

STANDARDS COMMITTEE

5 FEBRUARY 2020

REPORT OF THE MONITORING OFFICER

A.2 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.

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; and**
- (b) continues to encourage members of the Planning, Licensing & Registration and Audit Committees to attend all organised mandatory training events in order to comply with the requirements of the Council's Constitution.**

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 part of 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, which also makes reference to the requirements of attending training, 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 as a pre-requisite for Members (and named substitutes) of the Council's Audit, Licensing & Registration, Planning and Standards Committees is part of the Council Procedure Rules included within Part 4 of the Council's 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 Miscellaneous Licensing 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 aforementioned 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 Council Procedure Rules were amended in 2019 to expressly state that:

- A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications (CPR 33.3).
- A Member cannot sit as a member of the Licensing and Registration Committee unless they have received specific training with regard to the determination of applications for personal or premises licences submitted under the Licensing Act 2003.
- No Member can continue to sit as a member of the above committees if they have gone more than two years without attending any of the relevant training events.

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: The Standards Committee received an update at its meeting in July 2019 detailing of those members who attended the new Code of Conduct training in May 2019. Two additional District Councillors have received training which was delivered at Harwich Town Council in December 2019. 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 – no hearings have been required so far in 2019/20.

In February 2020, the Monitoring Officer is delivering two training sessions to Parish and Town Councillors at the Council Chamber in Weeley offices – invites will be sent to District Councillors, who have not received the required training for this year.

Appendix B: Provides details of the Planning Committee Mandatory Training for 2019/20. The Committee will note a range of subjects has been delivered, with concentration on determining applications being included within the new member training, Appeals and Affordable Housing. These sessions are essential to understand the various considerations to be taken into account by the Planning Committee when making decisions on applications. A further session is scheduled for 28th January, which will cover the Inspector's decisions for the enforcement at Point Clear and making decisions. A verbal update of attendance will be provided at the meeting.

Appendix C: attached to this report details the training record for the Licensing & Registration Committee. As usual only one session is delivered, this year in June 2019, and covered a range of topics. Two additional 1-2-1 training sessions were delivered to members of the committee who were unable to attend the first session or newly appointed to the Committee.

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.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers arising from this report.

APPENDICES

Appendix A: Mandatory Training for DPI & Code of Conduct plus Standards Committee 2019/20

Appendix B: Planning Committee Training Programme for 2019/20

Appendix C: Licensing & Registration Committee Training Record 2019/20