

AUDIT AND GOVERNANCE COMMITTEE

Thursday 17 April 2025

Present:

Councillor Tony Wardle (Chair)

Councillors Jobson, Atkinson, Begley, Knott, Miller-Boam, Mitchell, M, Moore, Palmer and Patrick

Also Present:

Strategic Director for Corporate Resources, Strategic Director for Place, Head of Legal and Democratic Services & Monitoring Officer, Solicitor and Democratic Services Officer (LS)

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APOLOGIES

Apologies were received from Councillor Ketchin and the Chief Executive.

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DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

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CONSTITUTIONAL CHANGES

The Monitoring Officer requested that this item was withdrawn to allow input from party leaders. The report would be presented to a future meeting in accordance with Council provisions.

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CONSTITUTIONAL CHANGES - CITY DEVELOPMENT FUNCTIONS AND RESPONSIBILITIES

The Solicitor presented the report on Constitutional Changes – City Development Functions and Responsibilities stating that input had been sought from officers as well as Members, via the Governance Sounding Board. In presenting the report he made the following points:

- at present the public and Members spoke immediately prior to debate on an item and this could often drive debate considering matters which were not material planning issues. It was proposed that Standing Order No. 19A be amended to change the speaking order. It was hoped that this would bring more informed debate and enable the committee to make lawful and good decisions;
- the length of time which Members may address the committee for under Standing Order No. 44 was proposed to be amended, limiting Members to five minutes to represent their residents and increasing public speakers to five minutes thus equalising both parties as the current unrestricted format for questions under Standing Order No. 44 and members of the public speaking under Standing Order No. 19A had, at times, evolved into lengthy discussion or question and answer sessions which could introduce irrelevant considerations;
- there was an updated flow chart which set out the speaking order to Members and the public;
- the Planning Code of Good Practice would replace the Planning Code of Conduct and had been provided by a professional membership body representing local authority legal advisers and had been presented in 2003

but updated since and reflected the Localism Act amongst other relevant legislation. This would provide practical support to Members as they navigated the planning decision-making progress;

- a site-visit protocol would be introduced;
- changes to scheme of delegation were listed in section 3 of the report and would enhance the role of Delegation Briefing and ensure that items which came before Delegation Briefing were reported in a timely manner;
- S106 obligations would be clarified;
- the detail of the report stated that the financial limit for new planning agreements, which the Head of City Development had delegated authority to enter into, was £100,000. The proposed new scheme of delegations to officers at Appendix 5 stated at Part B, Section 3 that the limit was £200,000 and the Solicitor apologised for the oversight.
- the Terms of Reference for the Planning Committee would be updated; and
- only staff applications which were major would be brought before the committee.

The Monitoring Officer clarified that changes to the Constitution were delegated to the Monitoring Officer and Lord Mayor and he saw no reason why these changes could not be introduced ahead of the wider Constitutional Changes item being heard.

During debate the Chair of the Planning Committee, Councillor Knott spoke in support of the officer's recommendations in light of having attended a national conference with 29 other local planning authorities where Exeter was the only authority to allow unlimited time for Members to speak. He also clarified that time limits could be extended by the Chair using their powers, where necessary.

There was reservation over changes being made to the order of speakers at Planning Committee.

The Strategic Director for Place and Solicitor responded to questions from Members in the following terms:

- officers and the team had gone through a rigorous process over a period of months looking at how things could be improved, in particular for the public;
- Part of that process had been to look at what was good nationally which hadn't previously been done;
- the changes proposed were based on national good practice and the Chair having been to a national conference was excellent to hear;
- officers could address the issues raised during the public speaking and Member debate. The Strategic Director for Place or Planning Officer would sum up before debate therefore changing the order would make the process more robust;
- the purpose of Delegation Briefing was to determine if it was in the public interest for an application to be brought before the Planning Committee. Members could submit items for Delegation Briefing up to two days after the close of the consultation period;
- a TPO was an application to put an order on a tree therefore if a planning application came forward this could become one of the constraints. Officers could consider this on balance;
- the flowchart could have additions made including the flexibility discussed with regard to timings;
- the proposed revised Terms of Reference included guidance for applications from Councillors, Planning Officers and their close family members and others major in nature of staff. This was proportionate for the purposes of transparency;

- further time needed for clarifications would be at the discretion of the Chair;
- the Governance Sounding Board had comprised cross-party Members who had helped to shape the proposals and their excellent contribution was now reflected in the report;
- there was no question over the lawfulness or validity of the current processes but these proposals had come about due to a review being required; and
- changes and their impact could be reviewed.

The Deputy Chair suggested that it could be worth considering a planning basics training session to include what items, and how they should go to Delegation Briefing.

The Monitoring Officer stated that there had been no substantive changes to the constitution for over twenty years and in future there would be a process for annual review in place.

A Member, who had been part of the Governance Sounding Board, stated that this had been collaborative and not party political and that a trial period for changes had been discussed as well as the possibility of gaining feedback and taking action as appropriate.

The Chair moved, seconded by Councillor Jobson the recommendations outlined in the report and following votes on each were **CARRIED**.

RECOMMENDED that Council grant:

2.1 delegated authority to the Monitoring Officer in consultation with the Lord Mayor to agree a date for the Council to adopt the following changes to the Constitution:

2.1.1 Standing Order 19A to be amended to adjust the speaking order at Planning Committee so that Councillors and members of the public speak first on any planning application before the officer presentation;

2.1.2 Standing Order 44 be amended to limit speaking time for Councillors who are not members of the Planning Committee to five minutes when addressing any planning application (and that any follow-up questions posed by the committee to those Councillors also be limited to five minutes);

2.1.3 Standing Order 19A to be further amended to increase the amount of time for which a member of the public who ask to speak in respect of any planning application from three to five minutes (and that any follow-up questions posed by the committee to the member of the public is limited to five minutes);

2.1.4 City Development to update and publish the Planning Committee Debate and Decision Process flowchart to reflect the changes to the speaking order at Planning Committee meetings;

2.1.5 replace the Local Planning Code of Conduct with the Members Planning Code of Good Practice;

2.1.6 adopt the Site Visit Protocol;

2.1.7 update the terms of reference to the Planning Committee in the constitution to accommodate minor adjustments such as clarity on how staff applications are dealt with; and

2.1.8 update the scheme of delegation relating to the functions and responsibility of the Head of City Development to reflect updates and accommodate minor clarifications.

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**AMENDMENTS TO TERMS OF REFERENCE FOR THE JOINT CONSULTATION
AND NEGOTIATION COMMITTEE**

Councillor Knott proposed that this item was deferred due to it being linked to the withdrawn item regarding Constitutional Changes. This was withdrawn following advice from the Monitoring Officer that JCNC was a freestanding part of the constitution therefore maybe considered.

The meeting was adjourned at 18:59pm

The meeting reconvened at 19:06pm

Strategic Director for Corporate Resources presents on behalf of the JCNC and Strategic Director for People and Communities, making the following points:

- This was a small piece of the constitution;
- The JCNC had been through a process of amending their Terms of Reference in order to strengthen them;
- the process was that the Terms of Reference had been drafted and reviewed in consultation with Unison which was the only union currently represented on the JCNC;
- Unison had consulted with staff representatives and gained feedback which had been shared with the JCNC
- There was a request to review paid time after 12 months; and
- There were no staff representatives from Unite or GMB at Exeter City Council.

The Chair stated that the other unions had members in the council and that he and the Deputy Chair would like those others to be consulted and that there should be evidence of such before this item went forward. The Chair pointed out that given Local Government Reorganisation it was important that union members had proper representation, and the other unions might want to have input. The Deputy Chair stated that this was an important process and this was missing detail which ought to be added.

The Strategic Director for Corporate Resources responded to Members questions in the following terms:

- That there was space on the JCNC for all unions to be represented which remained open but hadn't been taken up recently; and
- Further changes could be made and brought before Council via the Audit and Governance Committee.

The Chair proposed, seconded by Councillor Moore and following a unanimous vote it was **AGREED**:

That this matter be deferred to a future meeting of this committee and all three unions be written to, their local representatives and regional offices, and sent copies of existing and proposed Terms of Reference and a written reply to be requested by the end of June; and

For Officers to clarify:

1. the difference in wording in points 1 and 6 regarding consultation and negotiation; and

2. reasons for removal of reference to the national agreement on pay and conditions of service NJC National Agreement and Joint Negotiating Committee's for Chief Officers of Local Authorities and Local Authority Chief Executives.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair