

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

Report Title	NEW PROCEDURES COMMITTEE
Purpose of the Report	This report sets out the recommendations for the formation of a new Procedures Committee.
Recommendation	<p>The Leader RECOMMENDS to Full Council that:</p> <p>1. A Procedures Committee be established and the Constitution be amended as follows:</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"> (a) The Chair of Council (who will Chair the Committee); (b) All Group Leaders; (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. <p>3.11A.2 Areas of Work:</p> <ul style="list-style-type: none"> (a) To review the operation of the Constitution, its Standing Orders, conventions and working practices; (b) To oversee the Councils programmes for member development/training; and (c) To make recommendations to the Council on its Scheme of Members' Allowances. <p>2. The political balance requirements for this Procedures Committee shall not apply.</p>
Financial Implications	No additional costs anticipated due to delivery and operation from existing resources. Chief Finance Officer martin.flitcroft@teignbridge.gov.uk
Legal Implications	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:

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| | <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"> (a) Conservatives – 3 seats (in practice same as proposed including the group leader) (b) Lib Dems – 5 seats (in practice, 2 more than proposed of which one will be the group leader) (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) (d) NSN – 1 seat (which would have to be filled by the group leader) (e) Independent – not aligned - nil (same as proposed) <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.