

## Standards Committee

Wednesday, 13 March 2024 at 6.00 pm  
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting  
Wednesday, 19 June 2024 at 6.00 pm

**Please Note:** This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

**The meeting will be hybrid and an audio recording made and published on the website after the meeting.**

To join the meeting online, [Click here](#)

## Membership

Cllr A Glover  
Cllr E Buczkowski  
Cllr F J Colthorpe  
Cllr M Fletcher  
Cllr S Keable  
Cllr L Knight  
Cllr L Taylor  
Cllr N Woollatt  
Cllr D Wulff

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

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**  
To receive any questions from members of the public and replies thereto.

- 3       **MINUTES** *(Pages 5 - 10)*  
To consider whether to approve the minutes as a correct record of the meeting held on 18 October 2023.
- 4       **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**  
To record any interests on agenda matters.
- 5       **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman of the Committee may wish to make.
- 6       **ELECTION OF VICE CHAIRMAN**  
To elect a Vice Chairman of the Committee.
- 7       **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL** *(Pages 11 - 12)*  
To consider any amendments to the Constitution following Motions approved by Council in the period since the last meeting.
- 8       **PROPOSED AMENDMENTS TO THE CONSTITUTION** *(Pages 13 - 24)*  
To receive a report from the Director of Legal, HR & Governance (Monitoring Officer) on the proposed amendments of the Constitution.
- 9       **GOVERNANCE PROPOSED CHANGES TO THE POLICY DEVELOPMENT GROUP** *(Pages 25 - 30)*  
To receive a report from the Director of Legal, HR & Governance (Monitoring Officer) on the Governance proposed changes to the Policy Development Groups.
- 10      **COMPLAINTS**  
To receive a verbal update from the Monitoring Officer with regard to any on-going complaints being dealt with.
- 11      **UPDATE ON THE BOOK OF MOTIONS**  
To receive a verbal update on the Book of Motions.
- 12      **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**  
To consider items for the next meeting.

**Stephen Walford**  
Chief Executive  
Tuesday, 5 March 2024

## **Meeting Information**

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Democratic Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Laura Woon on: [lwoon@middevon.gov.uk](mailto:lwoon@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 18 October 2023 at 6.00 pm

### **Present**

#### **Councillors**

A Glover (Chairman)  
F J Colthorpe, J Frost, S Keable, L Knight,  
S Robinson, L Taylor, N Woollatt and  
D Wulff

### **Apologies**

#### **Councillor(s)**

M Fletcher

### **Also Present**

#### **Councillor(s)**

G Czapiewski

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

## 13 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Matt Fletcher who was substituted by Cllr Jamie Frost.

## 14 **PUBLIC QUESTION TIME**

### **Nick Quinn**

Regarding Agenda Item 6 – Annual Report of the Monitoring Officer.

Paragraph 5.1 states that there were 12 complaints against Councillors in 2022/23 but none went to formal investigation.

Since nothing came of these complaints, Members might think they were petty, but this is unlikely as the formal complaints procedure is daunting and not be taken lightly.

You must provide: Your Full Name, Address, Phone Numbers and Email details.

Give details of: Who the complaint is against; What happened; Where and When; Names and Contact Details of Witnesses and any other evidence to support of the complaint.

You also have to give: The outcome you want.

You can ask that your personal details are not shared, but if the Monitoring Officer does not accept your reasons, you have to withdraw the complaint.

I see 4 of the 12 did that.

So 8 people felt strongly enough about something to risk identification and pursue their complaint formally - but not a single one made it to formal investigation.

The report says some of the complaints were about Respect, Bullying, Reputation and Communication – which raised “*important and complex questions*”, but it does not say how these were answered.

In fact there is nothing in this report about outcomes:

- no specific advice given to certain Councillors;
- no additional General Guidance or Training for all Councillors.
- no revisions to the Code of Conduct;

Nor is there anything about how the Complainant outcomes - whether they were satisfied, or not.

Q1: Will Standards Committee please consider asking for more information about the formal complaints, and their outcomes, to be included in future reports?

Q2: Will Standards Committee please consider asking for feedback information from the complainants to be included in future reports?

It was stated that these questions would be addressed during the debate under item 6 – Annual Report of the Monitoring Officer.

## 15 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

## 16 **MINUTES**

The minutes of the meeting held on 21 June 2023 were approved as a correct record of the meeting and **SIGNED** by the Chairman subject to the following context being added to minute number 9 to explain the proposed deferment:

Cllr N Woollatt **MOVED**, seconded by Cllr Mrs F J Colthorpe that this item be deferred to the next meeting so that the information needed to enable the committee to monitor and check that the constitution had been updated, could be provided.

## 17 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 18 **ANNUAL REPORT OF THE MONITORING OFFICER FOR 2022/23 (00:16:00)**

The Committee had before it, and **NOTED**, a report \* from the District Solicitor and Monitoring Officer providing it with an overview of the preceding year.

Consideration was given to:

- Receiving information in the future regarding the breakdown of complaints, for example, the number of Town and Parish Councillor complaints compared to the number of District Councillor complaints. It was explained that whilst the

Monitoring Officer had to be very careful about what information was put into the public domain this sort of information would be useful and would help the Committee to identify trends which could help in providing other Councils with advice.

- Whether the Council just accepted the findings of investigations or whether there was an opportunity to challenge them? It was explained that the Monitoring Officer's decision was final. It was also explained that just because a case may not go forward to a formal investigation it didn't mean the complaint wasn't looked into. The Monitoring Officer is responsible for drafting decision letters and sending them through to complainants after consultation with the Independent Person. They then had an opportunity to appeal under the judicial review system and take a case through the courts should they wish.
- The grounds for a case requiring a Hearing were all set out in the Constitution, however, LGA Good Practice stated it was better to try and deal with issues informally wherever possible. A great deal of work was required for a formal investigation.
- Since current information provided to the Committee was very high level it was suggested that going into Part II would sometimes be very beneficial in order for the Standards Committee to receive more detail. The Monitoring Officer stated that she would be happy to do this if the case warranted it in future and to expand on the information supplied in addition to providing a more in depth breakdown.
- There was some concern that the Constitution had not been updated since February 2023. It was explained that the delay had been due to some resource issues and there had been a lot of amendments to update the Constitution with. However, these had now been done and the updated Constitution would be uploaded to the website in the very near future.
- It was suggested that the Committee may find it helpful to receive information regarding the 'Thresholds for Intervention' so that more could be learned about the difference types of response and action needed as a result of a complaint depending on its nature.
- An industry expert in the Standards field had recently complimented the Council on the robustness of its procedures in dealing with complaints.

**RESOLVED** that the Annual Report of the Monitoring Officer be **NOTED** and circulated to all Town and Parish Councils for information.

(Proposed by Cllr S Keable and seconded by Cllr D Wulff)

Note: (i) \* Report previously circulated.

(ii) The member of the public asking questions in relation to this item, having listened to the debate, was content not to receive written responses as he felt the issues had been addressed.

## 19 **RECOMMENDATION G OF THE TASK AND FINISH GROUP (COUNCIL PROCEDURE RULES) (00:40:00)**

At the previous meeting, the Standards Committee had deferred further consideration of Recommendation G of the Task and Finish Group to this meeting.

Recommendation G had been worded as follows:

“The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members’ political group”.

Discussion followed with regard to:

- A previous Motion being dismissed on the grounds of needing balance.
- The problematical nature of such a change.
- A comparison had been made with other similar council’s and all required substitution of Members from the same political group.
- The suggestion may have been helpful as regards the Planning Committee due to it needing to be apolitical but it would not be appropriate across the rest of the Council’s committees.

**RECOMMENDED** to Full Council that Recommendation G of the Task and Finish Group on Council Procedure Rules not be supported.

(Proposed by the Chairman)

Note: Cllr J Frost abstained from voting.

## 20 **MOTION 577 (00:50:00)**

At the previous meeting, the Standards Committee had deferred further consideration of Motion 577 to this meeting.

The wording of Motion 577 had been as follows:

### **Motion 577 (A Wilce 16.11.2021)**

A Motion to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public.

The Council resolves that:

When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days.

Wherever possible, any written questions submitted in the absence of the member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry.

A copy of the question(s) and answer(s) will be circulated to members of the Committee (or Full Council) and will also be attached to the minutes.

Discussion took place with regard to:

- The discussions held by the Task and Finish Group who had originally recommended that Motion 577 not be supported.



- The need to remove the word 'substantive' from the original motion given one person's 'substantive' answer might be different from another person's.
- Ambiguities involved as to when a question was a question and when it was not.
- Officers already offered to provide written responses if they did not have the answers immediately to hand during a meeting.
- A need to make the original Motion clearer.

| **RECOMMENDED** to Full Council that Motion 577:

(i) Be amended to read as follows:

'When an enquiry, to which an answer is required, is made by a Member at a formal meeting and an answer cannot be given at that meeting, a written response shall be sent to the enquiring Member within 10 days.

A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also be attached to the minutes'

(ii) The Motion, as amended, be supported.

(Proposed by Cllr N Woollatt and seconded by Cllr L Knight)

Note: Cllr J Frost abstained from voting.

## 21 **UPDATE ON THE BOOK OF MOTIONS (01:00:00)**

The Committee **NOTED** a verbal update regarding the Book of Motions.

It was stated that discussion had taken place during the previous meeting about making the Book of Motions more accessible to the public. It was explained that it was possible to view this on the website under 'Councillors & Democracy', 'Meetings, Minutes and Agenda's' and then by clicking on 'The Library' and then 'Book of Motions'. However, this was not ideal and not immediately evident to members of the public, therefore the Modern.Gov software suppliers, Civica, had been contacted to see if there was a better way of doing this. Democratic Services were still waiting to hear from them but would continue to liaise with Civica in order to find a satisfactory resolution to this outstanding issue.

It was confirmed that the Book of Motions was now updated after every full Council meeting stating what the Council's decision had been in relation to each Motion presented to it. However, further work needed to be undertaken by the Democratic Services team in completing the additional columns which had been added showing whether or the Constitution had been updated so that a full and updated version of the document was available to the public as soon as possible after each Council meeting.

## 22 **COMPLAINTS (01:05:00)**

The Committee **NOTED** a verbal update from the District Solicitor & Monitoring Officer which provided an update on complaints received since 21 June 2023. A small number had been received since the last meeting with the core theme of each

falling under the 'respect' heading. To have provided any further details would have meant having to go into Part II.

## 23 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:07:00)

The Committee requested that the following be on the agenda for the next meeting:

- The Council's Governance Arrangements
- Code of Conduct Complaint Appeal Procedure and Guide to Making a complaint about a Councillor review
- Update on the Book of Motions
- Amendments to the Constitution following Motions approved by Council (deferred from the Standards Committee meeting of 21 June 2023)

(The meeting ended at 7.11 pm)

**CHAIRMAN**

## Minute Extract:

Minute 110- Full Council, 20<sup>th</sup> December 2023

### **STANDARD COMMITTEES REPORTS ON THE MEETING HELD ON 18 OCTOBER 2023**

The Chairman of the Standards Committee presented the report of the meeting held on 18 October 2023

This covers minute numbers 13 - 23.

Minute 19: **RECOMMENDED** to Full Council that: G of the Task and Finish Group on Council Procedure Rules not be supported.

Minute 20: **RECOMMENDED** to Full Council that Motion 577:

(i) Be amended to read as follows:

'When an enquiry, to which an answer is required, is made by a Member at a formal meeting and an answer cannot be given at that meeting, a written response shall be sent to the enquiring Member within 10 days. A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also be attached to the minutes.

(ii) The Motion, as amended, be supported.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

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## **Report for: Standards Committee**

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Date of Meeting:	13 March 2024
<b>Subject:</b>	<b>Amendments to the Constitution</b>
Cabinet Member:	Cllr Luke Taylor, Leader
Responsible Officer:	Maria de Leburne – Director of Legal, HR & Governance (Monitoring Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	Appendix 1 – list of proposed changes

### **Section 1 – Summary and Recommendation(s)**

To provide Members with proposed required amendments to the Constitution.

#### **Recommendation(s):**

- 1. That Standards Committee recommends to Full Council that the Constitution be amended as per the list within Appendix 1.**
- 2. That the Standards Committee recommend to Full Council that delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per Appendix 1 and any other amendments required to reflect the changes.**

### **Section 2 – Report**

#### **1.0 Introduction**

- 1.1** There have been changes within the Leadership team. The Director of Business Improvement and Operations has left the Council and this role has not been replaced. The Director of Place role has been replaced by the Director of Place and Economy. The role of District Solicitor and Monitoring Officer has been replaced by the Director of Legal, HR & Governance (Monitoring Officer).

This has meant that the delegations and job titles contained within the Constitution need to be amended.

## **2.0 Proposed Changes**

- 2.1 These have been set out within Appendix 1 attached to this report.
- 2.2 The proposed changes to delegation are detailed on Appendix 1 and Sections 1 and 5 are regarding delegations. This includes the new delegations regarding the new Building Control legislative requirements. There are also changes to Part 4 Council Procedure rules.
- 2.3 The amendments also include a previous planning committee decision from 21 March 2018 - with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.
- 2.4 Having had the changes to public questions approved by Full Council on the 6 September 2023 we have had opportunity to consider and review how this has worked. There are recommendations as per Appendix 1.
- 2.5 Following a PAS review of the Councils Planning Committee, one of their recommendations contained within their review in March 2023 was removal of public question time. We are not aware of any other planning committees which have a public question item on the agenda. Members of the public have already had their opportunity during the planning process to make relevant representations such as support or objections, and experience shows that public question time here is simply used to repeat issues and objections already made, adding considerable length to what is already one of the longest committee meetings of the council. During the relevant item at the planning committee there is still the opportunity for 1- applicant/agent, 1- objector, 1- parish councillor, and 1- ward member. This ensures a balanced representation at committee, rather than an additional for example 10+ members of the public in support or objecting to an application, which could potentially be seen as persuading the committee. The intention is that national best practice is adopted and the relevant amendment is as per Appendix 1.

## **3.0 Next Steps**

- 3.1 That Standards Committee agree the proposed recommendations as listed at the outset of this report to Full Council.

## **Financial Implications**

There are no financial implications to the proposed changes to the Constitution.

## **Legal Implications**

If Council wishes to direct that changes be made to the Constitution this initially is considered by the Standards Committee and then will require Full Council's approval

## **Risk Assessment**

There are no risks.

## **Impact on Climate Change**

None

## **Equalities Impact Assessment**

None directly arising from this report, but impacts must be considered carefully in any decisions which result in a change to current practices affecting those with protected characteristics.

## **Relationship to Corporate Plan**

Our values and priorities – equally important to the 'what' we are trying to achieve, is the 'how' the organisation operates and conducts itself.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Maria de Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 29.2.24

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive  
**Date:** 05.03.2024

**Performance and risk:** Steve Carr  
Agreed on behalf of the Corporate Performance & Improvement Manager  
**Date:** 05.03.2024

**Cabinet member notified:** (yes/no)

## **Section 4 - Contact Details and Background Papers**

**Contact:** Maria de Leburne, District Solicitor and Monitoring Officer  
Email: [mdeleburne@middevon.gov.uk](mailto:mdeleburne@middevon.gov.uk)  
Telephone: 01884 255255

**Background papers:** None

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## **Changes to the Section 1 The Powers of the Council: (Pg 53)**

### Changes

1. 3b) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.
  
- 3c) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.
  
- 3d) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).
  
- 3f) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).

## **Changes to Section 5 Scheme of Delegation to Officers Only: (pg 63)**

### Changes

1. Under 2a) Leadership Team :  
To remove the Director of Business Improvement and Operations and District Solicitor job titles and replace with Director of Place and Economy and Director of Legal, HR & Governance (Monitoring Officer).
  
2. On page 64 – to change the Director of Business Improvement and Operations to Director of Legal, HR & Governance (Monitoring Officer) and the following (e), (k- o) and (w-y) be removed and placed under the Deputy Chief Executive (S151); and (h), (q-v) be removed and placed under the Director of Place and Economy
  
3. On page 65 to remove the titles Director of Business Improvement and Operations and replace with Director of Legal, HR & Governance (Monitoring Officer)
  
4. On page 67 to add in under the exceptions 8) With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination – this was a resolution from Planning Committee made on the 21 March 2018.
  
5. On page 68 to remove the titles Head of Planning Economy and Regeneration or the Group Manager for Development, and replace this with the Director of Place and Economy and/or Development Management Manager.
  
6. All references within the Constitution which state Director of Place are amended to Director of Place and Economy.

7. All references within the Constitution which state District Solicitor (Monitoring Officer) are amended to Director of Legal, HR & Governance (Monitoring Officer).
8. All references to Gypsy within the Constitution are changed to Gypsy and Traveller.
9. To remove a duplication section on page 69 - Director of Place as showed in track changes.
10. On page 70 under Building Control – the addition of:
  - The first sentence ‘under the Building Act 1984 or regulations *and any subsequent legislation*’
    - To determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations.
    - To relax or dispense with Building Regulations and to sign and issue such decisions.
    - To refer to the Magistrates’ Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.
    - To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.
    - To institute proceedings for infringement of the Building Regulations.
    - To serve Notice requiring removal or alteration of work not conforming to the Building Regulations (Section 36 of the Building Act 1984). To sign and issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984.
    - To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.
    - To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.
    - To enter sites and premises to carry out and enforce the Statutory Powers and Duties, such visits to be properly recorded.
    - To carry out tests on sewers, drains and land and where necessary to take samples and conduct tests on other building materials.
    - To take emergency action under the provisions of Section 78 of the Building Act 1984 in respect of dangerous structures.
    - To take action to enforce Building Regulations, including the issue of written Notices.
  - Under Other Provisions where CS and C of DA is replaced with the full words of Caravan Sites and Control of Development Act 1960.

11. On page 71 – remove the duplicated words ‘Monitoring Officer.
12. Page 78 - In Appendix 3 - To change the officers job title from Director of Business Improvement and Operations under:  
Elections – to Chief Executive  
Operations – to Director of Place and Economy apart from - To remove and dispose of abandoned vehicles – to Deputy Chief Executive (S151)  
Housing – to Director of Place and Economy
13. In appendix 4 – page 83 under 2. to remove Director of Business Improvement and Operations and :
  - replace the Data Protection Act delegations to the Deputy Chief Executive (S151) list
  - replace the Representation of the People Act delegations under the Chief Executive list on pages 81/82
  - S234 (1) and (2) delegations to the Director of Place and Economy

#### **Changes to Part 4 The Council Procedures.**

Existing:

#### **9. Questions and Statements by the Public**

- 9.1 Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which:
- a) concerns the Council’s powers / duties or which otherwise affects the District;
    - Where a question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.
    - Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
    - Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman’s discretion) will be available at the beginning of meetings for such questions and statements.
  - b) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
  - c) NB Planning Committee has its own arrangements for public questions.

Changes to:

## **9. Questions by the Public**

### **9.1**

- Residents, electors or business rate payers of the District shall be entitled to ask questions.
- Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting.
- Questions must be relevant to an item on the Agenda for that meeting (excluding the Minutes). The exception to this is at Full Council when residents, electors or business rate payers can ask a question concerning any of the Council's powers / duties or which otherwise affects the District.
- The Chairman, following advice from either the Chief Executive, Monitoring Officer or Democratic Services Manager, shall have the discretion to reject a question, giving reasons if it:
  1. Is not about a matter for which the Council has a responsibility or which affects the District
  2. Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable
  3. Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  4. requires the disclosure of confidential or exempt information.
- At the discretion of the Chairman of that meeting, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
- Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.
- The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- NB Planning Committee does not have public questions.

Existing:

### **9.2 Attendance**

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

Changes to:

**9.2 Attendance**

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

Persons attending the meeting in person are required to sign in at reception on arrival.

Existing:

**9.5 Recording of Questions and Statements by the Public**

The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.

Changes to:

**9.5 Recording of Questions by the Public**

The minutes shall contain a condensed written record of questions made by the public which accurately conveys the context.

Existing:

**20. Disturbance by the Public**

**20.1 Removal of member of the public**

- (a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- (b) If they continue to interrupt, the Chairman will order their removal from the meeting room.

Changes to:

**20. Disturbance by the Public**

**20.1 Removal of member of the public**

- (c) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- (d) If they continue to interrupt, the Chairman will order their removal from the meeting room or online.

## **Access to Information Procedure Rules (Pg 109)**

Existing:

### **4.0 Notices of meeting**

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk)

Changes to:

### **4.0 Notices of meeting**

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk)

Existing

### **13.3 Publication of the Notice of Key Decision (Pg 113)**

The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk).

Changes to:

### **13.3 Publication of the Notice of Key Decision**

The Notice of Key Decision must be made available for inspection by the public on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk).

## **Appendix J – Protocol of Good Practice for Councillors Dealing in Planning Matters (Page 250)**

Existing:

- 9.1 Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications
- 9.2 For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.
- 9.3 Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise

through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

Changes to:

9.1 There is no Public Question Time for a Planning Committee.

9.2 is renumbered as 9.1

9.3 is renumbered as 9.2 and where referenced to 9.2 this is amended to 9.1.

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**Report for: Standards Committee**

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Date of Meeting:	13 March 2024
<b>Subject:</b>	<b>Governance – Proposed Changes to Policy Development Groups</b>
Cabinet Member:	Cllr Luke Taylor, Leader
Responsible Officer:	Maria de Leburne – Director of Legal, HR & Governance (Monitoring Officer)
Exempt:	N/A
Wards Affected:	All
Enclosures:	None

**Section 1 – Summary and Recommendation(s)**

To provide Members with a proposed change to the Policy Development Groups (PDG) and the proposed required amendments to the Constitution.

**Recommendation(s):**

1. **Standards Committee to recommend to Full Council that there be five (5) Policy Development Groups: Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets; Service Delivery & Continuous Improvement.**
2. **Standards Committee recommend to Full Council that the Constitution is amended to reflect the changes to the PDGs.**
3. **That the Standards Committee recommend to Full Council that delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs.**

## **Section 2 – Report**

### **1.0 Introduction**

In recent years the council has considered a number of changes to its governance and arrangements, including through working groups, externally-facilitated advisory sessions, and debates at council. Most recently, at Full Council on the 1 November 2023, Option D was approved with an amendment that *‘This Council moves to a more robust implementation of the Hybrid system, utilising the Policy Development Groups and the Programming Panel to better develop policy and set strategic direction.’*

This report forms part of the journey of changing the council’s system of governance.

### **2.0 Background**

2.1 The previous administration on the 8 January 2020 resolved to set up a politically balanced working group to review the governance arrangements of the council. The group consisted of 12 members and carried out a comprehensive review of the council’s governance arrangements with a view that any changes could take effect for the municipal year 2021/22.

2.2 The Local Government Association (LGA) assisted the working group and the wider membership of the council was also encouraged to be involved. External consultation was also carried out with a panel-led session in November 2020 which 6 members of the public registered to attend and 5 actually doing so. In January 2021 seven conclusions were agreed by Council and other themes were considered in March 2021.

2.3 The recommendations from the working group were put to an Extraordinary Full Council meeting held on 17 March 2021 and it was carried that in the absence of a clear mandate for change at this time, the council keeps the current executive governance arrangements; and also that they endorsed the continuation of the PDGs and in doing so, requests members and officers to find effective ways to support the groups future work programmes.

### **3.0 Proposed Changes**

3.1 Hybrid system

3.1.1 As per Full Council’s approval on the 1 November 2023, work has been carried out in relation to a more robust implementation of the hybrid system, utilising the Policy Development Groups and the Programming Panel to better develop policy and set strategic direction.

3.2 New PDGs

3.2.1 It is recommended that the names of the current PDGs change to reflect the aims of the new the Corporate Plan and that there be an additional PDG, so instead of four (4) there will be five (5) PDGs. It is proposed that the PDGs will be renamed as follows:

- Planning, Environment & Sustainability;
- Community, People & Equalities;
- Homes;
- Economy & Assets;
- Service Delivery & Continuous Improvement

3.3 Each PDG will continue to have a different remit as set out below.

3.3.1 Planning, Environment & Sustainability - To be a leader and pioneer of best climate practice so new innovation and thinking is at the heart of the services we deliver and informs our planning policies.

3.3.2 Community, People & Equalities - Involving and engaging with our communities, ensuring everyone is treated with equity and respect, and protecting our most vulnerable.

3.3.3 Homes - Delivering new affordable and social homes annually, improving and maintain the existing stock to world class standards.

3.3.4 Economy & Assets - Growing the District Economy and increasing returns from our assets.

3.3.5 Service Delivery & Continuous Improvement - Delivering Council services that residents want in the right way, in the right place and at the right price.

3.4 PPAG (Planning Policy Advisory Group) and DDAG (Development Delivery Advisory Group) along with the Net Zero Advisory Group will remain separate to the PDGs.

3.5 Constitution Changes

3.5.1 PDGs are outlined within the Constitution on pages 23-25. This will need to be amended to reflect the new titles of the PDGs and the additional fifth PDG as below.

<b>Group</b>	<b>Thematic Area</b>
Planning, Environment & Sustainability	Waste collection and Recycling, Street cleaning, Trade Waste, Clinical Waste, Climate change, reduction of carbon footprint, Parks

	and Open Spaces, Cemeteries, Trees, environmental enforcement (vehicles, animal control, fly tipping, fly posting), flood defence and drainage, clocks and monuments, street naming and numbering, public conveniences, Grounds maintenance – grass cutting
Community, People & Equalities	Any matters that impact on the health, safety and wellbeing of people (e.g. air quality, pollution, noise), Public health, Environmental Health (e.g. food standards, water quality), Leisure, Grants funding, Town and Parish fund updates, Presentations from grant funded organisations, Safeguarding children and vulnerable adults, Community engagement and consultation, Equalities, Health and Safety, Town and Parish Councils (charter), Anti-social behaviour, Community safety, Digital transformation – broadband, Local welfare assistance, Benefits, Presentations from local interest groups such as Drink Wise Age Well, Youth Services, Older Persons strategy, Updates from the clinical commissioning group, RIPA, Targeted families
Homes	Council Housing, Housing Strategy, Housing policies, Neighbourhood and tenancy management, tenant involvement, homelessness prevention, housing needs and allocations, housing enabling, HRA budget, HRA capital programme and planned maintenance, Building maintenance, Devon Home Choice, Asbestos management, Community Housing support, Update on affordable housing projects, Updates on legislative changes or guidance from the HCA, Private Sector Homes, Bringing back empty homes into use, DFGs
Economy & Assets	Economic Development, Inward Investment, Business support and development, Tourism, Town

	Centres, Markets, local and national economy, Town Team updates, CCTV, Car Parking, Business Rates updates, Commercial units property updates, Night time economy (could include references to licencing and anti-social behaviour), Funding bids and updates, High Street Innovation Fund, Project updates on heritage projects, arts projects and food and drink projects which link to the local economy
Service Delivery & Continuous Improvement	Front Line Services of MDDC; operational efficiency and effectiveness

3.6 Page 49 of the Constitution will also need to be amended to incorporate the new names of the PDGs and include the new fifth PDG being Service Delivery & Continuous Improvement which will also have nine (9) members and meet every other month.

3.7 That the Standards Committee delegate to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs.

#### **4.0 Next Steps**

4.1 That Standards recommend to Full Council the recommendations outlined at the outset of this report.

#### **Financial Implications**

There will be a small cost to the Council as each Chairman of Policy Development Groups receive a Special Responsibility Allowance which currently is £3000.

#### **Legal Implications**

If Council wishes to direct that changes be made to the Constitution/changing the PDGs this initially is considered by the Standards Committee and then will require Full Council's approval.

#### **Risk Assessment**

There is a clear risk that making a change to governance arrangements or making no change will be perceived as unsatisfactory, depending on any individual viewpoint. The key will be in how the Council then goes about making the arrangement work and/or work better. The Council has to decide as a collective, what it considers to be the best way forward.

## **Impact on Climate Change**

None

## **Equalities Impact Assessment**

None directly arising from this report, but impacts must be considered carefully in any decisions which result in a change to current practices affecting those with protected characteristics.

## **Relationship to Corporate Plan**

Our values and priorities – equally important to the ‘what’ we are trying to achieve, is the ‘how’ the organisation operates and conducts itself.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Maria de Leiburne

Agreed on behalf of the Monitoring Officer

**Date:** 29.2.24

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive

**Date:** 05/03/2024

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 05/03/2024

**Cabinet member notified:** (yes/no)

## **Section 4 - Contact Details and Background Papers**

**Contact:** Maria de Leiburne, Director of Legal, HR & Governance (Monitoring Officer)

Email: [mdeleiburne@middevon.gov.uk](mailto:mdeleiburne@middevon.gov.uk)

Telephone: 01884 255255

**Background papers:** None