

Mandatory Training

Council	28 March 2019
Report Author	Committee Services Manager
Portfolio Holder	Cllr Ash Ashbee, Cabinet Member for Corporate Governance and Coastal Development.
Status	For Recommendation
Classification:	Unrestricted

Executive Summary:

This report suggests amending the Council's constitution in order to make some elements of member training mandatory. It is proposed to make training mandatory for all Councillors on the General Purposes, Planning and Licensing Committees and those Councillors who are substitutes on the Planning Committee.

Recommendation(s):

To consider the recommendation of the Standards Committee: "To recommend to Full Council the proposed amendments to article 8 of the Council's constitution to make training mandatory for all Councillors on General Purposes, Planning and Licensing Committees and those Councillors who are substitutes on Planning Committee."

If the above recommendation was accepted then following paragraph would then be included in article 8 of the Council's constitution:

"No member or substitute member of the General Purposes Committee, Planning Committee or the Licensing Board will be allowed to take their seat on the committee unless they have received relevant, appropriate, up-to-date training.

In relation to Planning Committee this is attending at least one session run by the Council's Planning team every six months. In relation to Licensing Board this is attending at least one training session run by the Council's Licensing team every six months. In relation to the General Purposes Committee this is attending at least one training session run by the Council's Monitoring Officer at least every six months."

CORPORATE IMPLICATIONS

Financial and Value for Money	Ensuring Members are trained to a consistently high standard will increase the quality of the decisions being made. This in turn will mean that there will be fewer poor decisions made and consequently the chances of costs being awarded against the Council.
Legal	Under section 37 of the Localism Act 2011, the Council must prepare and keep up to date a constitution. The proposed arrangements would not compromise this requirement.

	High quality training will reduce the risk of poor quality decisions being taken and so reduce the risk of the Council having its decisions challenged through the courts, either via appeal to magistrates or via judicial review.								
Corporate	<p>Having a clear and up-to-date constitution helps the Council to display corporate value 3 - open communications. It also helps Officers and Members understanding the rules of the Council contributing to corporate value 2 - supporting the workforce.</p> <p>It is important that Members on quasi-judicial committees such as Planning and Licensing are fully trained prior to taking their seat on the Committee. The general public must have full confidence in the decisions that are being made by elected members. Incorrect or poorly made decisions can have a detrimental effect on the reputation of the Council and can result in decisions being overturned on appeal and costs being awarded against the Council.</p>								
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>There are no specific equalities implications from this report.</p> <table border="1" data-bbox="438 1272 1412 1534"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 The feedback from the recent assessment for the Charter for Elected Member development indicated that the Council should consider making some member training mandatory.
- 1.2 After speaking with the Group Leaders of all the groups on the Council there was a general consensus that members should not sit on quasi-judicial committees such as General Purposes, Planning and Licensing Committees without relevant, appropriate, up-to-date training.

2.0 Why are changes proposed?

- 2.1 It is important to stress that there is no indication that those Councillors that currently sit on the general purposes, planning or licensing committees are not trained, or that any Councillor would in practice refuse to undertake training if requested. However it is not impossible for such a scenario to occur in the future.
- 2.2 Making training for these three committees mandatory sends a very strong message on the level of importance that the Council gives to member training. In addition it formalises an arrangement that many believe already occurs. It also ensures that all Councillors are trained to the same standard across the Council.
- 2.3 By making changes at the current time this will mean that the new rules will be part of the constitution that is inherited by the new Council after the May 2019 elections.

3.0 General Purposes Committee

- 3.1 The Monitoring Officer has recommended that in order for Members of the General Purposes Committee to remain up-to-date they should attend a training session at least every six months. It is proposed that these sessions would be made compulsory for all those on the Committee, however they would also be open to other members, which would enable those members to act as substitutes for that Committee. In recognition that these sessions would be compulsory for members of the committee, officers would ensure that there was always more than one session and that they would not be on the same date, so as to give members the maximum opportunity to attend.

4.0 Planning Committee

- 4.1 After consultation with the Planning Applications Manager he has recommended that in order for members of the planning committee remain up-to-date they should attend at least a two hour training session every six months. It is proposed that these sessions would be the sessions that were made compulsory for all Planning Committee members and Planning Committee substitutes. In recognition that these sessions would be compulsory, officers are happy to extend the current training offer so as to ensure that there was always more than one session and that they would not be on the same date, so as to give members the maximum opportunity to attend.

5.0 Licensing Board

- 5.1 After consultation with the Head of Safer Neighbourhoods she has recommended that in order for members of the Licensing Board remain up-to-date they should attend at least one training session every six months. As for the Planning training, in recognition that the sessions would be compulsory, officers are happy to extend the current training offer so as to ensure that there was always more than one session and that they would not be on the same date, so as to give members the maximum opportunity to attend.

6.0 Views of the Member Training Group

- 6.1 Whilst not part of the formal constitutional change process the views of the Member Training group were sought as the topic directly relates to Member Training. The Members Training Group asked that the sessions should be “at least” six monthly. This was because a scenario could be envisaged where an urgent change in legislation occurred that required immediate training and that six monthly training session had already occurred. Democratic Services agree with this suggestion and have incorporated it into this report. With the inclusion of their suggestion, the Member Training Group were supportive of the report.

7.0 Views of the Constitutional Review Working Party

- 7.1 The Constitutional Review Working Party were supportive of the proposals and the amendments suggested by the Member Training Group. In addition the Working Party also suggested that explicit reference was made so that mandatory training also applied to substitute members of the committees as well as committee members. Democratic Services agree with this suggestion and have incorporated this into this report.
- 7.2 The Constitutional Review Working Party made the following recommendation to the Standards Committee:

“No member or substitute member of the General Purposes Committee, Planning Committee or the Licensing Board will be allowed to take their seat on the committee unless they have received relevant, appropriate, up-to-date training.

In relation to Planning Committee this is attending at least one session run by the Council’s Planning team every six months. In relation to Licensing Board this is attending at least one training session run by the Council’s Licensing team every six months. In relation to the General Purposes Committee this is attending at least one training session run by the Council’s Monitoring Officer at least every six months.”

8.0 Views of the Standards Committee

- 8.1 The Standards Committee made the following recommendation to Council:

“To recommend to Full Council the proposed amendments to article 8 of the Council’s constitution to make training mandatory for all Councillors on General Purposes, Planning and Licensing Committees and those Councillors who are substitutes on Planning Committee.”

9.0 Options

- 9.1 To agree the recommendation.
- 9.2 Not to agree the recommendation.
- 9.3 To amend the recommendation.

10.0 Next Steps

- 10.1 Any changes to the constitution made at this meeting will take effect immediately and an updated version published on the Council's website.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

Annex 1	Amended Constitution
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Finance	Matthew Sanham, Interim Head of Financial and Procurement Services
Legal	Tim Howes, Director of Corporate Governance