November 2021.

The following motion on the Constitution has been presented by Cllr Swain and supported by Cllrs Dewhirst, G Hook, J Hook, Keeling, Nutley and Wrigley –

background information attached.

At the last council meeting this council affirmed the constitution as set out on our website. It was suggested that there were material changes in the document when compared to the previous version, and in some cases there are.

There are 2 points where clear material changes have occurred and these should be reversed.

4.3.2(e): Previously the public could ask questions relevant to “the business of the council”. This has been changed to “the business of the meeting”. This is a significant material change.

Section 6, Schedule 2 row 2B3: Group Leaders never had the power to veto a change to the constitution because they didn't like it, however wording has been removed “If group leaders agree a change is minor, It can be done by democratic services manager” The power is lost, for a Group leader to insist that a change is major if others claim it is minor.

In tidying up the constitution, it was not been modified to use gender neutral language throughout. We should replace references to chairman with chair, and he/his with they/their. These are simple changes that encourage wider participation in democracy, and there is no justification for not making them.

I propose that the monitoring officer be asked to produce a form of words that restores the meaning of these two paragraphs and substitutes gender neutral language throughout. The revisions be approved by Full Council.

5. Item from the Chair - Cllr Parker

Cllr Parker to present his item on the time line for public and members questions to committees.

6. Item from Cllr Macgregor

Cllr Macgregor has asked that ‘Matters Arising’ to be added to the agenda of full council as an item immediately after the minutes of the previous meeting to be considered.

7. Members Training and Development Programme

(Pages 9 - 16)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

PROCEDURES COMMITTEE

THURSDAY, 14 OCTOBER 2021

Present:

Councillors Bullivant, D Cox, H Cox, Haines and Parker (Chair)

Member in Attendance on zoom

Councillor L Petherick

Apologies:

Councillors Connett, Parker-Khan, Patch and Thorne

Officers in Attendance:

Neil Blaney, Head of Place & Commercial Services

Rosalyn Eastman, Business Manager, Strategic Place

Christopher Morgan, Trainee Democratic Services Officer

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Paul Woodhead, Solicitor & Deputy Monitoring Officer

7. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting on 21 July 2021 were agreed as a correct record and by the Chair.

8. DECLARATIONS OF INTEREST

None.

9. MEMBER DEVELOPMENT STRATEGY AND TRAINING PROGRAMME

Members noted the Member Development Strategy and Training Programme and were advised that Members would be advised of the dates and times of the training sessions via the Members Newsletter in the coming weeks.

10. RECOMMENDATION FROM FULL COUNCIL 20 SEPTEMBER 2021

Members discussed the importance of ensuring that all those involved in a planning application had adequate time to consider all relevant information that was circulated after the report was published.

RECOMMENDED to Full Council that:-

- (1) All Councillors be reminded that the deadline for submission of new information on planning applications being considered by the Planning Committee is two clear working days prior to the meeting and no later; and
- (2) Any new information or submissions regarding planning applications should be submitted to the planning email address planning@teignbridge.gov.uk by two clear workings days prior to the meeting.

11. NOTICE OF MOTION ON VARIATIONS OF CONDITIONS ON MAJOR PLANNING APPLICATIONS

Members discussed the need to ensure transparency when variations were submitted and made to conditions on larger developments.

The Business Manager Strategic Place clarified that variations to conditions including to legal aspects of a planning application were advertised on the weekly list of applications.

RECOMMENDED to Full Council that:-

- (1) Members and Parish Councils can request that applications to vary conditions (including legal aspects) be call-in to Planning Committee in-line with Councils usual process: and
- (2) A report on the variations to conditions for major applications that have been approved be placed on the Planning Committee for information.

Chair

Background

I am grateful to Councillor Patch for bringing to our attention the changes that were made to the constitution sometime last year, apparently without consulting councillors.

This relates to a decision the previous year which councillors did agree to, asking the monitoring officer (the council's solicitor) to "tidy up" the constitution, which at the time was not a single document but a collection of web pages that had been added to in stages without much review. The tidy up was needed, and was not supposed to materially change the content.

This was done, but the new constitution was posted to the web site without consulting councillors again, without drawing attention to it, and the old web pages were discarded.

Councillor Patch claimed that there are "several material changes in the document that erode the rights of Members of the Public and Members of the Council to scrutinise the work of this Council." and he listed these changes.

The old constitution had been deleted, and only exists in paper copies, so I voted to accept the new one, with the proviso that any material changes should be reversed, which is why I am bringing this NOM now.

I have looked in detail at the "material changes ... that erode the rights ...". I see changes of course, but not quite so major as they might be portrayed. On several of the alleged points I can see no material difference at all. I deal with each point in detail below.

The new constitution can be viewed at

<https://democracy.teignbridge.gov.uk/documents/g2988/Public%20reports%20pack%2020th-Nov-2020%20Constitution.pdf?T=10&Info=1>

Images from the old one are in a previous email from Cllr Patch

This document contains paragraphs 1-6 corresponding to the points raised.

Each paragraph has a summary which details the changes, and a summary conclusion.

1. the rights of Members of this Council to present questions to Full Council (Articles 4.3.2 (f); Article 4.7.3): new/extended discretionary powers have been given to the Chairman of the Council and Managing Director, giving them, respectively, greater scope/new powers to reject questions from elected Members (compare with previous Article 4.5 (k));
new 4.3.2 (f) receive and answer questions from Members **which in the opinion of the Chair are relevant to the business of the Council**;

summary: Old version includes stipulation that questions must be within the councils remit. New version does not say "relevant to this meeting", it says "relevant to the council". This seems as before.

2. the rights of members of the Public to present questions to Full Council (Articles 4.3.2 (e); 4.7.1 (f)): new/extended discretionary powers have been given to the Chairman of the Council and Managing Director, giving them, respectively, greater scope/new powers to reject questions from members of the Public (compare with previous Articles 4.5 (j)(vi) and 4.5 (j)(v));

new 4.3.2(e) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chair are relevant to the business of the **meeting**;

summary: 4.3.2(e) implies public questions must be relevant to the business of the meeting is this a new requirement? Previously I think public could ask about anything relevant to the business of the council, as worded in 4.3.2(f).

New 4.7.1(f)

question can be rejected if it relates to something that is or **should be the subject of alternative recognised procedures** (for example, staffing issues, complaint, licensing or planning matters)

Old 4.4 j (v)

question can be rejected if it is **a planning matter**

4.4 j (vi)

the chair can reject questions as above **after consultation with the independent person.**

summary:

This is a broadening from rejecting planning, to rejecting anything that should be somewhere else, but seems quite reasonable.

Rejecting after consultation with the independent person is an odd comment. Who is meant by the independent person? It seems the process being dropped was never clearly defined anyway. This seems to be tidying up.

3. the rights of Members of this Council to present Motions on Notice to Full Council (Article 4.9.3): new/extended discretionary powers have been given to the Managing Director (in consultation with the Chair of Council) allowing him to reject Motions on Notice from elected Members (compare with previous Article 4.5 (l)(iii));

new 4.9.3 Scope The relevant motion must fall within the following scope which will be determined by the Managing Director (in consultation with the Chair of Council):

(a) Motions must be about matters which are related to the responsibilities of the Council or which directly affect the District.

(b) Motions may not relate to the personal affairs or conduct of individual Members.

(c) Motions must not include inappropriate or inflammatory language.

Old – I think this should read 4.4 (l) (iii)

reads as above, but with (a) only.

Summary: above parts b and c are added. They seem reasonable.

4. the remit of Overview and Scrutiny Committee 1 (Article 3.6.2): the scope of what of what is covered under Work Area ‘Strategic Direction’ of the Council, and hence what might be scrutinised by this committee, has been restricted/reallocated elsewhere (compare with Resolution of Full Council on 3rd September 2020 – and as still currently recognised on the TDC website for this committee’s Remit: <https://democracy.teignbridge.gov.uk/mgCommitteeDetails.aspx?ID=391>);

New constitution 3.6.2 reads...

3.6.2 Areas of Work: The committee is responsible for policy / strategy development and review and the scrutiny of decisions made in respect to the Strategic Direction responsibilities of the Leader and the following portfolio areas of the Executive: Environmental Health Waste Management (including recycling) Climate Change Emergency Housing Communities IT

OS1 committee page reads...

Strategic Direction

Environmental Health;

Waste and Recycling;

Climate Change Emergency;

Communities; and

Housing and Information Technology

Summary – This looks identical. I do not see that anything has been moved.

5. the powers of Overview and Scrutiny Committees (1&2) to require Senior Officers and Executive Members to attend and explain decision, actions and performance (Articles 3.5.3 (f) & (g)): these powers have been diluted (compare with previous Article 5.5 (a)(i));

New constitution...

3.5.3

(f) question Members of the Executive, committees and Chief Officers about their decisions, views on issues and proposals affecting the area or specific policy proposals and reviews;

(g) ask witnesses to attend committee and informal meetings (and where appropriate require on provision of reasonable notice) to address them on any matter under consideration and may pay to any external advisers, assessors and witnesses reasonable expenses for doing so with the Team Leader (Democratic Services) authorised to approve the level of payment and make payments;

Old

previous Article 5.5 (a)(i)); this reference in Cllr Patch's document appears to be incorrect.

Summary: I have not been able to see exactly where in the old constitution this is thought to be different. The powers in the new one seem reasonable.

6. loss of the power of Group Leaders to veto delegated 'minor' changes to the Constitution that might be "to the detriment of a member of the public or a councillor ..." (Article 2B3 [sic: second 2B3] Section 6 (Schedules Only), Page 5 of 20): the Monitoring Officer has been given the delegated power to make changes "as he [sic] considers appropriate" – without the veto protections previously provided to Group Leaders with respect to what are defined as 'minor' changes (power was previously delegated to Democratic Services Manager – these have been duplicated for the Monitoring Officer, although without the power of veto for Group Leaders – compare with previous Article 4.3 (b) – penultimate row of table on page 15). (In each case the Article No. in the new document is provided – for comparison with the corresponding provisions in the last Adopted version of the Constitution – i.e., the Constitution available prior to 20th November 2020).

New

monitoring officer is delegated

2B3 To make such minor amendments to the Constitution as he considers appropriate (including changes to reflect current legislation, organisational arrangements, to promote clarity and to enable the Constitution to be kept up to date)

Old

Article 4.3 (b)

Path provided a table, but not full text of 4.3(b).

If group leaders agree a change is minor, It can be done by democratic services manager

Summary: It does appear that the consultation with group leaders has been removed but group leaders never had the power to veto a change because they didn't like it. The removed wording is "If group leaders agree a change is minor, It can be done by democratic services manager" The only power being lost is for a Group leader to insist that a change is major if others claim it is minor.

This one deserves a closer look, but at most we should restore the power that group leaders actually had, not bestow a full veto just because it is claimed they had it.

This page is intentionally left blank

Member Development Programme 2022/2023

Members must be equipped with the tools, training and support to enable them to provide the strategic direction for the Council and make appropriate and lawful decisions. The delivery of Member development supports the ethos that leading the community with greater knowledge and understanding should help the Council achieve its corporate priorities.



The purpose of the Member Development Programme is to bring together learning and development opportunities available to individuals, committees and political leadership, which are considered and prioritised against specific needs and resources.

Members should consider whether they have an area where they particularly want to strengthen their knowledge, skills and understanding in a way that is not possible through internal provision and should also consider seeking out additional opportunities through the LGA and other relevant professional bodies and trainers.

Except where specific training is defined as 'essential', the offer of learning and development will be presented as an opportunity to become Members to personally decide how you wish to engage with Member development.

The Member Development Programme is developed by the Democratic Services team and overseen by the Procedures Committee.

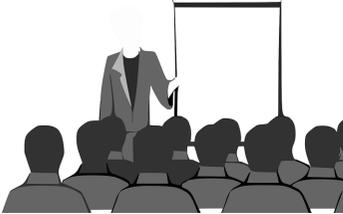
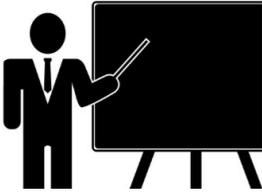
If you have any suggestions for future development opportunities, please contact Democratic Services
comsec@teignbridge.gov.uk

ATTENDANCE KEY

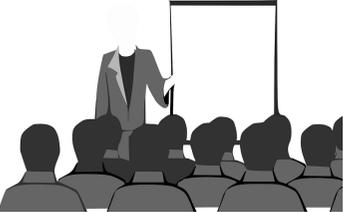
	<p>Essential Training Training highlighted in blue is that whilst voluntary all Members are expected to attend.</p>
	<p>Essential Training – specific Training highlighted in orange is compulsory for Members of a certain Committee to attend.</p>
	<p>Beneficial/Optional Training Training highlighted in green is encouraged, but is optional for Members to attend.</p>

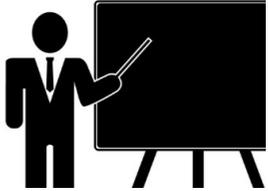
Methods of Delivery

A variety of learning methods will be used for both essential and beneficial development activities including:

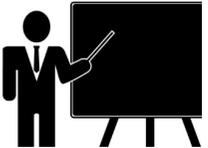
10	 <p>Online</p> <p>E-learning modules may be used at times to impart important information, or teach a specific skill.</p>	 <p>Workshop</p> <p>The purpose of a workshop is to involve participants in learning. Workshops are sessions where participants/attendees are involved in interactive activities or group tasks.</p>	 <p>Briefing</p> <p>The purpose of a briefing is to give information or instructions. Briefings could be presented on zoom by internal colleagues at Teignbridge District Council or external stakeholders.</p>	 <p>Training</p> <p>The purpose of a training session is to teach somebody a specific skill or type of behaviour. Training sessions are likely to be delivered Business Leads or by external suppliers. These could be in person or over zoom</p>
----	---	--	---	---

Other methods of learning offered to you will include conferences and seminars, written learning materials, mentoring, webinars and e-learning packages. In addition, Members may learn from visiting other Councils as well as meeting with relevant partnership bodies.

	Event	Purpose	Outcome	Lead Officer(s)	Attendees	Dates
	<p>Briefing</p> 	<p>South Devon College</p>	<p>To update members on the opportunities that South Devon College can offer young people on the district</p>		<p>Beneficial – All Members</p>	<ul style="list-style-type: none"> • Spring 2022
⇒	<p>Media Training</p> 	<p>To help members understand the media landscape, what journalists want, preparing for interviews, print interviews and broadcasts</p>	<p>To enable members to undertake interviews, respond to questions and communicate key messages</p>	<p>External Provider</p>	<p>Group Leaders, Executive Members and Overview and Scrutiny Chair's</p>	<ul style="list-style-type: none"> • Spring 2022
	<p>Safeguarding</p> 	<p>The purpose of the workshop is to raise awareness of child and adults protection. The training will help develop knowledge of how to recognise, report and record concerns about a child or adult at risk.</p>	<p>Be able to identify the signs and symptoms of abuse. Know what to do if you have safeguarding concerns. Have an understanding of your roles and responsibilities in relation to safeguarding.</p>	<p>Community Safety and Safeguarding Lead – Rebecca Hewitt</p>	<p>Beneficial – All Members</p>	<ul style="list-style-type: none"> • April/May 2022

	Event	Purpose	Outcome	Lead Officer(s)	Attendees	Dates
	<p>Planning Training</p> 	<p>Legislation/Policy update</p>		<p>Business Manager – Development Management - Ros Eastman & Solicitor</p>	<p>Essential - All Planning Committee Members</p> <p><i>Any Planning Member who does not complete this training will not be able to vote on applications at committee</i></p>	<ul style="list-style-type: none"> • February 2022– zoom
12	<p>Planning Training</p> 	<p>To provide Members with an update on a specific topic informed by Member interest and Officer discussion. Could include e.g. Highways and accessibility Environmental Impact Assessment Urban Design / building design Environmental Health considerations Enforcement policy and procedures</p>	<p>Enhanced knowledge and understanding of key issues in planning</p>	<p>Business Manager – Development Management - Ros Eastman</p>	<p>Essential - All Planning Committee Members</p> <p><i>Any Planning Member who does not complete this training will not be able to vote on applications at committee</i></p>	<ul style="list-style-type: none"> • Monday 21 March 2022 10am - zoom

	Event	Purpose	Outcome	Lead Officer(s)	Attendees	Options Available
13	<p style="text-align: center;">Cyber Security, Data Protection and Freedom of Information</p> 	<ul style="list-style-type: none"> To ensure Members are aware of the importance making sure all online activity security is undertaken securely and the common threats they face from Cyber Crime. To make members aware of their obligations under the Data Protection and Freedom of Information laws. 	<p>Councillors will be more aware of their own digital footprint and how to spot suspicious on line activities and approaches.</p> <p>Councillor will know how to process data securely and lawfully</p>	Audit Manager – Sue Heath	Beneficial – All Members	Online from March 2021
	<p style="text-align: center;">Scrutiny Training</p> 	<p>To provide Members with a clear understanding of their role in scrutinising the Council Executive and relevant partner organisations:</p> <ul style="list-style-type: none"> Latest guidance and legislative framework. Scrutiny powers and authority. 	<ul style="list-style-type: none"> Scrutiny Members have an increased understanding of the role and potential impact of scrutiny. Shared understanding of the role of Scrutiny within the Council. Members understand how Scrutiny can have significant impact in supporting Council performance. 	TBC	Beneficial – All Scrutiny Members	May/June 2022

	Event	Purpose	Outcome	Lead Officer(s)	Attendees	Dates
	Planning Training	<ul style="list-style-type: none"> • Bias and Pre – determination • Material Planning Considerations • Call-in • Different roles – officers, planning members, Local Ward Members, experts (LCC highways etc.) • Good decision – making Vs Bad decision – making examples 	<p>To provide Members with the key skills and understanding to be able to take lawful planning decisions</p>	<p>Business Manager – Development Management - Ros Eastman</p>	<p>Essential - All Planning Committee Members</p> <p><i>Any Planning Member who does not complete this training will not be able to vote on applications at committee</i></p>	<p>Monday 16 May 2022 10am zoom</p>
	Equality and Diversity 	<p>To help members fulfil their duties under the Equality Act 2010 and public sector equality duty</p>	<p>Members are confident in their understanding of the Equality Act 2010 and can apply the principles to actions and decisions</p>	<p>HRBP Rachel Oxenham and/or Community Safety and Safeguarding Manager</p>	<p>Beneficial – All Members</p>	<p>June/July 2022</p>
	Licensing Training	<p>To provide an overview of:</p> <ul style="list-style-type: none"> • the Licensing Act 2003 • Licensing Objectives • Guidance to local authorities 	<p>To enable Members to sit on hearings in relation to Premises</p>		<p>Essential - All Licensing Committee Members</p> <p><i>Any Licensing Member who does not complete this training will not</i></p>	<p>May / June 2022</p>

	Event	Purpose	Outcome	Lead Officer(s)	Attendees	Dates
					<i>be able to sit on a licensing hearing</i>	
	Audit Scrutiny Training 	To develop their understand of the audit role provide an overview of the Knowledge and skills required	To enable members to perform their role effectively	Audit Manager – Sue Heath	Essential - All Audit Scrutiny Committee Members	8 June 2022 10am zoom
15	Standards Training 	To support Equality and Diversity strategies, explore awareness of definitions and will further develop community awareness.	To enable the Standards Committee perform their role effectively	External – South West Councils	Essential - All Standards Committee Members including Independent Person and Town/Parish Representatives	April/May 2022

Other Sources for Training and Development available to Members

One to one or workshop sessions on the following:

- Use of iPad and the modern.gov app to access committee papers and emails
- Signing of Councillors Community Funds payment via Firmstep

External sources of Information for Councillors

Local Government Association – Councillors Hub [New councillor hub | Local Government Association](#). This includes Councillor Workbooks and support for Councillors.

Planning

Planning Advisory Service - [PAS | Local Government Association](#)

The RTPI youtube channel [theRTPI - YouTube](#) or via www.rtpi.org.uk

Legislation and guidance, the [Planning practice guidance - GOV.UK \(www.gov.uk\)](#) and [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

Scrutiny

Centre for Governance and Scrutiny [Research & publications - Centre for Governance and Scrutiny \(cfgs.org.uk\)](#)



Devon Member Development Shared Service

Personal Development Interviews