
Subject: REVIEW OF THE CONSTITUTION 2018 – TRAINING AND DEVELOPMENT FOR MEMBERS

Meeting and Date: Governance Committee – 8 March 2018
Council – 23 May 2018

Report of: David Randall, Director of Governance (Monitoring Officer)

Classification: UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. As part of the 2017/18 review changes are proposed to Part 2 – Articles of the Constitution, Article 13 – Decision Making Appendix B to E (Training Criteria for various committees).

Article 15, paragraph 15.02 (a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Recommendation:

Governance Committee: That it be recommend to Council that the proposed changes as part of the 2017/2018 Review of the Constitution relating to Part 2 – Articles of the Constitution, specifically Article 13 – Decision Making Appendix B to E (Training Criteria for various committees) as detailed at para 2.1 of this report be approved and incorporated into the Council's Constitution, issue no. 21.

Amendments to Article 13 Appendix D are approved as shown at Annex 1 to this report and the Director of Governance and Monitoring Officer is authorised to make any associated incidental changes to the Constitution.

Council:

That the proposed changes as part of the 2017/2018 Review of the Constitution relating to Part 2 – Articles of the Constitution, specifically Article 13 – Decision Making Appendix B to E (Training Criteria for various committees) as detailed at para 2.1 of this report be approved and incorporated into the Council's Constitution, issue no. 21.

Amendments to Article 13 Appendix D are approved as shown at Annex 1 to this report and the Director of Governance and Monitoring Officer is authorised to make any associated incidental changes to the Constitution.

1. Introduction and Background

- 1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. As part of the 2017/18 review, changes are proposed to the training requirements to serve on the following committees as detailed in Article 13

- (i) Licensing Committee – Appendix B
- (ii) Regulatory Committee – Appendix C
- (iii) Governance Committee – Appendix D
- (iv) Planning Committee – Appendix E

1.2 Part 2, Article 13 Decision Making. para 13.09 states that:

“Only members (and substitutes) who have received the appropriate training may serve on Appeals, the Licensing, Regulatory, Governance, Planning and Standards Committee”. The training requirements are set out in the Appendix to the article

1.3 Appendices B to E, all have the same current requirement as to **when** the training must take place, each states that:

“At the start of the new 4 year Council and as required, if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting”.

2. **Proposed Change**

2.1 The proposal is to extend the **when** requirement to read as follows (the proposed change is highlighted in italics):

At the start of the new 4 year Council and *thereafter* as required, *but not less than once in each subsequent council year*, and if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting.

2.2 The reason for this proposal is to ensure that the skills knowledge and experience of members gained through initial training and subsequent work on the committee is maintained, developed and updated and that skills and learning do not become out of date. This is to help ensure members to continue to discharge their roles effectively in accordance with up to date law and practice.

2.3 It is recognising that one learning style does not fit the needs of everyone, therefore where possible the training provided could include a combination of different methodologies to learning and development. This could include training workshops, conferences, events, e-learning programmes, best practice techniques and idea sharing.

2.4 These different learning styles are all focused to assisting the individual member to further develop their knowledge and skills

2.5 No change is proposed to Article 13, Appendix A - Training Criteria for General Purposes Committee. The training is primarily aimed at preparing the committee for its role as an appeals panel. The committee sits as an appeals panel very rarely and specific training will be provided to members as and when required to fulfil this role.

3. **Other Related Issues**

- 3.1 As the Council no longer operates a separate Standards Committee and its functions are now performed by the Governance Committee, Article 13 Appendix F is no longer required. However the requirements from Appendix F need to be incorporated into an enhanced Appendix D, as shown at Annex 1 to this report. Reference to the Standards Committee will also be removed from Para 13.09 of Article 13.

4. **Approval of Amendments to the Constitution**

- 4.1 The detail of the proposed changes are set out below:

- (a) **Part 2, Article 13 Decision Making.** Changes to Appendices B to E. Each appendices covers the training criteria for a different committee:
- (i) Appendix B – Licensing Committee – amend “when”, training frequency
 - (ii) Appendix C – Regulatory Committee – amend “when”, training frequency
 - (iii) Appendix D – Governance Committee – amend “when”, training frequency and the content
 - (iv) Appendix E – Planning Committee – amend “when” training frequency
 - (v) Appendix F – Standards Committee - delete

5. **Identification of Options**

- 5.1 Option 1 - To approve the changes proposed as part of the 2017/18 Review of the Constitution as submitted.
- 5.2 Option 2 – To not approve the changes as part of the 2017/18 Review of the Constitution as submitted.
- 5.3 Option 3 – To amend the training and development requirements as part of Article 13 in some other way

6. **Evaluation of Options**

- 6.1 Option 1 is the preferred option. A structured practical and methodical approach to learning helps develop skills and knowledge. It also help ensure that skills and learning do not become out of date or obsolete allowing councillors to continually upskill and reskill themselves, in turn it supports the efficient operation of the authority. .
- 6.2 Option 2 is not the preferred option as it will not support the further development of members.
- 6.3 Option 3 is a possible way forward, although it will be difficult for the Governance Committee or the Council to make any significant changes to the proposals at their

meeting. Should members be minded to pursue this option, it would be helpful if they could discuss with the Director of Governance and Monitoring Officer their proposal to enable a further or amended report to be presented to a future meeting of the Governance Committee and the Council.

7. **Resource Implications**

There is potentially a small training budget implications arising from this proposal.

8. **Annex**

Annex 1 – Part 2, Article 13 Decision Making. Changes to Appendices D

9. **Background Papers**

Draft Constitution of the Council (Version 21).

Local Government Act 2000 and the regulations made under that Act.

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Article 13 Appendix D

Training Criteria for the Governance Committee

Constitution: Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions

Training provider: In-house by the Monitoring Officer and/or S151 Officer

When: At the start of the new 4 year Council and thereafter as required, but not less than once in each subsequent council year, and if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting

Content:

1. To understand the functions of the Governance Committee.
2. To understand the role individual councillors fulfil on the committee, in particular in relation to exercising their functions in relation to ethical standards and the member code of conduct.
3. To understand the role and work of internal audit, including the audit plan, audit assurance levels, risks and controls, audit reports and audit recommendations.
- 4 To understand the role of management in agreeing, accepting and then implementing audit recommendations.
5. To understand the role and work of external audit.
6. To understand risk management arrangements including risk assessment and risk mitigation.
7. To understand the Annual Governance Assurance Statement process and the monitoring and follow up actions.
8. To understand the Council's financial management and reporting process, in particular an understanding of the Statement of Accounts.
- 9.To understand the standards regime for the conduct of members under the Localism Act 2011 and local codes of member conduct.
- 10.To understand the arrangements made by the Council for dealing with complaints under the Localism Act 2011
11. To understand the role and responsibilities of the Monitoring Officer.
12. To understand the role of the Independent Person.
- 13.To understand the formal service complaints procedures, the role of the Local Government Ombudsman and the issues relating to maladministration.

Period: For the four year term of the Council or any part of this period.