

STANDARDS COMMITTEE

26 SEPTEMBER 2016

REPORT OF THE MONIOTRING OFFICER

A.1 MANDATORY TRAINING FOR MEMBERS – ANNUAL UPDATE

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Standards Committee, as part of its agreed work programme, on the current position of mandatory training for Members (and named substitute members) of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

The Committee's approval is also sought to a slight amendment to the Planning Code and Protocol and delegation to Officers in consultation with the Chairmen of the Planning and Standards Committees to make minor amendments to the Protocol.

EXECUTIVE SUMMARY

This report reiterates the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of their membership on those committees which provide regulatory type functions. The report also details training undertaken and attendance to date.

RECOMMENDATION(S)

That the Standards Committee:

- (a) notes the contents of this report and its Appendices;**
- (b) encourages members of the Planning, Licensing & Registration and Audit Committees to attend organised mandatory training to comply with the constitutional requirement; and**
- (c) delegates authority to the Monitoring Officer and Head of Planning Services, in consultation with the Chairmen of the Standards and Planning Committees, to make minor amendments to the Planning Code & Protocol.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The contents of the report and subsequent decision of the Standards Committee will enable the Council to demonstrate good governance in connection decision-making processes and monitoring of member training.

FINANCE, OTHER RESOURCES AND RISK

Finance and Other Resources

Finance

The cost of external training organised for elected Members is met through a specified training budget and is therefore within existing resources. When changes are made to committee membership or named substitutes this does have an impact on the resources available. Although, Officers will try to accommodate availability, alternative or additional training will not be offered to Members who fail to attend an organised session unless, or until, a further larger session is available.

Sessions arranged by Tendring District Council are sometimes offered to other Councils for their members to attend and in doing so, a contribution towards the cost of hosting is received.

Risk

The integrity of Members, their decision-making and that of the Council and its committees, are good governance. Appropriate training should minimise or eradicate the risk of legal challenge through statutory appeals or judicial review.

The aim of the Planning Code & Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

LEGAL & CONSTITUTIONAL

Mandatory attendance at site visits, briefings and specific training was adopted by Council on 3 June 2014 as a pre-requisite for members (and named substitutes) of the Council's Audit, Licensing & Registration, Planning and Standards Committees and this is now part of the Council Procedure Rules included within its Constitution.

Planning and Licensing decisions are quasi-judicial and both can be challenged by specific statutory appeal routes in addition to being subject to judicial review on administrative grounds.

Various pieces of legislation provide criteria to be considered for the majority of decisions taken by the Council's Planning and Licensing & Registration Committees and the Licensing (General Purposes) and Premises and Personal Sub-Committees. Knowledge of their provisions and how these are applied, together with general decision-making principles are essential in those areas of expertise.

The Planning Code and Protocol was approved by the Standards Committee and following a recommendation to full Council, incorporated within the Constitution. The Monitoring Officer has delegated authority from full Council to make minor amendments to the Constitution. The amendment required to the Planning Code and Protocol is to reflect the procedure undertaken at the planning site visits and prevents the opportunity for residents to lobby Planning Committee members, who will later be making decisions in respect of the applications.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Area or Ward affected/Consultation/Public Engagement.

Wards Affected: All

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The Standards Committee as part of its annual work programme since 2014 has received a report providing details of the mandatory training provided to members of the Planning and Licensing and Registration Committees.

Appendix A attached to this report provides details of the Planning Committee Mandatory Training for 2015/16. The Committee will note that a range of subjects has been covered by the programme, all of which form part of the various considerations to be taken into account by the Planning Committee when making decisions on applications, or enforcement action. Recently the Planning Committee received a report on the outcome of appeals made against Council decisions and following on from the report, a dedicated session for appeals has been scheduled to review whether any themes exist.

The Monitoring Officer has attended some of the training sessions for the Planning Committee and personally covered declaration of interests and general procedural rules concerning decision making. A concern has been raised that one section of text in the Planning Code and Protocol gives the impression that more than one resident can address the Planning Committee members at the site visits. The relevant text is as follows:

“The Chairman will then invite the applicant, local Ward Members present, Town and Parish Councillors and local residents present (one at a time) to point out any relevant features of the site and its surroundings, ask related questions and raise any site-related issues that they wish to draw to the attention of Councillors.”

The intention has always been that ‘a resident representative’ could address the Planning Committee on site visits, which is exactly the same procedure followed at the Committee meeting, in accordance with the Public Speaking Scheme. However, recently more residents are attending site visits and attempting to lobby the Planning Committee members, either collectively or individually, which can be difficult to manage and increases the risk of perceived prejudice or impartiality. A minor amendment is required to clarify the ability to address the Committee on site visits, which would be undertaken by the Monitoring Officer and Head of Planning Services, in consultation with both the Chairmen of the Planning and Standards Committees.

Appendix B attached to this report provides details of the proposed training programme for the Planning Committee for 2016/17. Members of the Committee specifically requested further Habitats training and a dedicated session with Essex County Council’s Highways representative; this demonstrates the importance the Committee members give to the considerations they must take into account.

Appendix C attached to this report details the training record for the Licensing & Registration Committee. Generally sessions are organised covering a range of topics and these have been offered to other Councils for their members to attend. Recently, two new members of our Committee attended an external session provided by Colchester Borough Council to ensure that they complied with the constitutional requirement to undertake mandatory training. The feedback is often positive on the training delivered.

The Head of Finance, Revenues and Benefits and Section 151 Officer has confirmed that all members of the Audit Committee have received training prior to being involved with the Committee's decision making.

The Monitoring Officer can confirm that due to the type of matters considered by the Standards Committee, each topic involves consideration of the relevant factors and in doing so the Committee receives a range of information to take into account. When hearings are required to determine the outcome of Members' Code of Conduct complaints a briefing is held with the Committee beforehand.

To ensure that the training is successful and the application of the principles is understood by Members, each session tends to have a workshop style question and answer session at the end. This style has been adopted by the Licensing & Registration and Planning Committees' training sessions and has worked well for both Members and officers and encourages debate.

The Committee will note that there are some gaps with attendance and constitutionally, any Member who has not undertaken a form of training relevant to the work of these committees will not be able to sit on them to consider business. If there is an urgent need, officers could offer a short session however, it is not considered an effective nor efficient use of resources to deliver these on a one-to-one basis.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers arising from this report.

APPENDICES

Appendix A - Planning Committee Mandatory Training for 2015/16
Appendix B - Planning Committee Training Programme for 2015/16
Appendix C - Licensing & Registration Committee Training Record