

Amending Mandatory training requirements

Constitutional Review Working Party - 11 November 2021

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| Report Author | Committee Services Manager |
| Portfolio Holder | Councillor Ashbee, Leader of the Council |
| Status | For Recommendation |
| Classification: | Unrestricted |
| Key Decision | No |

Executive Summary:

A report making some training for Members mandatory was agreed by the Full Council in March 2019. This report asks the Constitutional Review Working Party to amend those rules to change the frequency of mandatory training from six monthly to yearly, whilst retaining the mandatory nature.

Recommendation(s):

- 1) To amend Article 8 of the Council's Constitution as follows:

"8.02 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.

8.03 In relation to the Planning Committee this is attending at least one session run by the Council's Planning team every ~~six months~~ **year**. In relation to the Licensing Board this is attending at least one training session run by the Council's Licensing team every ~~six months~~ **year**. 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~~ **year**."

- 2) To delete paragraph 5.0 regarding Training, from the "Council's Protocol for the Guidance of Planning Committee Members and Officers"

Corporate Implications

Financial and Value for Money

Ensuring Members are trained to a consistently high standard is essential to ensure the quality of the decisions being made. This in turn will mitigate the risk of poor decisions made and consequently reduce the financial risk of costs being awarded against the Council resulting from poor decision making.

There is sufficient funding available within existing approved budgets to fund the training requirements.

Legal

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

It is important that Members on committees where complex legislation is involved and which have a close impact on the community, 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.

Equality Act 2010 & Public Sector Equality Duty

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.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no specific equalities implications from this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

- 1.1 A report making some training for Members mandatory was agreed by the Full Council in March 2019. This report asks the Constitutional Review Working Party to amend those rules to change the frequency of mandatory training from six monthly to yearly, whilst retaining the mandatory nature.

1.2 This would be achieved by amending Article 8 of the Council's Constitution.

2.0 Why are changes proposed?

2.1 It has been two and half years since mandatory training was introduced for regulatory committees at TDC. It has proved to be an effective way of ensuring that Members are trained to a high standard and are kept up to date with the latest legislation. However, anecdotal feedback from the relevant service areas has indicated that the six monthly frequency has proved to be onerous on a number of occasions, especially as there have been few changes to legislation that would normally be the subject of training sessions.

2.2 It is proposed that the frequency of the mandatory training be reduced from six monthly to yearly. This still means that Councillors will receive regular training for the regulatory committees, but reduces the burden on both Members and Officers.

2.3 It is very important to note two key points at this juncture;

1) Whilst the amount of mandatory training is proposed to be set at yearly, that does not mean that only one training session will take place a year, purely that a minimum of one training session a year will take place. It would be common for there to be multiple sessions if necessary for example due to the introduction of new legislation or if new members were added to a committee.

2) The compulsory nature of training for the planning, Licensing and General Purposes committees will remain a feature of Article 8, the only changes being proposed is the frequency of training.

2.4 In addition it is also proposed that Paragraph 5 of the "Council's Protocol for the Guidance of Planning Committee Members and Officers" be deleted, as it has been rendered redundant due to the content of Article 8 of the constitution.

3.0 Options

3.1 Members could agree the amendments to the Article 8 with any amendments as they consider necessary or;

3.2 Members could reject the amendments.

4.0 Next Steps

5.1 Once agreed by the Constitutional Review Working Party, the amendments would be recommended to Standards for consideration and onward submission to Full Council.

5.2 If agreed by Council the amendments will be added to the Council's Constitution and would become effective from the date of the Full council decision.

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Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Director of Finance

Legal: Estelle Culligan, Director of Law & Democracy