

Section 24 Statutory Recommendation

Teignbridge District Council
year ended 31 March 2024

February 2025



13 February 2025

Dear Members

Recommendations made under section 24 schedule 7 of the Local Audit and Accountability Act 2014

Our responsibilities

As well as our responsibilities to give an opinion on the financial statements and assess the arrangements for securing economy, efficiency and effectiveness in the Council's use of resources, we have additional powers and duties under the Local Audit and Accountability Act 2014. These include powers to issue a public interest report, make written recommendations, apply to the Court for a declaration that an item of account is contrary to law, and to give electors the opportunity to raise questions about the Council's accounts and to raise objections received in relation to the accounts.

We have concluded that it is appropriate for us to use our powers to make written recommendations under section 24 of the Act, as despite issuing key recommendations in our two previous Annual Audit Reports (which cover three financial periods), concerning member behaviour, we have seen insufficient progress on the implementation of our recommendations. This statutory recommendation was formally made to the council on 4 February 2025. Further details are included in the attached report.

What does the Council need to do next?

Schedule 7 of the Local Audit and Accountability Act 2014 requires the following actions:

The Council must consider the recommendation at a meeting held before the end of the period of one month beginning with the day on which it was sent to the Council.

At that public meeting the Council must decide:

- whether the recommendations are to be accepted; and
- what, if any, action to take in response to these recommendations.

Schedule 7 of the Act specifies the meeting publication requirements that the Council must comply with.

Grant Thornton UK LLP

Chartered Accountants

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Background to the statutory recommendation

We have concluded that it is appropriate for us to use our powers to make written recommendations under section 24 of the Act, due to inappropriate behaviour by some members.



Governance

The Nolan Principles include a principle of Leadership, which states that "Holders of public office..... should treat others with respect". The two previous Auditor's Annual Reports published in August 2023 and February 2024 identified significant weaknesses in the Council's arrangements for upholding good standards in member behaviour and in member-officer relationships. Both reports included a key recommendation stating that "Both members and senior officers must commit to building up respect and good working relationships and demonstrate that significant progress has been made within a reasonable timeframe ... This should also include commitment from group leaders that party members will be held to account for unruly behaviours. Senior leadership, both officers and members, must demonstrate that there is zero tolerance to inappropriate behaviours".

The Centre for Governance and Scrutiny highlighted weaknesses in relationships in 2022 and an LGA Peer Review visit from 9th to 11th January 2024 highlighted weaknesses again in January 2024. We note that the Council officers did finalise a new member/ officer protocol in July 2024; and did formally adopt an LGA Peer Review action plan in October 2024. However, officers inform us that the timescale for formally adopting the LGA action plan was in some measure slowed down by key members of the Council focusing on the 2024 national election. By the time that the action plan was formally adopted, some nine to ten months had passed since the LGA Peer Review report had been shared with the Council.

Recent examples of poor behaviour since the start of 2023/24 include one member swearing at their fellow-member Chair of a Full Council meeting; members talking over one another, using condescending and aggressive language; members arguing about whether hands had been raised at the Overview and Scrutiny Committees in place until May 2024; and members muting one another's microphone and exiting the room early rather than stay in the new Overview and Scrutiny Committee meetings since May 2024. All groups have been involved to some extent or other and some incidents we observed have occurred even as late as July 2024 when the new member/ officer protocol was being agreed.

Overall, behaviour and relationships continued to be challenging in 2023/24 – regardless of the numerous recommendations that the Council has already received from us and other bodies as described above. We note that the Standards Committee has not met since July 2023, in part because there were behavioural issues on that Committee itself. A Procedures Committee has continued to meet, and officers have argued for the creation of a Governance Committee.

The above impacts on the Council's reputation, working culture, and ability to transact business as usual.

Statutory Recommendation



Statutory Recommendation

The Council should:

1. Commission a suitably qualified expert to investigate the underlying causes of member behaviours which contravene the standards set out in the Council's constitution under the members' code of conduct and the member/officer protocol; and which have impacted the Council's reputation and working culture. The Council should then develop an action plan to enable members and officers to address those issues.
2. Adopt a consistent zero-tolerance approach to any swearing; lack of respect for other people attending meetings; or other abusive behaviour towards other members or officers in meetings. This should be done by making full use of the procedural rules set out in the Council's constitution by: Immediately adjourning the meeting; moving a motion that the member concerned be not heard; or moving a motion that the member concerned should leave the meeting.
3. Consider amendments to its constitution to extend those procedural rules to all meetings of committees of the Council and amend the Member Code of Conduct to include an obligation for all members to reinforce standards of behaviour and to support the Chair of the Council and chairs of committees of the Council in their use of procedural rules to ensure proper conduct. Group Leaders should model good behaviour and discipline members of their groups whose behaviour breaches the Code of Conduct and the member/officer protocol.
4. Continue to provide information and support to ensure that members and officers who are subjected to aggressive and abusive behaviour from individual members can, if they wish, submit a written complaint to the Monitoring Officer immediately, so that it can be dealt with under the Council's Standards procedures.
5. Ensure that Group Leaders take responsibility for their members working collaboratively with officers and for their members improving behaviours and relationships.
6. Review membership of the Standards Committee, with only members who have an excellent behavioural track record being eligible to join it. Meetings should then resume. A Governance Committee should be introduced to reinforce the work of the Standards Committee. As with the Standards Committee, members on the Governance Committee must have an unblemished behavioural track record.

Securing good standards and behaviour amongst members will help to strengthen corporate governance and working culture. This in turn should help to create a positive environment from which the Council can build better relationships and address the other issues it faces, such as transacting business as usual and maintaining respect and co-operation around decisions once they have been taken.

Statutory Recommendation (continued)



Management responses

Recommendation Part 1 - The council has commissioned the CFGS to conduct reviews and are currently working with them to review the constitution. Members of the administration have had workshops with officers to improve the working relationship and clarify roles. To date a small number of independent councillors who refuse to moderate their behaviour and their group leaders either refuse to or are unwilling to address the behaviour to which you refer.

Recommendation Part 2 - Agreed. Support and training is given to chairs and members but there is a lack of support from councillors across the chamber to address this behaviour in meetings.

Recommendation Part 3 - The Council has adopted the LGA model code and as stated above Chairs receive specific training.

Recommendation Part 4 - Members and officers are aware of the process to raise a standards complaint and are supported to do so.

Recommendation Part 5 - Agreed.

Recommendation Part 6 - Agreed.

Recommendations raised in 2023/24

Recommendation	Status*	Criteria	Comments and Actions agreed by Management
<p>SR1 The Council should:</p> <ol style="list-style-type: none"> Commission a suitably qualified expert to investigate the underlying causes of member behaviours which contravene the standards set out in the Council's constitution under the Members' Code of Conduct and the member/officer protocol; and which have impacted the Council's reputation and working culture. The Council should then develop an action plan to enable members and officers to address those issues. Adopt a consistent zero-tolerance approach to any swearing; lack of respect for other people attending meetings; or other abusive behaviour towards other members or officers in meetings. This should be done by making full use of the procedural rules set out in the Council's constitution by: Immediately adjourning the meeting; moving a motion that the member concerned be not heard; or moving a motion that the member concerned should leave the meeting. Consider amendments to its constitution to extend those procedural rules to all meetings of committees of the Council and amend the Member Code of Conduct to include an obligation for all members to reinforce standards of behaviour and to support the Chair of the Council and chairs of committees of the Council in their use of procedural rules to ensure proper conduct. Group Leaders should model good behaviour and discipline members of their groups whose behaviour breaches the Code of Conduct and the member/officer protocol. Continue to provide information and support to ensure that members and officers who are subjected to aggressive and abusive behaviour from individual members can, if they wish, submit a written complaint to the Monitoring Officer immediately, so that it can be dealt with under the Council's Standards procedures. Ensure that Group Leaders take responsibility for their members working collaboratively with officers and for their members improving behaviours and relationships. Review membership of the Standards Committee, with only members who have an excellent behavioural track record being eligible to join it. Meetings should then resume. A Governance Committee should be introduced to reinforce the work of the Standards Committee. As with the Standards Committee, members on the Governance Committee must have an unblemished behavioural track record. <p>Securing good standards and behaviour amongst members will help to strengthen corporate governance and working culture. This in turn should help to create a positive environment from which the Council can build better relationships and address the other issues it faces, such as transacting business as usual and maintaining respect and co-operation around decisions once they have been taken.</p>	Statutory	Governance	<p>Management comments</p> <p>Shown on page 5 of this report.</p> <p>Management actions</p> <p>Actions:</p> <p>as per page 5</p> <p>Responsible Officer:</p> <p>Paul Woodhead (MO)</p> <p>Executive Lead:</p> <p>Martin Flitcroft (s151)</p> <p>Due Date:</p> <p>12 months</p>

