
Subject: CONSTITUTION REVIEW - PROVISION OF MEMBER TRAINING TO SERVE ON SPECIFIC COMMITTEES

Meeting and Date: Governance Committee – 26 September 2013

Report of: David Randall, Director of Governance and Monitoring Officer

Classification: Unrestricted

Purpose of the report: This report identifies at paragraph 3.4 revisions to the Constitution to ensure member training to serve on specific committees is clearly specified.

Recommendation: The Governance Committee recommends to Council the revisions to the Constitution Part 2, Article 13 – Decision Making, as outlined at paragraph 3.4 to 3.6 and at Annex 1.

1. Constitution

1.1 One of the functions of the Governance Committee is to monitor and review the Constitution and make recommendations, as necessary to the Council.

1.2 Part 2, Article 13 of the Constitution – Decision Making, paragraph 13.09 - Member Training, states that:

"Only members (and named substitutes where appropriate) who have received the appropriate training may serve on the Appeals, Licensing, Regulatory, Governance, Planning and Standards Committees".

2. Induction and Training for Members

2.1 Every four years as part of the preparation for the District Council elections, a range of induction and training is planned by the Democratic Services Team to ensure that Councillors, both returning and new have the necessary skills required to fulfil their role, including ensuring the necessary skills required to serve the various committees. In particular timely training is provided for Councillors who are going to serve on the Licensing, Regulatory, Governance, Planning, Standards and Appeals Committees, which constitutionally require each councillor to be trained before they can serve on these committees, as outlined in paragraph 1.2 above.

2.2 However, although the Constitution requires councillors to be trained before they serve on the above committees, it doesn't provide any criteria as to what is considered acceptable training to ensure that the members have the necessary skills to serve effectively on the specific committees identified at paragraph 1.2. Historically, this has usually been addressed at the time of District Council elections by the Democratic Services Team identifying a suitable training provider (internal or external) and then working together to agree the training content. However this approach doesn't assure consistency and this is particularly evident when a by-election is held and/or councillors are appointed mid term to one of the committees at paragraph 1.2 or are required to substitute for a councillor on one of these committees.

2.3 In order to provide a framework where training is provided by officers as a result of a change in membership it would be useful for a standard specification to be established and incorporated into the Constitution. This need was highlighted following a change in membership on Committees at the Annual Council meeting this year.

3. **Lessons Learnt**

3.1 Therefore, it is recommended that the Constitution is amended at Part 2, Article 13, with changes and additions to paragraph 3.09 as shown in bold:

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

3.2 Appendices A to F are provided as an annex to this report and it is recommended that they form an addition to the Constitution.

4. **Identification and Evaluation of Options**

4.1 The options for the Committee are:

(a) To note the revised procedure at paragraphs 3.1 and 3.2 and appendices A to F. This is the recommended approach. The advantage of this approach is that it brings more certainty to the process allowing appropriate training to be provided to allow all new councillors, councillors changing committees and councillors substituting on committees to quickly assimilate the required knowledge to allow them to effectively serve on the relevant committees.

(b) To not change the procedure, not learn lessons. With the increased flexibility following the relaxation on substitutes, this approach is not recommended.

5. **Resource Implications**

5.1 No additional resource implications.

6. **Attachments**

6.1 Annex 1 – Constitution Part 2, Article 13, Appendix A to F

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Training Criteria for the General Purposes Committee

- Constitution:** Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions
- Training provider:** In-house by the Monitoring Officer or Solicitor to the Council
- When:** As required, in advance of the committee meeting. .
- Content:**
1. To understand the functions of the General Purposes Committee and the role individual councillors fulfil on the committee.
 2. An understanding of the relevant legislation
 3. An understanding of the Officer Conditions of Service
 4. Awareness of the procedures to be followed when hearing and then deliberating on an appeal
 5. To understand the appeal processes.

Training Criteria for the Licensing Committee

- Constitution:** Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions
- Training provider:** In-house by the Licensing Team Leader
- When:** 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
- Content:**
1. To understand the functions of the Licensing Committee and the role individual councillors fulfil on the committee.
 2. To understand the licensable activities, the licensing objectives and the types of licence.
 3. To understand the Hearing process when considering an application, including what the Sub-Committee can consider and how it makes decisions (e.g. adjournments, information requests and the use of conditions).
 4. To understand the types of applications (application for a licensable activity, variation of an existing licence and a review of an existing licence).

Training Criteria for the Regulatory Committee

- Constitution:** Part 3, Responsibility for Functions, Section 1 and 2, Responsibility for Council Functions
- Training provider:** In-house by the Licensing Team Leader
- When:** 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
- Content:**
1. To understand the functions of the Regulatory Committee and the role individual councillors fulfil on the committee.
 2. To understand the procedures for hearings at Committee and the type of licensable activities that the Committee may be required to consider.
 3. To understand the Council's policies and guidelines in respect of the Hackney Carriage and Private Hire trades as they affect applications and other matters brought before Committee, including the Council's Fit and Proper Persons policy.
 4. To understand the Council's policies and guidelines in respect of other forms of licensable activities.
 5. To understand the appeal processes.

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 as required, 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
 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.

Training Criteria for the Planning Committee

- Constitution:** Part 3, Responsibility for Functions, Section 1, Responsibility for Council Functions
- Training provider:** Either In-house by the Head of Regeneration and Development or a suitably qualified nominee or by an accredited external provider
- When:** 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
- Content:**
1. To understand the functions of the Planning Committee and the role individual councillors fulfil on the committee.
 2. To understand the different types of planning application.
 3. To understand planning policy, what a material consideration is and the duties imposed by statute.
 4. To understand the legislation in respect of bias and predetermination and understand the application of the Code of Conduct in respect of the Planning Committee.
 5. To have an understanding of the Protocol on Good Practice in Planning Procedures.
 6. To understand the site visit procedure, including dealing with lobbying from members of the public.

Training Criteria for the Standards Committee

- Constitution:** Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions
- Training provider:** In-house by the Monitoring Officer or Solicitor to the Council
- When:** 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
- Content:**
1. To understand the functions of the Standards 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 new member code of conduct.
 3. To understand the role and responsibilities of the Monitoring Officer.
 4. To understand the role of the Independent Person.
 5. To understand the formal service complaints procedures, the role of the Local Government Ombudsman and the issues relating to maladministration.