

STANDARDS COMMITTEE

21 APRIL 2021

REPORT OF THE MONITORING 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.

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 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: Attached to this report are details of the training record for the Licensing & Registration Committee. As usual only one session was delivered, this year in October 2020, and covered a range of topics.

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 Committee training sessions and has worked well for both Members and officers and encourages debate.

Members of the Planning Committee were invited to a session on Section 1 of the Local Plan following the receipt of the Planning Inspector's letter confirming soundness.

One Member received training for the Planning Committee during 2020.

A Member Training Session on Planning Appeals is due to be held on the evening of Tuesday 20 April 2021.

Due to the current COVID-19 Pandemic, during the course of 2020/21 Members received IT training to enable them to use Skype for Business and Microsoft Teams in order to conduct remote Committee meetings to be able to continue with the decision making of the Council. There were also regular All Member Briefings undertaken remotely through Skype for Business or Microsoft Teams throughout the year.

The mandatory training referenced in this report also forms part of the overall training provision for all Councillors within the framework established by the Council's "Councillor Development Statement" as reported to this Committee on 2 October 2019 (Minute 14 refers). It is clear that the development of that overall training provision as envisaged in the Statement has been adversely impacted by the Covid-19 pandemic. However, other training has been enhanced to address, for instance, use of IT for remote meetings and undertaking scrutiny in a remote meeting setting.

In relation to the general position on training for Councillors, Council on 16 March 2021 endorsed the following as part of its consideration of the report of the Monitoring Officer on the outcome of the latest review of the Constitution:

"that the views and wishes expressed by the Review of the Constitution Portfolio Holder Working Party in relation to Members' training and development be endorsed and that the Head of Democratic Services & Elections be requested to take all necessary action to implement those wishes as soon as possible."

The specific views expressed by the Review of the Constitution Portfolio Holder Working Party, included:

“There was support from Members for E-learning and a webinar based approach especially an E-learning modular approach whereby participants had to answer Questions to a high enough success rate in order to be deemed to have sufficient knowledge of that topic and be Passed;

Essex County Council be put forward as an approach to emulate; and

Officers investigate a suitable mechanism for regular Member input going forward such as a cross-party Member Working Group.”

It is intended to take the above forward following the elections on 6 May 2021 in view of restricted capacity among Officers and Councillors prior to that.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers arising from this report.

APPENDICES

Appendix A: Licensing & Registration Committee Training Record 2020/21