



## **North Devon Council**

Report Date: Monday, 25 September 2023

Topic: Attendance at member training

Report by: Simon Fuller, Senior Solicitor and Monitoring Officer

### **1. INTRODUCTION**

1.1. There is increasing concern that councillors, who are active on multiple committees as well as at Full Council, are failing to attend training sessions considered to be mandatory thereby putting the Council at risk of legal or other challenge.

### **2. RECOMMENDATIONS**

2.1. Recommend to Full Council that a sanction is imposed for any councillors who have not completed mandatory training to be suspended from a relevant committee/all committees pending completion of the training.

2.2. That a report with specific names is taken to the next following Council for Full Council to invoke the sanction on those individuals

### **3. REASONS FOR RECOMMENDATIONS**

3.1. Article 2.3 of the Constitution provides that it is a key function of councillors to participate in training and development opportunities offered by the Council.

3.2. It is a requirement of certain committees, including Planning Committee, Licensing Committee and this Committee, that councillors have undertaken training

3.3. Having untrained councillors making decisions on various committees places the Council at risk of legal and other challenge.

### **4. REPORT**

4.1. At the 11 January 2023 Full Council meeting (minute 84) councillors agreed the Member Training and Development Programme for the new Council. This included a number of training/development sessions which councillors considered to be mandatory.

4.2. More than four months has passed since current councillors were elected and training sessions have been accordingly held in line with the approved Member Training and Development Programme.

4.3. There are a number of training sessions considered to be mandatory where some councillors have not yet attended. These include training on (with the numbers of councillors who have missed the training as at the date of submission of this report):

4.3.1. The Port Marine Safety Code (10 have missed this)

4.3.2. The Local Plan for North Devon and Torrington District Councils (5 have missed this)

- 4.3.3. Local Authority Finance (8 have missed this)
- 4.3.4. Awareness, Responsibility and Guidance on local government publicity (8 have missed this)
- 4.3.5. Equality and Diversity (12 have missed this)
- 4.3.6. Health and Safety (20 have missed this)
- 4.4. Various provision has been made for these training sessions, including in person sessions and, for those that were unable to make the in person sessions, online recordings on the Council's YouTube channel which the councillors must confirm that they have viewed. It is understood that the recordings of the Local Plan (4.3.2), Awareness (4.3.4) and Health and Safety (4.3.6) training sessions have not yet been shared with those outstanding Members due to technical issues locating the recordings but these have been resolved and those Members will be able to view these.
- 4.5. Many of the councillors concerned have been chased multiple times by the Council's Corporate and Community Services team and monitoring this has taken officer time and resource better used elsewhere.
- 4.6. The concern is that the Council is continuing to make decisions via its various Committees with councillors who are lacking key aspects of training (or refresher training for returning councillors). Some in more than one area.
- 4.7. This is arguably a breach of Article 2.3 of the Constitution and also the decision of Full Council on 11 January 2023.
- 4.8. It is therefore considered appropriate that a sanction be recommended by this Committee to Full Council to require that the relevant councillors are suspended from all committees/relevant committees pending completion of all relevant mandatory training.
- 4.9. While the Governance Committee has delegated powers to impose sanctions it is worth Full Council considering invoking such a sanction since it may need to re-consider which councillors are appointed to appropriate committees. It is also hoped that, in the time between this recommendation being made and a list being prepared for the Full Council meeting on 4 October 2023, the councillors will, by this recommendation, be further incentivised to complete all training and such sanction may not need to be invoked.

## 5. RESOURCE IMPLICATIONS

- 5.1. None, save in terms of officer time monitoring compliance

## 6. EQUALITIES ASSESSMENT

- 6.1. There are no equality implications anticipated as a result of this report, attending training is an important part of ensuring that decisions being made are lawful and fair, indeed part of the training that has been missed by certain councillors relates to equality.



## 7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications arising from these proposals

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: None

8.1.2. Improving customer focus: Councillors must undertake mandatory training in line with this priority

8.1.3. Regeneration or economic development: None

## 9. CONSTITUTIONAL CONTEXT

9.1. Save as provided in paragraph 9.2 below, the decision in respect of the recommendations in this report can be made by this Committee pursuant to delegated powers provided in paragraph 5 of Annexe 1 to Part 3 of the Constitution.

9.2. As noted in the report, the power to decide on one or more of the recommendations in this report is reserved to Council pursuant to Article 4.5.6 and as such the recommendation must be referred to Council to ratify.

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller, Senior Solicitor and Monitoring Officer