

Constitution Committee

Date of Meeting: 5 October 2020

Report Title: Review of the Member Training Programme

Portfolio Holder: Councillor Jill Rhodes, Portfolio Holder for Public Health and Corporate Services

Councillor Toni Fox, Portfolio Holder for Planning

Senior Officer: Brian Reed, Head of Democratic Services and Governance

1. Report Summary

1.1. To formalise the current required elements of the Member Training Programme and propose new arrangements in respect of Members' attendance at these events.

2. Recommendation to Council: That:

2.1 Delegated authority to be granted to the interim Monitoring Officer to formally identify within the Constitution, those subjects which have been designated as foundation skills, and therefore required training for Councillors in accordance with the Member Training Programme - Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct;

2.2 The wording in italics in paragraph 4.2.2 of the report, to be added to the Council's Constitution in respect of the functions of the following Committees: Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub-Committee:

2.3 In respect of the three Planning Committees, the wording in italics in paragraph 4.3.3 of the report to be inserted into the Council's Constitution at the appropriate juncture; and

2.4 The wording at paragraph 21, page 47 of the Constitution to be replaced with the wording set out in italics in paragraph 4.3.4 of this report.

3. Reasons for recommendation

3.1. In 2018, a new framework for the Member Training Programme was endorsed by the Member Technology and Development Panel, the main purpose of which was to identify the skills and knowledge Members would need in order to perform their roles effectively. The subjects which made up the programme have been grouped into four blocks: induction, foundation skills, committee skills and developmental skills.

3.2. Where a subject within a block is considered to be required learning, it has been referred to as being mandatory. Whilst e-invites issued to Members have identified key events in this way for some time, the requirement on Members to attend is not explicitly recognised within the Council's Constitution. It is therefore proposed that the Constitution be updated, at the appropriate junctures, to reflect the nature of the training set out in this report.

4. Current Arrangements

4.1. Foundation Skills

4.1.1 Becoming a Councillor places both regulatory and statutory responsibilities on the elected Member. The Member Technology and Development Panel has placed at the heart of the training programme, those key subjects which Members need to have regard to when performing their role - Corporate Parenting, Safeguarding Children and Adults, Equality, Diversity and Inclusion, General Data Protection Regulations (GDPR), Members' Code of Conduct. It is important that the Constitution formally recognises the need for Members to undertake training in these subjects every year.

4.2. Committee Skills

4.2.1 In accordance with the Council's Member Training Programme, before any Councillor who is a member of a quasi-judicial body can attend and participate in a meeting, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the Committee. In practice, this means attendance at an induction event prior to taking up their seat.

4.2.2 Other than Licensing Committee, the Constitution does not stipulate that Members must attend training for the quasi-judicial bodies, as a requirement of their membership of the Committee. For the avoidance of doubt and to provide this clarification, it is proposed that the following wording be inserted within the roles and functions of the Public Rights of Way Committee, Licensing Committee, Staffing Committee and Appeals Sub-Committee:

Before any Councillor who is a member of the (insert name) Committee can attend a meeting and participate in the business of the meeting, the determination of an application or an appeal by any individual or body, the Councillor must attend a suitable training course dealing with the quasi-judicial nature of the role of the Committee, as a requirement of their membership of the Committee.

4.3 Planning Committees

4.3.1 It is not possible to cover all aspects of planning law in the detail required during induction and so, for that reason, supplementary training is provided throughout the municipal year. Planning Members need to be cognisant of current planning law and of any guidance which may be pertinent to their consideration of an application. It is vital that Planning Members attend the supplementary sessions, particularly Chairmen and Vice Chairmen who may have to exercise their casting vote at a meeting.

4.3.2 A recent review of attendance by Planning Members at these supplementary sessions indicated that some do not attend training on a regular basis or have only attended induction. Given that Members need to keep their training up to date, it is proposed that Planning Committee/Pool Members should be required to attend supplementary training.

4.3.3 Unlike the stand-alone induction events where dates can be tailored to the individuals concerned, Members will be expected to fit their commitments around supplementary planning training. The following wording is suggested for inclusion in the Constitution:

Any Councillor appointed to Northern Planning Committee, Southern Planning Committee or Strategic Planning Board (including planning pool Members), must attend all planning training sessions held each year (including induction when held), as a requirement of the membership of the Committee they are appointed to, in order to properly discharge their planning committee obligations.

Any Member who cannot attend must submit their apologies in advance to the event organiser. If a Member fails to attend, they must undertake refresher training, in line with the Committee training programme.

4.3.4 Planning Committees have a pool of Members who may attend meetings in place of a colleague from the same party. It is important that the same requirements regarding training apply equally to these substitute members as to ordinary Committee members. Accordingly, it is proposed that the wording at paragraph 21, page 47 of the Constitution be amended to read as follows,

A cross party pool of 9 planning substitutes shall be maintained to supplement the arrangements referred to above. Each member of the pool must receive appropriate and up to date planning training without which they may not serve as a member of a planning committee. Political groups may nominate their own members to the pool in accordance with the proportionalities in force at the time and may vary their nominees as and when required subject to the training requirements referred to in the paragraph above.

5. Other Options Considered

5.1. To retain the status quo in respect of training arrangements.

6. Background

6.1 Training is designed to inform Members of their role and continuously improve both the functionality of the Committees and the decision-making process by:

- Keeping Members up to date with any legislative changes (lawful decisions)
- Addressing contemporaneous issues which have arisen at meetings previously ('lessons learnt')
- Advising Members on matters which may come before them in the future

6.2 Not attending training puts the Member at a disadvantage as their knowledge will become outdated. It can also impede the effectiveness of the Committee. In respect of planning matters, which can be a highly contentious and emotive subject, it could expose the Council to legal challenge.

7. Implications of the Recommendations

7.1 Legal Implications

7.1.1. Designating training as a requirement of membership will improve attendance. None attendance will be monitored and reported to the Monitoring Officer and Group Leaders.

7.2. Finance Implications

7.2.1. Sessions would be offered in house as part of the overarching Member Development Programme but would incur officer time in order to deliver the training.

7.3. Policy Implications

7.3.1. If the recommendations in the report are adopted, this would require changes to be made to the Council's Constitution.

7.4. Equality Implications

7.4.1. There are no direct implications for equality.

7.5. Human Resources Implications

7.5.1. There are no direct implications for Human Resources.

7.6. Risk Management Implications

7.6.1. Improving decision making will assist the Council to avoid reputational damage.

7.7. Rural Communities Implications

7.7.1. There are no direct implications for rural communities.

7.8. Implications for Children & Young People/Cared for Children

7.8.1. There are no direct implications for children and young people.

7.9. Public Health Implications

7.9.1. There are no direct implications for public health.

7.10. Climate Change Implications

7.10.1. There are no direct implications for climate change

8. Ward Members Affected

8.1 All Members of the Council. The changes set out in the report seek to clarify a Member's obligations in respect of their own training.

9. Consultation & Engagement

9.1 The Member Technology and Development Panel has endorsed the content of the Member Development Programme.

10. Access to Information

10.1 Statistical analysis of planning training attendance

11. Contact Information

11.1 Any questions relating to this report should be directed to the following officer:

Name: Diane Moulson

Job Title: Senior Member Development Officer

Email: diane.moulson@cheshireeast.gov.uk