

Gloucester City Council

COMMITTEE	:	GLT STANDARDS COMMITTEE COUNCIL
DATE	:	13 DECEMBER 2011 15 DECEMBER 2011 19 JANUARY 2012
SUBJECT	:	MEMBER TRAINING
DECISION TYPE	:	NON-KEY
WARD	:	ALL
REPORT BY	:	MONITORING OFFICER
NO. OF APPENDICES	:	NONE
REFERENCE NO.	:	

1.0 PURPOSE OF REPORT

- 1.1 To consider Member training requirements for the Council's Planning and Licensing Committees.

2.0 RECOMMENDATIONS

Council is asked to **RESOLVE** that:

- 2.1 training for new Members of the Planning and Licensing and Enforcement Committees should continue as set out in the Council's Code of Practice for each committee;
- 2.2 refresher training for Members of the Planning and Licensing and Enforcement Committees should take place every 3 years.
- 2.3 the Standards Committee's emphasis of the need for an on going programme of training and comments regarding Member training be noted.

3.0 BACKGROUND

- 3.1 Part of the Standards' Committee's role is to monitor the operation of other Council codes and protocols and to advise the Council on the adoption or revision of such codes.
- 3.2 The Council has adopted Codes of Practice in respect of both Planning and Licensing. The Planning and Development Code of Practice and the Probity in Licensing Code of Practice each specify Member training requirements.

4.0 PROGRESS

- 4.1 The Council's Planning and Licensing Committees are Committees where decisions are made that have direct impacts on individuals' homes and livelihoods. There is often detailed legislation that is relevant to the decisions being made by both these Committees and it is important that the Members of these Committees are appropriately trained to enable them to take sound decisions. The consequences for the Council of decisions being taken in an inappropriate way by these Committees include appeals, judicial review and maladministration complaints, all of which could be financially and reputationally costly for the Council.
- 4.2 At its meeting on 21 June 2011, the Standards Committee considered the training undertaken by Members in 2010/11. Following the meeting, Members of the Standards Committee received further information regarding training of Members on the Planning and Licensing Committees specifically for the years 2010/11 and 2011/12. This revealed that some existing Members of the Committee had not attended a training session in either of these years. Standards Committee Members were concerned that some Members of the Planning and Licensing Committees had not attended the training sessions in either of these years and there was therefore concern at how up-to-date the knowledge of the Members of these Committees might be.
- 4.3 The Planning and Development Code of Practice specifies the following in respect of Member training:

C1. Any Member who is on the Planning Committee or Planning Policy Sub-Committee must take part in regular training.

Members who are exercising powers to grant or refuse planning applications are exercising a quasi-judicial function in an area where there is considerable Government advice and law. Members must ensure they are adequately trained to carry out the task. Accordingly any Member who is on the Planning Committee must take part in training organised by the Development Services Section either before the first meeting of the Committee or within 3 months after being nominated to serve on the Committee, whichever is the later. If they do not, or cannot, they must step down.

- 4.3 The Probity in Licensing Code of Practice specifies the following:

A. Member Training

Members who are exercising powers to grant or refuse applications are exercising a quasi judicial function, in an area where there is a large amount of Government advice and Law. Members must ensure they are adequately trained to carry out the task. Accordingly any Member who is on the Licensing and

Enforcement Committee must take part in training organised before the first meeting of the Committee or within 3 months after being nominated to serve on the Committee, whichever is the later. If they do not, or cannot, they must step down.

Members are also encouraged to research pertinent issues by reference to the Group Manager, Environmental Health and Regulatory Services who can arrange access to publications, legislation, policy documents and guidance.

Members will be given regular updates to keep them informed of important changes in legislation, procedures or practices either verbally, at meetings, or as briefing notes.

- 4.4 Both Codes of Practice therefore require any new Members to be trained within 3 months of being nominated as a Member of either the Planning or Licensing Committee before they can participate in the meetings. However, neither Code of Practice specifies the frequency at which training of existing Members of the Committees should occur. Members of both Committees are expected to keep their knowledge up-to-date and it is currently left to the individual Member to identify when they feel they need further training.
- 4.5 At its meeting on 15th December 2011, the Standards Committee discussed whether adequate arrangements were in place to ensure that members new to the Planning and Licensing and Enforcement Committees (whether newly elected or existing councillors) received training within 3 months of being appointed to either of those committees and also whether appropriate arrangements were in place to ensure that members of these committees continued to be adequately and appropriately trained to undertake their significant duties, especially where there may have been a gap in membership. The Committee considered the frequency at which refresher training for Planning Committee and Licensing and Enforcement Committee members should occur and considered that a frequency of once every 3 years was appropriate.
- 4.6 The Committee emphasised the need for an up to date record of Member Training which could also track when Members were in need of refresher training and the need for an on going programme of training to meet the needs of councillors.

5.0 FUTURE WORK

The annual Member Development Programme includes both Planning and Licensing training and is offered to all Members – not just new Members. The next programme will begin shortly after the elections in May 2012. In addition to these regular training sessions, ad hoc training is arranged throughout the year, for example, where there are significant changes in legislation or in the way in

which the Committee is expected to operate or where Members request a training session on something specifically.

6.0 CONCLUSIONS

The Council has in place an annual Member Development Programme which includes Planning and Licensing training. New Members of the Planning and Licensing Committees are required to attend relevant training sessions within 3 months of being nominated to sit on either of these Committees. Members are thereafter required to keep their knowledge up-to-date but this is left to the individual Member to determine and there is no obligation to attend further training sessions.

7.0 FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising out of this report.

8.0 LEGAL IMPLICATIONS

8.1 There is no specific legislative requirement for Members of Planning and Licensing Committee to be trained. However, it is certainly best practice from a governance perspective and it helps to minimise the risk of the decisions of the Committees being subject to costly challenge.

9.0 RISK MANAGEMENT IMPLICATIONS

There are no key risks arising out of the recommendations in this report.

10.0 PREDICTIVE IMPACT ASSESSMENTS (EQUALITIES) AND COMMUNITY COHESION

No predictive impact assessments are required for this report.

11.0 OTHER CORPORATE IMPLICATIONS

1. Community Safety

There are no community safety implications resulting from this report

2. Environmental

There are no environmental implications resulting from this report.

3. Staffing

There are no staffing implications resulting from this report.

4. Trade Union (TU to complete)

Background Papers	:	The Council's Constitution Member Training records
Published Papers	:	None.
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