

CYNGOR SIR POWYS COUNTY COUNCIL.

County Council – 23rd April, 2015**REPORT AUTHOR: Head of Democratic Services****SUBJECT: Member Development – Mandatory and Non-mandatory Development**

REPORT FOR: Decision

1. Background

1.1 The Council, via the politically balanced Member Development Working Group [MDWG], provides an annual Member Development Programme for specific Committees and generically for all Members.

1.2 In 2008 the Council agreed the following:

- “Mandatory development” for Committees [Appendix 1] - Committees are provided with this development. If a Member of such a Committee does not complete the required training they are not allowed to sit on the Committee until this has been completed.
- “Mandatory” Code of Conduct training - where Members do not attend they have to attend the training on another date.

The above has worked satisfactorily since its introduction and is fully supported by Members.

1.3 A monthly Member Development Programme is provided and Members attend these if they wish. Attendance ranges between 36% and 71%.

1.4 Over the last year the MDWG and Standards Committee have discussed the further development of the Programme and have identified further “mandatory development”, sanctions for non-attendance at such development, “non-mandatory development”, the required level of attendance and actions for non-attendance at such development.

1.5 This report provides details of the above.

2. “Mandatory Development” and sanctions for non-attendance

2.1 Further “Mandatory development” has been identified and is detailed in Appendix 2 [note for ease of reference Code of Conduct is also included in this list]. Five topic areas have been identified as being important to ensure that Members have the appropriate knowledge and skills to undertake their corporate roles as well as to conduct themselves in an appropriate manner and so not bringing themselves, their office or the Council into disrepute.

2.2 The MDWG and the Standards Committee recognise that Members have a wide range of commitments and to support them in ensuring that they are able to attend “Mandatory development” the following will be provided in respect of each session:

- i. Dates for these sessions will be included in the Council diary
- ii. Each session will be provided twice, so making it easier for a Member to attend the one required session per period, each session will be on a different day and week
- iii. E-learning will be utilised wherever possible or the sessions will be videoed and a learning questionnaire will be provided to ensure that the video learning is completed
- iv. Details of appropriate development sessions provided by the Council or other statutory bodies will be made available to Members. Attendance at these will count towards the Council's Mandatory Development requirements.

2.3 The range of opportunities detailed above will provide Members with a greater opportunity to complete "Mandatory development". However, to ensure that "Mandatory development" is completed the MDWG and the Standards Committee recommended to the Democratic Services Committee and Council the following:

- i. Where a Member does not attend/complete a "Mandatory development" session they will receive an email from the Standards Committee advising them that they need to attend the next session. They will be given details of the session or how to access an appropriate session from another source and the required date for completion.
- ii. Where a Member does not complete the second session they will be required to provide a verbal/written explanation of why they have failed to attend/complete the required development to the Standards Committee. The Standards Committee will require the Member to agree to complete the required "mandatory development" within a specified timescale.
- iii. Where a Member fails to attend/complete the required "mandatory development" in the timescale in ii] above they will be required to appear before Council to apologise and agree to complete the required development in a timescale required by the Standards Committee.
- iv. If a Member continues to fail to attend/complete the required training the Standards Committee can suspend that Member for a period of up to one month. During this period the individual will not receive their allowance and will not be able to act as a Councillor.

2.4 The Standards Committee will however, take into account a Member's individual circumstances when considering the above.

3. "Non-mandatory development", the required level of attendance and actions for non-attendance.

3.1 A range of other "non-mandatory" Member Development sessions are provided each year to develop Members' knowledge and skills. The Council supports the continuous professional development of Members and encourages them to see this as part of their councillor role. These sessions will for example develop Members'

knowledge of service areas and associated issues, changes in legislation and how local authorities need to respond to these.

3.2 The MDWG and the Standards Committee recommended the following:

- i. That Members attend at least 80% of the “non-mandatory development” sessions each year.
- ii. Where two topics/issues are covered in one day these will be recorded as two separate sessions. Development dates will be published in advance.
- iii. A report detailing attendance at “non-mandatory development” sessions will be made to Council on a six monthly basis. Group Leaders will be required to discuss low attendance with any of their Members.
- iv. Where attendance at “non-mandatory development” sessions is below 80%, the Member will be reported to the Standards Committee, which may ask them to account for non-attendance.

The Council and the Standards Committee will however, take into account a Member’s individual circumstances when considering the above.

3.3 Wherever possible e-learning and videoing sessions and accessing Council or statutory bodies’ development sessions will be offered to Members to provide them with a range of learning opportunities.

4. A Members commitment to continuous professional development

4.1 It has become increasingly important that Councillors have up-to-date knowledge and skills to ensure that they can fulfil their various roles within the Council. Consequently, the Council supports the continuous professional development of Members and encourages them to see this as part of their councillor role.

4.2 The MDWG and the Standards Committee therefore recommended the following: Members should be required to agree to complete all “mandatory development” and attend at least 80% of “non-mandatory development” when they sign their Acceptance of office form on appointment.

5. Consideration by the Democratic Services Committee [DSC] and recommendation to the Council

5.1 The report was circulated to Groups for comment prior to discussion by the DSC. The DSC considered the above and the response from the Powys Independent Alliance Group and it was noted that the other Groups had not been able to provide comments.

5.2 The DSC supported the Mandatory development and the sanctions for non-attendance which would be delegated to the Standards Committee.

5.3 In respect of non-mandatory development the DSC considered that the attendance rate of 80% recommended by the MDWG and Standards Committee was too high.

The DSC considered that the level should be set at 60%, which was also the level for attendance at Committee meetings.

Recommendation from the Democratic Services Committee:	Reason for Recommendation:
<p>It is recommended to Council:</p> <p>(i) That as from the next election of Councillors that Members should be required to agree to complete all “mandatory development” and at least 60% of “non-mandatory development” when they sign their Declaration of Acceptance of office forms</p> <p>(ii) That from May 2015:</p> <p>a. Members attend all “mandatory development” sessions i.e. one of two sessions offered in a period</p> <p>b. The sanctions detailed in paragraph 2.3 above be approved, including powers of the Standards Committee to suspend Members for a period of one month where other sanctions have not been effective</p> <p>c. Members attend 60% of “non-mandatory development”</p> <p>d. Other methods of delivering sessions such as e-learning be developed as soon as possible</p>	<p>To support the continuous professional development of Members and encourage them to see this as part of their councillor role.</p>

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):			
Person(s) To Implement Decision:	Clive Pinney / Wyn Richards		
Date By When Decision To Be Implemented:	May 2015		
Contact Officer Name:	Tel:	Fax:	Email:
Wyn Richards Head of Democratic Services and Scrutiny Manager	01597-826375	01597-826220	wyn.richards@powys.gov.uk

Background Papers used to prepare Report:

“Mandatory development” for specific Committees

If Members do not attend the development detailed below they will be unable to sit on the respective Committee until this has been completed. This position has been agreed by Council in April 2008.

Committee	Induction	Requirements
Audit Committee	<ul style="list-style-type: none"> • The role of the Audit Committee • The role of Internal Audit and the Committee’s role • Finance monitoring • Risk management and corporate governance 	<p>Induction</p> <p>Ongoing development as required, usually provided as part of Committee Agendas</p>
Employment and Appeals Committee	<ul style="list-style-type: none"> • The role of the Committee and the Disciplinary Appeals Sub Committees, Grievance Appeals Sub Committees and Appointments Sub Committees. • Mock employment tribunal hearings • Interview skills for senior posts and safeguarding training. 	<p>Induction.</p> <p>Ongoing development as required usually provided as part of Committee Agendas</p>
Licensing Act 2003 Committee	<ul style="list-style-type: none"> • The law governing licensing of premises etc and the role of councilors • Gambling Act 2005 • Licensing hearings and the quasi-judicial role of sub-committees and/or panels 	<p>Induction – mandatory</p> <p>Refresher training on licensing law and hearings - mandatory</p> <p>Other training as required – not mandatory and usually provided as part of Committee Agendas</p>
Planning, Taxi Licensing and Rights of Way Committee	<p>Planning:</p> <ul style="list-style-type: none"> • A briefing on planning in Wales • The role of councillors in planning: 	<p>Induction and as required, usually provided as part of Committee Agendas</p>

Committee	Induction	Requirements
	<p>Propriety and good practice</p> <ul style="list-style-type: none"> • Planning for windfarms <p>Taxi and other licensing:</p> <ul style="list-style-type: none"> • Law and Practice governing Hackney Carriages and Private Hire Vehicles • The role of councillors, licensing hearings and the Quasi-Judicial role of sub-committees and/or panels • The law governing other licensing issues such as caravan sites, scrap metal and animal health. <p>Rights of Way:</p> <ul style="list-style-type: none"> • The law relating to rights of way, common land and village greens • The role of councillors and the Quasi-Judicial role of the committee 	<p>Taxi and other licensing: Induction – mandatory</p> <p>Refresher training on licensing law and hearings – mandatory</p> <p>Other training as required – not mandatory and usually provided as part of Committee Agendas</p> <p>Rights of Way etc training – updates given prior to specific applications - mandatory</p>
Pensions and Investments Committee	No induction. However, Local Government Pension Scheme [LGPS] Fundamentals 3 day training to be undertaken within first 12 months.	Minimum 10hrs per year training required, based on Knowledge & Skills Framework.
Standards Committee and Standards Community Sub-Committee	<ul style="list-style-type: none"> • Members Code of Conduct – induction and update mid-term, plus any further updates as required. • Undertaking of Code of Conduct hearings 	Induction and as required, usually provided as part of Committee Agendas

“Mandatory development” for all Members

Topic	Frequency	Reason for development	Type of decision/action which requires this information	Legislation and/or Impact of non attendance
Members Code of Conduct	Induction Update mid-term, plus any further updates as required	The responsibility for complying with this Members' Code of Conduct, dispensation requirements and issues around pre-determination rests with the individual Councillor. On signing their Acceptance of Office a Councillor undertakes to comply with the Members' Code of Conduct. Development is provided to ensure that Members both understand the Code and adhere to the principles.	All	<p>The Local Authorities (Model Code of Conduct) (Wales) Order 2008 Part III of the Local Government Act 2000 ("the Act") established a new ethical framework for local government in Wales.</p> <p>Members in breach of the Code of Conduct can open themselves to challenge by the Ombudsman with potential for sanction and effect on a Councillor's reputation.</p>
Data Controller responsibilities	Induction Repeat in 3 rd year	Members need to understand the law relating to handling personal/sensitive information, i.e. personal information, to which they have access from constituents and other services and understand the requirements to protect that information. They must understand their responsibility to handle personal	All/Ward activities	<p>To ensure that Members and the Council comply with the Data Protection Act 1998.</p> <p>If Members are found to be in breach of the Act the Council and Members individually can face substantial fines.</p>

Topic	Frequency	Reason for development	Type of decision/action which requires this information	Legislation and/or Impact of non attendance
		information appropriately and meet their obligations under the Data Protection Act 1998. After the development Members must register as Data Controllers on an annual basis.		
Corporate parenting	Induction Annual update	All members share a responsibility as “corporate parents” for looked after children to ensure that they thrive under the authority’s care. Members need to understand their roles and responsibilities and can challenge how services are provided for these children.	All	Mandatory and best practice to ensure that members and the Council comply with their statutory duty under the Children Act 2004 to safeguard and promote the welfare of children (All Wales Child Protection Procedures 2008. Also considered as good practice to receive mandatory training at induction and refresher training during term of office [Local Government Association and National Childrens Bureau] and the Welsh Local Leadership Academy, Welsh Local Government Association [WLGA].
Adult and child protection	Induction Annual update	Members need to be aware of safeguarding issues and legislative requirements and how they can raise concerns about adult and child protection.	Ward activities	Mandatory and best practice to ensure that members and the Council comply with their statutory duty under the Children Act 2004 to safeguard and promote the welfare of children (All Wales

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				Child Protection Procedures 2008).
Treasury Management	Two sessions held each year. Members have to attend at least one session per annum.	Members have to have an understanding of what Treasury Management means, how this is managed on a daily basis and also the risks.	Treasury Management	The CIPFA Code of Practice for Treasury Management (TM) requires all members involved in TM decisions to ensure they are suitably trained in TM. In Wales the TM Annual Strategy report is required to go to Full Council and it is necessary for all members to ensure they meet this training requirement.