

20 January 2025

## **PROCEDURES COMMITTEE**

A meeting of the **Procedures Committee** will be held on **Tuesday, 28th January, 2025** at **10.00 am** in the **Council Chamber, Forde House Offices, Newton Abbot, TQ12 4XX**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Bullivant, Clarence, Dawson (Chair), Keeling, Palethorpe, Peart, Purser, Radford, Steemson and Williams

**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 meeting's venue you are consenting to being filmed.

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

1. **Apologies for absence**
2. **Minutes of the previous meeting** (Pages 3 - 6)
3. **Declarations of interest**
4. **Chairs announcements**
5. **Report of the Independent Remuneration Panel** (Pages 7 - 10)

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**PROCEDURES COMMITTEE****WEDNESDAY, 17 JULY 2024****Present:**

Councillors Bullivant, Dawson (Chair), MacGregor, Nutley (Substitute), Palethorpe, Sanders (Substitute) and J Taylor

**Members Attendance:**

Councillors Clarence and Swain

**Apologies:**

Councillors Keeling, Peart, Purser, Thorne and Wrigley

**Officers in Attendance:**

Ian Perry, Interim Head of Development Management  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Paul Woodhead, Head of Legal Services & Monitoring Officer

**20. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 30 January 2024 be approved as a correct record and signed by the Chair.

**21. DECLARATIONS OF INTEREST**

Cllr Sanders declared an interest in respect of minute no.22 – Independent Remuneration Panel Report – as the Chair of Overview & Scrutiny Committee.

**22. INDEPENDENT REMUNERATION PANEL REPORT**

Cllrs Bullivant and Macgregor arrived during the start of the consideration of this item.

Mr Derek Phillips Chair of the Independent Remuneration Panel presented the report. In response to questions, he clarified that having Job Descriptions for the councillor's roles would support the panel when considering Special Responsibility Allowance (SRA) recommendations. The six-month review would enable the panel to look at how a single Overview & Scrutiny Committee was operating and the impact this had on the work of the Chair and Deputy Chair of the committee.

During discussion Members asked that when the review was undertaken they asked the panel:-

- To look at the (SRA) for the Chair of Standards Committee in light of the number of meetings and questioned if the allowance should be payable per meeting rather than an annual allowance
- if there should be a one-off payment for any Deputy Chair that chairs a committee meeting where there is not an SRA for that Deputy Chair;
- should the scheme have a provision for when a Councillor with an SRA cannot undertake their role for the SRA to be reduced or stopped; and
- that all Group Leaders and another independent councillor be asked to take part in the next review.

**RECOMMENDED** to Full Council that:-

- (1) No change be made to the Special Responsibility Allowance for the Chair and Vice Chair of the Overview and Scrutiny Committee;
- (2) The Council notes the intention of the Panel to hold a full review meeting on this matter in the light of 6 months' operation of the new arrangement;
- (3) The Council takes steps to provide the Panel with the evidence it requires in order to consider this matter further; and
- (4) The special responsibility allowances for the Chair and Vice Chair of the Council be £3,000 and £1,000 respectively for 2023/24; and
- (5) The balance of the current allowances (£3,223 and £1,489) be transferred to the Democratic Services budget as support for the office of the Chair of the Council.

## **23. REVISED MEMBER/OFFICER PROTOCOL**

Consideration was given to the revision of the Member and Officer Protocol which was deferred from the previous Procedures Committee meeting to enable Group Leaders to discuss the protocol with their Members and feedback to this meeting.

**RECOMMENDED** to Council that the proposed Protocol be approved and incorporated into the Constitution.

## **24. CLLR MACGREGOR - MOTION ON MAJOR APPLICATIONS, VARIATIONS TO CONDITIONS AND TDC PROPERTY BASED APPLICATIONS**

The Notice of Motion submitted to Full Council on the 23 April 2024 as set out on the agenda was presented by Cllr Macgregor.

Cllr Macgregor when proposing his Notice of Motion stated that the recommendation 3 should have the words *on major sites* inserted at the end and added an additional condition (5) *that no reserve matters applications can be*

*considered until all critical decisions have been met on the outline planning permission.*

This was seconded by Cllr J Taylor.

In response to Members the Interim Head of Development Management clarified the following:-

- The planning service had improved its performance significantly over the last six months with 95% of applications having a decision within the Government planning performance timescales
- The Council had good delivery timescales for major applications
- The motion being put forward could increase the applications going to Planning Committee by up to 450 applications per year
- Would ask applicants/agents to clearly mark where they are proposing changes to plans/conditions to make any changes easily visible and would include this requirement in the planning validation list
- Would ensure that the planning service team had a two way dialogue with members regarding planning applications, issues and queries.

In light of the explanations and assurances given from the Interim Head of Development Management Cllr Macgregor withdrew his Notice of Motion, Cllr J Taylor as seconder supported this.

## **25. CLLR SWAIN - MOTION ON THE PROCESS OF CALLING IN APPLICATIONS TO PLANNING COMMITTEE**

The Notice of Motion submitted to Full Council on the 23 April 2024 as set out on the agenda was presented by Cllr Swain.

In response to Members the Interim Head of Development Management clarified the following:-

- Would add a box to the Members Planning Committee *to committee regardless of recommendation* and would examine the format to make it user friendly
- Forums to support Town and Parishes in the understanding of the planning process had been reinstated and these would be held on a regularly basis
- Members briefings can be held in respect of Strategic Planning issues that could include micro-energy sites

**RECOMMENDED** to Full Council that:-

- (1) Allow planning decisions to be referred to committee stating specifically why it is in the public interest for this application to be determined by committee; and

- (2) Where an officer recommendation goes against the view of a parish or town council, the recommendation should acknowledge that view and explain why a different outcome is recommended.

**26. MEMBERS TRAINING AND BRIEFING PROGRAMME**

Members were advised that they would be sent a survey in due course regarding their training requirements.

Chair

## **REPORT OF THE INDEPENDENT REMUNERATION PANEL (IRP) TO TEIGNBRIDGE DISTRICT COUNCIL**

### **Introduction**

The Local Government Act, 2000 required local authorities to produce a Scheme in respect of councillors' allowances. Under the Local Government (Members' allowances) (England) Regulations 2003, Councils have to set up an independent remuneration panel to make recommendations on members' allowances.

The Panel undertook a full review from September 2024 following the deferment of the Panel's interim report to Council 30 July 2024. The Panel met several times to review the Scheme for 2025/26. These meetings included interviews with councillors.

The review process included the basic and all special responsibility allowances (SRA), travel and subsistence, care provision for dependents, and a comparison of allowances paid by neighbouring Devon and south-west authorities.

The Panel acknowledged that Teignbridge District Council, like other Councils, is facing an extremely challenging financial situation and any increases in allowances would have to be carefully considered.

In submitting this report, the Panel wishes to acknowledge the invaluable contributions of the Democratic Services officers in offering clear advice, guidance and support for this review. We are also indebted to those councillors who offered evidence to the Panel through interviews.

The Panel made recommendations for the following allowances:

### **Overview and Scrutiny (O&S)**

The Panel recognises that there is a changing culture within the Council regarding the approach to, and significance of, this statutory function. The single committee is likely to increase pressure on the Chair and Vice Chair of the Committee to manage the work programme, lead the scrutiny of the Executive and manage the capacity of the Committee to engage in policy development and review. The Panel is of the view that the present remuneration of these member roles is not sustainable within the changed culture. Accordingly, it is the Panel's recommendation that the Special Responsibility Allowances (SRA) for the Chair and Vice Chair should be set respectively at £9,334 (1.5 x Basic Allowance (BA) and equal to that of an Executive Member) and £3,111 (0.5 x basic Allowance and equal to other Vice Chair positions) both with effect from 1st April, 2025.

### **RECOMMENDATION 1**

With effect from 1 April 2025, the allowance for Chair of O&S be increased from 1.1 x BA to 1.5 x BA to recognise the statutory role that scrutiny performs and the only body that can effectively call the Executive to account.

### **RECOMMENDATION 2**

With effect from the 1 April 2025, the allowance for Vice Chair of O & S should be increased from 0.3 x BA to 0.5 x BA.

### **Chair of the Council**

The Panel is not making any further recommendation on this matter from its interim report to Council 30 July 2024 (appended) . It does however wish to reiterate to the Council that it had no intention to recommend a reduction in the SRA for this position, even though the evidence suggested a reduction in the overall number of engagements post Covid. It is important that the Scheme of Allowances, and specifically the list of special responsibility allowances, clearly set out the levels of responsibility, represented by the amounts listed. The SRA is to recognise the significance of being the first citizen of the District and the preparation involved in chairing the primary policy making body of the Authority. To include an expenses budget within the published SRA does distort the perception of the level of responsibility. We felt, and still feel, that the expenses “pot” should be separated out and ring fenced for its intended use.

### **Audit Scrutiny Committee**

The Panel has considered evidence about the developing role of the Audit Committee with regard to the accounts of the Council, and consequently the responsibility of the Chair and Vice Chair. The Panel recognises that the special responsibility allowance for the Chair should be more about recognising the nature and significance of the responsibility rather than the number of meetings. In the Panel’s view the SRA for this Chair is not sustainable and needs to increase. Also, the support role of the Vice Chair should be recognised.

Accordingly, the Panel recommends that the Chair’s allowance should be set at £6,223 (1 x BA) and the Vice Chair ‘s allowance at £2,480 (0.4 x BA – similar to other Vice Chairs), both with effect from 1 April, 2025.

### **RECOMMENDATION 3**

With effect from 1 April 2025 the SRA for the Chair of Audit Scrutiny should increase from 0.75 x BA to 1x BA, to *recognise the nature and significance of the responsibility*.

### **RECOMMENDATION 4**

With effect from 1 April 2025 the SRA for the Vice Chair of Audit Scrutiny (currently not receiving a SRA) should be 0.4 x BA.

### **Basic Allowance (BA)**

### **RECOMMENDATION 5**



The BA continues to be adjusted in line with the Local Government Employer (LGE) staff pay award for the previous year. For instances when a flat rate is awarded the increase be the average percentage increase for staff.

### **Dependents Allowance**

The Panel considers that the process should be flexible to enable support for carers rather than needing a receipt and that there should be a presumption that claims are honest. This is seen as important to attract younger Members who may require childcare, or others may need care for elderly dependents.

### **RECOMMENDATION 6**

Delete the sentence regarding a countersigned receipt being needed, in paragraph 7.4 of the Dependents Allowance scheme as below to allow Councillors to access care more easily.

*7.4 The care of the dependant does not necessarily have to be provided by a registered or professionally qualified provider, but it cannot be claimed for care carried out by a member of the same household. In addition, it may not be claimed if the care is already paid for by another body or if claimed elsewhere. ~~A receipt is required with the cost of the care, counter-signed by both the Councillor and the carer.~~*

### **Travel claims for SRA Postholders**

The Panel believes that the approved duties in relation to claims for travel, should not be unduly restrictive on members, particularly those who hold positions of special responsibility. It is reasonable for any member to submit a claim in relation to any attendance, not limited to formal meetings, that has a relevance to their specific roles or indeed their general role as an elected councillor. Accordingly, we recommend that the reference to attendance at formal meetings be amended by the addition of words to the above effect.

Consideration was given to whether all travel associated with an SRA role (other than attending formal Committee meetings) should be covered by the SRA allowance or whether separate claims can be made.

### **RECOMMENDATION 7**

All travel claims from Members in receipt of SRA must be reasonably associated with the role of the visit and the following be added to Appendix A – approved duties for the payment of travel and subsistence allowance.

[Section 8f Members Allowances MAY 2023.pdf](#)

“It is reasonable for any member in receipt of an SRA to submit a claim in relation to any attendance, not limited to formal meetings, that has a relevance to their specific roles or indeed their general role as an elected councillor.

