

Response to proposed changes to the constitution of Teignbridge District Council

21 November 2022

The Group was disappointed that such major changes have been drafted and presented without prior informal discussion with councillors. Such informal discussions, either across the council or within the various Groups, would have facilitated better understanding of the reasons some changes had been put forward.

After reviewing the Centre for Local Governance (CLG) report, the proposed constitutional changes, and reflecting on other contributing factors, we do recognise there are problems in the operation of the council and relationships within it that need improvement.

There are a range of issues including relations between officers and various groups of councillors. The council will need strategies to deal with disruptive behaviour, and to rebuild trust, communication and cooperation.

No doubt some of those will be changes to the constitution, but not all, and the Liberal Democrat Group does not see the reasoning, evidence or justification for many of the proposed changes.

We are disappointed there has not been better discussion within the council, of this evidence and the best ways forward.

The report calls for a rebalancing of the relationship between the councillors' strategic role, and the officers' operational role, however the changes to the constitution put forward by officers seem disproportionately aimed at restricting councillors' role and rights with few aimed at clarifying officers' responsibilities.

We respond to the specific proposals in this document, but we would like to see more open discussion between officers and groups of councillors to identify the best responses to the council's challenges.

Large changes

We respond to each of the large changes here. We expect small changes relating only to these large changes (e.g. striking references to a committee that is proposed to be dissolved) will follow the decision on the large change.

Dissolving Standards Committee

Response: We oppose the removal of the Standards Committee. Dealing with disruption and member behaviour is a significant issue for the council. This is recognised in the Governance report and is now identified on the risk register as presented to audit scrutiny.

We recognise there are issues to deal with here and a backlog of work. Investigating individual cases of misconduct is very different from considering policies and strategies within the council. The Standards Committee should be able to focus on standards cases.

Improvements could be made. Standards Committee has just six members with three needed for a subcommittee to deal with each complaint that is heard. Member on Member complaints are currently an issue in Teignbridge, and members may have an interest in a complaint.

We would believe the Standards Committee should be retained and expanded with, say 12 Members and possibly supported by a larger pool of trained councillors and external representatives independent of the council, to deal with any complaint hearings.

Combining Procedures Committee with Audit Scrutiny Committee to form a new Audit Scrutiny and Governance Committee.

Response: Audit Scrutiny is considered to be working well and has a relatively forensic approach. It does good work. It is appropriate also to consider constitutional and procedural issues, so the Liberal Democrat Group does not object to a merger of Audit Scrutiny Committee and the Procedures Committee.

However, we do not see any reason to reduce the size of this committee, and no justification has been offered. With the additional responsibilities the Committee should be larger, rather than smaller.

We strongly oppose the recommendation to merge Standards, Procedures and Audit Scrutiny into a single committee with just 7 members which seems utterly bizarre. This recommendation contributes to a general impression that these changes are intended to restrict and marginalise councillors. It is not helpful in improving balance, communication and trust between Councillors and Officers.

Appointment of all chairs and vice chairs at once during annual council

It isn't clear if the chairs will be elected by all Councillors, or by the Members of the particular committee that are present, or if the proposal and election of chairs will be in a single proposal and vote as committee memberships are.

Response: **We oppose this change.** The CLG report talks about a lack of engagement, and the election of a chair at the first meeting is an opportunity for the committee to come together and take control of its operation. Election of chairs and vice chairs should stay as it is.

Changes to the Planning Committee and process

These changes are found in 3.9 and 8e.

It is proposed to reduce the size of the planning committee from 17 to 13 members.

New restrictions are placed on those who can attend site meetings, only 3 members, no ward members, no persons authorised to represent the Parish/Town Council, no County Environment Director's representative or other statutory consultees, no other Teignbridge Members (as observer).

Restrictions are placed on reporting back from a site meeting with just one elected spokesperson.

Response: NO

In Spring 2020, Planning Committee was composed of 21 Members. It has since been reduced in size to 17 Members.

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Executive of 2 October 2018 (under the previous administration) looked at a recommendation to prevent Town and Parish Council's representatives being included in planning site inspections.

It was resolved that Town and Parish Council's should continue to be invited to planning site inspections.

<https://democracy.teignbridge.gov.uk/ieListDocuments.aspx?CId=135&MId=454>

at item 180.

During the current administration at Full Council - Monday, 20th September, 2021, it was recommended by the Procedures Committee that the council's Procedural Rules should be amended so that Councillors serving on the Planning Committee are no longer permitted to vote on applications within their ward. It was proposed that this recommendation be rejected, put to the vote and carried.

<https://democracy.teignbridge.gov.uk/ieListDocuments.aspx?CId=135&MId=454>

at item 54.