

Meeting:	Member Development Panel
Date:	7 th February 2006
Subject:	Mandatory Training for Members
Responsible Officer:	Director of People, Performance and Policy
Contact Officer:	Maggie Rees, Organisational Development Group Manager
Portfolio Holder:	Communications, Partnership and Human Resources
Key Decision:	No
Status:	Public

Section 1: Summary

Decision Required

To recommend to the Standards Committee

- (i) **That training in the Code of Conduct should be mandatory.**
- (ii) **That training for membership of these Panels should also be mandatory.**
- (iii) **That all Members of appropriate bodies should be required to undertake training regardless of experience.**
- (iv) **That a brief initial training is provided, possibly immediately prior to the first meeting and that this is followed up by a full training session to be held before the 30th September 2006.**
- (v) **That training should, where possible, be offered at three or four sessions on at least two different days.**
- (vi) **Members are also asked to consider whether training should be provided by external providers or by officers of the Council.**

- (vii) That a record, open to inspection by all Members will be kept of the attendance at all training sessions.
- (viii) That subject to the agreement of the Chair of the Standards Committee special arrangements for an officer briefing can be made where a Member for good reason is unable to attend any of the training sessions. The Chair of the Standards Committee should agree any special arrangements made and a note made in the register of attendance that such arrangements were made.
- (ix) If it is considered that during the life of the Council further updated mandatory training is needed, then the Standards Committee should have the power to impose such a requirement.
- (x) That all training sessions should wherever possible be open to attendance by any Councillor, whether or not the Councillor is a Member of the relevant Committee.
- (xi) That an outline training programme be prepared. These programmes should be agreed by the Standards Committee, or if time does not permit be agreed under the non-executive action procedure.

Reason for report

To ensure risk of challenge of members decisions in quasi – judicial circumstances is reduced .

Benefits

All members will be clear about their code of conduct
Members on specific panels / committees will be clear about their role and responsibilities as a member of that panel / committee and this in turn will reduce the risk of challenge to the Council

Cost of Proposals

The cost of the training programme has been built into the base member development budget for the past 2 years. Making training mandatory will not increase the cost of the training.

Risks

Failure to understand roles and required conduct will make the Council at greater risk of challenge in decision making

Implications if recommendations rejected

Officer / member time in persuading members to attend.

Section 2: Report

Consideration

1. Guidelines

- Training should only be mandatory where a compelling need can be demonstrated.
- The consequences of not completing such training should be clearly spelt out. The rights of councillors to undertake the business of the Council should not be restricted without very good reason.
- The arrangements for the training must, as far as possible, be such that all Members that need to undergo the training can do so.
- A register of all training undertaken should be open to inspection by all Members.

2. Background

2.1 Currently there are two areas where training has been made mandatory

- Development Control
- Licensing

In both these areas decisions have to be made within statutory constraints and directly affect the rights of individuals. The financial consequences of individual decisions can be very high.

2.2 Training for Members on the Code of Conduct has been strongly recommended but not so far made mandatory. Previous training sessions have not always been well attended, although the last session, thanks to the support of all three political group leaders, was well attended with some 25 Members being present.

The consequences of a failure of a Member to comply with the Code can be very serious, costly in terms of both time and professional support, and potentially lead to a period of disqualification.

Members are asked to agree that training in the Code of Conduct should be mandatory.

2.3 Other Panels

There are a number of other panels which are also quasi-judicial in nature and give rise to similar consequences .

Discipline and Grievance Appeal Panels.
Social Services Review Panel.
Social Services Complaints Panel

Members are asked to agree that training for membership of these Panels should also be mandatory.

3. Transition arrangements

- 3.1 The first question is whether Members who have already undergone training in the life of a previous Council should be required to undergo further training.

In an ideal world with unlimited resources a package of training directed specifically to the needs and experience of individual Members could be designed.

In practical terms though only one training package can probably be provided and this would have to be designed to cover both experienced and inexperienced Members.

Much of the training that has been provided is now over a year old. It is also very helpful to have some more experienced Members present at training sessions – they are able to say what its really like.

Members are asked to agree that all Members of appropriate bodies should be required to undertake training regardless of experience.

- 3.2 It will not be possible in all cases to arrange training before the first meeting takes place.

It is suggested therefore that a brief initial training is provided, possibly immediately prior to the first meeting and that this is followed up by a full training session to be held before the 30th September 2006.

- 3.3 Where changes are made to the membership of a Committee then similar arrangements for new Members should be made. A brief initial officer training before the first meeting should be followed by a full session under the arrangements described in paragraph 4.4 below. This should take place within a period of 2 months (with the month of August being ignored for this purpose)

4. Arrangements

- 4.1 The number of sessions that are arranged has to strike a balance between cost and the convenience of Members. **It is proposed that training should, where possible, be offered at three or four sessions on at least two different days.** For example, by holding an afternoon session and a separate evening session on the same day. This will reduce costs.

- 4.2 **Members are also asked to consider whether training should be provided by external providers or by officers of the Council.**

Experience suggests that external providers are preferred. The last training sessions on the Code of Conduct being a good example. This will though be more expensive.

- 4.3 **A record, open to inspection by all Members will be kept of the attendance at all training sessions.**

- 4.4 When a Member is unable to attend the training sessions arranged the options are to arrange further extensive training just for that Member (or very small group of

Members), inform the Councillor he cannot attend meetings until further sessions for all are arranged, or arrange for the Councillor to receive a one-to-one or very small group sessions with an officer.

The practice in the past has been to take the last of these options. The appropriateness of this has been challenged.

It is proposed that subject to the agreement of the Chair of the Standards Committee special arrangements for an officer briefing can be made where a Member for good reason is unable to attend any of the training sessions. The Chair of the Standards Committee should agree any special arrangements made and a note made in the register of attendance that such arrangements were made.

- 4.5 **Updates.** If it is considered that during the life of the Council further updated mandatory training is needed, then the Standards Committee should have the power to impose such a requirement.

5. Other Members

All training sessions should wherever possible be open to attendance by any Councillor, whether or not the Councillor is a Member of the relevant Committee.

Reserve Members will be specifically invited to relevant training sessions and will be unable to act as a reserve Member if they haven't attended appropriate required training.

6. Content of Training

A clear distinction must be made between training that is considered so important that it needs to be made mandatory and other training that although desirable is not so essential.

It is proposed that an outline training programme be prepared. These programmes should be agreed by the Standards Committee, or if time does not permit be agreed under the non-executive action procedure.

7. Enforcement

7.1 Meetings of Panels

All three Panels referred to have a system of "pooled" Members. Any Member who had not undergone agreed mandatory training would not be selected for any meeting after the expiry of the agreed transition period.

7.2 Development Control Committee

Members of this Committee are appointed by Council under the 'political proportionality' rules. In effect groups select the members to meet their quota. Once appointed only Council can remove a Member and then Council can only do this if a political group changes its selection.

Enforcement can only be achieved with the support of the political groups.

If a Member who had failed to attend a mandatory training session within the required period, insisted on attending a meeting, that Member could not be stopped from participating and voting.

If this were to happen a report would be submitted to a meeting of the Standards Committee.

7.3 Members' Code of Conduct

Enforcement could be achieved in two ways.

- either by seeking to enforce a rule that the Member in question cannot attend any meeting and with a report being made in the event of a breach
- or by the making of a report to the Standards Committee which could then consider the circumstances, impose a ban on attending all or some meetings and/or specify a deadline for the training to be completed.

If a Member were found to be in breach of the Code, then a failure to undertake relevant training would be a factor to be considered when determining appropriate action.

Consultation

The views of the member development panel were sought at its meeting in November 2005 .

Financial Implications

See 'Cost of Proposals' above.

Legal Implications

Included in the report.

Equalities Impact

Specific needs of members will be sought at the induction programme in May and the training will ensure that all adjustments to the programme will be made to take these needs into account .

Section 17 Crime and Disorder Act 1998 Considerations

N/A

Section 3: Supporting Information/ Background Documents

None