

**Motion on Notice submitted on 12/2/2020 for Full Council Meeting on 24/02/2020:
'Facilitating Open & Accountable Decision Making'**

BACKGROUND TO THE MOTION

Article 16 of the Constitution of *Teignbridge District Council* is concerned with *Decision Making*; Article 16.2 states:

- “**All decisions of the Council will be made in accordance with the following principles: [...]** (d) **a presumption in favour of openness**” (my emphasis added in bold);
- “[...] (g) in reaching a decision, Councillors will have regard to the 10 General Principles of Conduct set out in Schedule 3 of The Relevant Authorities (General Principles) Order 2001. These are as follows: [...] (iv) **Accountability: Members should be accountable to the public for their actions [...]**. (v) **Openness: Members should be as open as possible about their actions and those of their authority [...]**” (my emphasis added in bold).

The aims of openness and accountability of Councillor Decision Making are compromised in the Articles of the Constitution that deal with requests for Recorded Votes, which typically require that 5 Members to agree to request a Recorded Vote before one is taken. With votes in most committees taken by a show of hands it is possible to see who votes which way, although this is not recorded by default (except, of course, in the event that a decision is unanimous). **In Planning Committee meetings where an electronic voting apparatus is used for Decision Making, unless a Recorded Vote is successfully requested, votes are effectively being made in secret (in terms of the way each Member votes)**. In a recent meeting of the Planning Committee (21/1/2020) a decision on a contentious Planning Application was made without a Recorded Vote despite four Members requesting one, and despite great public interest in the vote – not least in the way that Members were voting. **This falls severely short of the principles of openness and accountability expected by the public and as espoused in Article 16 of the Constitution.** It is this regrettable situation that the current Motion seeks to remedy.

Article 18 of the Constitution dealing with *Review and Revision of the Constitution* states that **Members have a duty to monitor and review the constitution. It is in that respect that the current motion is proposed.** Article 18.3 also states: “Other than minor amendment, changes, changes to the Constitution will only be approved by the Full Council after consideration of the proposal by Head of Paid Service.” The Members putting forward this motion consider that changing the requirement for a Recorded Vote from 5 Members to 1 Member might be considered a minor amendment. In the event, though, that it is argued that this amendment to the constitution requires consideration of the Head of Paid Service it is anticipated that the incumbent of that position will not frustrate the wishes of Members to move towards greater openness and accountability in decision making within Teignbridge District Council, and will allow Members to

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debate and vote on this Motion at the meeting of Full Council on 24/02/2020.

It is acknowledged that a Constitutional Working Group (CWG) meets occasionally to consider issues that need addressing within the Constitution, such as inconsistencies between various Articles of the Constitution. The issue of Recorded Votes and the desirability of all Planning Decisions being open and accountable was raised with a member of the CWG by the proposer of this Motion back in July 2019. The CWG report presented to Full Council in September 2019 did *not* address this matter nor was this matter included in a list of matters to be considered by the CWG before the end of 2019/20. **The CWG is not addressing this issue in a timely manner and consequently, and especially given the importance of principles of Open Democracy, this issue should be taken forward now, outside the auspices of the CWG, through Full Council, at the earliest opportunity.**

THE MOTION

Proposed By: Cllr Patch and supported by Cllrs Bradford, Dawes, Mullone and any other Cllrs who confirm their support by email in good time

This Council resolves that:

- (a): this Council is committed to the principles of open and accountable decision making;
- (b): from this day forward, in meetings of the Full Council or any Committee of the Council, if just one Member present at the meeting (and not necessarily a Member of that Committee for Committee Meetings) requests a Recorded Vote for a particular vote the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot; and
- (c): until such time as the Articles of the Constitution for Full Council and Committees of the Council are updated to come in line with the above *clause (b)*, *clause (b)* of this Motion shall take precedence over the requirements for a Recorded Vote as set out in those Articles of the Constitution.