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22 January 2024

## **PROCEDURES COMMITTEE**

A meeting of the **Procedures Committee** will be held on **Tuesday, 30th January, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Clarence (Chair), Bullivant (Vice-Chair), Daws, Keeling, MacGregor, Ryan, Thorne Wrigley and vacancy

**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.

## **A G E N D A**

### **Part I**

1. **Apologies for absence**
2. **Minutes of the previous meeting** (Pages 7 - 10)
3. **Declarations of interest**
4. **Revision of the Member and Officer Protocol** (Pages 11 - 26)  
To consider the revision of the Member and Officer Protocol which was deferred from the previous Procedures Committee to enable Group Leaders discuss the protocol with their Members and feedback to this meeting.

**5. Notice of Motion - Decisions making**

To consider the Notice of Motion on decision making present by Cllr Bullivant to [Full Council on 17th October, 2023](#),

*Democratic oversight of the administration of the Council is a fundamental responsibility of elected councillors.*

*Decisions taken by the Council are taken with the authority of all councillors given through the established voting procedures following receipt of officer advice, appropriate review, analysis and consideration of councillors by way of prior notification and properly conducted debate and voting.*

*This process requires that a meeting agenda and associated papers are available to councillors and the public for a minimum of (5)days prior to a meeting taking place and any questions received must be within (3) days to allow proper evaluation and answers by officers.*

*Over recent months there have been a number of council meetings with agenda items withdrawn, altered or added to by the Executive within minutes of a meeting taking place and without going through due process.*

*This has led to changed proposals being introduced that have not had the benefit of proper examination by other councillors or officers before a debate takes place and decisions being imposed by means of majority group voting.*

*The rules of council decision making are well established and work when applied.*

*In view of the serious potential challenge to any decision taken without following due process I propose that in future any agenda item circulated properly when meeting notices and agendas are issued cannot be changed prior to the scheduled meeting, and no changes allowed prior to the scheduled meeting.*

*Agenda items may be withdrawn prior to any debate but any request to modify or alter an agenda item should only be permitted following a properly submitted amendment proposal submitted during the meeting which will allow a detailed explanation of the reason for an amendment and subsequent debate and voting by councillors.*

**6. Notice of Motion - Loss of Section 106 contributions**

To consider the Notice of Motion on Section 106 contributions present by Cllr J Taylor to [Full Council on 17th October, 2023](#),

*I would like your support for the following motion, which I believe will improve transparency within the planning process and give councillors more decision making in regards to planning applications and amendments of major developments. It is particularly important that all decisions relating to the loss of agreed 106 affordable units, are made by the Planning Committee.*

*Planning is a process tied up in legislation, including the committee decision making element. Councillors are, when an application comes to committee, presented with recommendations, accompanied by detailed reports and are expected to adopt an open mind when deciding on the merits of that application. Often, the officer presenting the report has anticipated where concerns might lie and along with*

*technical aspects listed conditions that will apply should the application be passed.*

*On large sites, those conditions might relate to aspects such as the number of affordable homes, children's play areas and green landscaping. Thus, typically, the committee members make a decision based on what is in front of them but in reality the ends product looks nothing like the approved application.*

*That application may then change beyond recognition by a process of amendments, submitted by the applicant and approved by delegated authority. It may never come back to the Planning Committee.*

*This is a well-established practice by Developers which enables the Plans to be passed and then amended so that the maximum profit can be achieved. It is called value engineering. I call it deception and it's time it stopped.*

*The council are well aware of this process but choose to engage with it for fear of the monetary consequences of non-compliance. It is no secret that this council, along with many others, has an unhealthy dependency on the money provided by major house builders.*

*It is time to draw the line and take the first steps to breaking the cycle and distancing ourselves from this unhealthy relationship, by developing a transparent process and sending a clear signal to Developers. We will not be bartering to build houses. Submit, approve, build. We will no longer be engaging in planning ping pong.*

*The motion calls for additional transparency by ensuring that on all major developments (over 20 homes,) where variations to conditions are applied for, must be brought to the planning committee.*

*This is to apply to all 106 changes and any visible amendments, eg. change of materials, removal of garages, landscaping, etc.*

*All amendments on the grounds of viability, must come to the Planning Committee. (However, it should be an exception rather than the rule. Viability should be covered at the initial planning application stage. If a development is not viable then it should be withdrawn.)*

## **7. Notice of Motion -Green improvements in Conservation Areas**

To consider the Notice of Motion on Green improvements in Conservation Areas submitted by Cllr Mullone to [Full Council on 28th November, 2023.](#)

*Large parts of residential Teignbridge are designated Conservation Areas. The rules for a conservation area come under Article 4 Directions that, unlike listed status for an individual building which are nationally codified, may be set and amended by a district council.*

*The rules for Conservation Areas in Teignbridge have not been re-examined for a long time. They do not take into account the sweeping changes in technologies, materials or group aesthetics. Neither do they account for the Climate Emergency that has been declared by many councils including this one.*

*Amendment to these rules is seriously overdue, most urgently in regard to windows and solar panelling. The rules on windows were drafted to stem the tide of shiny white plastic PVC windows being installed without thought in Georgian and Victorian houses that began to detract from areas of architectural heritage in the 1980s. These insist on like-for-like replacement of timber frame louvre windows. Today windows are being made from airtight, scientifically advanced materials that are, to any observer, entirely in keeping with older houses and which would bring them up to environmental standards with no loss of area aesthetics.*

*Solar panels, meanwhile, may need a change in our culture. We have decided as a society that wind turbines do not ruin a landscape; in fact most of us are pleased to see them. We might adjust our sensibilities to accommodate solar panels on the roofs of older, architecturally attractive dwellings. None of them, after all, have the original roof anymore so it seems somewhat contrarian to object to solar panels being installed on them.*

*We need to permit sensible ecological adjustment in Conservation Areas, as blanket bans make no sense, run contrary to our declared Climate Emergency and the rules are currently being applied with no consistency at all. At the Forde Park Conservation Area in College Ward we have residents being persecuted for high-quality modern upgrades next to houses full of PVC that have got away with it for years, seemingly because they weren't 'dobbed in' by a neighbour within the required time.*

*I therefore propose that:*

*A) A task and finish group be put together to look at reassessing the limits of remodelling in the area's Conservation Zones with an eye to allowing green improvements, and*

*B) Any resident with a current notice against them be given a stay of execution on any remodelling requirement until the rules can be examined and reframed.*

## **8. Notion of Motion - Speaking at Planning Committee**

To consider the Notice of Motion regarding questions requesting clarification of a point made during the presentation at Planning Committee to be put to an applicant/ objector and answered by them submitted by Cllr P Parker to [Full Council on 28th November, 2023](#).

*In light of recent presentations by supporters and objectors at recent planning committee meetings it is apparent that the quality and clarity of presentations can vary.*

*There are instances where councillors would benefit from being able to request clarification for a point made during a presentation enabling a better decision to be reached.*

*For this reason I request that standing orders for planning committee meetings are altered to allow, through the chair, questions requesting clarification of a point made during the presentation to be put to an applicant/ objector and answered by them.*

9. **Notice of Motion - constitutional requirements and decision making**

To consider the Notice of Motion regarding submitted by Cllr P Parker from the Full Council meeting 16 January 2024 relating

[Agenda for Full Council on Tuesday, 16th January, 2024, 10.00 am - Teignbridge District Council](#)

*Following the meeting of O&S 2 on December 12th to call in the decision relating to the FHSF and finding that the Councils procedures and constitution requirements had not been followed and carried out with proper authority. Plus other instances where last minute amendments, decisions are introduced without involving leaders of other groups or officers. At the O&S 2 meeting on the 12th of December, I believe all members present accepted that the last minute amendments may not have been done with proper authority. The notice of motion I would like to propose would be Any amendments to the agenda on a full council meeting need to be notified by 12 o'clock on the previous day to allow officers and members time to prepare their responses.*

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)