

STANDARDS COMMITTEE

19 MARCH 2018

REPORT OF THE MONITORING OFFICER

A.1 **MANDATORY TRAINING FOR MEMBERS – ANNUAL UPDATE**

(Report prepared by Lisa Hastings, Katie Sullivan and Debbie Bunce)

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;**
- (b) continues to encourage members of the Planning, Licensing & Registration and Audit Committees to attend organised mandatory training to comply with the constitutional requirement; and**
- (c) welcomes a review of the constitutional requirements relating to attending mandatory training linked to committee membership and requests that the Standards Committee is consulted on any new proposals, and through debate highlighting any areas of concern to be addressed.**

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, 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 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.

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: Provides details of those members who have undertaken 121 Code of Conduct sessions with the Monitoring Officer, either following a recommendation from the Standards Committee, or following election to the Council. 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.

Appendix B: Provides details of the Planning Committee Mandatory Training for 2017/18. The Committee will note that the usual range of subjects has not been delivered, with concentration on determining applications and the Local Plan, both of these sessions are essential to understand the various considerations to be taken into account by the Planning Committee when making decisions on applications.

Appendix C: attached to this report details the training record for the Licensing & Registration Committee. This year only one session was delivered but this covered a range of topics.

Appendix D: attached to this report is the training record for the Audit 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.

Recently, as part of the committee structure review, members of the Electoral Review Working Group raised the requirements to attend mandatory training and the consequences for failing to do so. Whilst the Constitution requires a member to undertake mandatory training if they are a member of certain committees, the rules are silent on the consequences of failing to do so. It is acknowledged that in the majority of cases, if a member has not undertaken mandatory training they will not take part in certain decision making. However, without a Group Leader's co-operation it would be difficult to enforce if they failed to observe the rules.

The Working Group has requested that the Monitoring Officer undertake a review of the constitutional requirements relating to attending mandatory training linked to committee membership. Due to falling within their terms of reference, the Monitoring Officer will consult the Standards Committee on any new proposals. Through the consideration of this report, the Committee may wish to highlight any areas of concern to be addressed.

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 2017/18

Appendix B: Planning Committee Training Programme for 2017/18

Appendix C: Licensing & Registration Committee Training Record 2017/18

Appendix D: Audit Committee Training Record 2017/18