

MAIDSTONE BOROUGH COUNCIL

COUNCIL

22 SEPTEMBER 2010

REPORT OF THE GENERAL PURPOSES GROUP **HELD ON 25 AUGUST 2010**

SUBSTITUTE MEMBERS

At the Council meeting on 21 April 2010, a recommendation from the Corporate Services Overview and Scrutiny Committee sought the agreement of the Council that any Non-executive member should be allowed to substitute on any committee not requiring prior training, rather than having nominated substitutes.

During the meeting it was also suggested that the recommendation could be reworded so that any Non-executive member could be allowed to be a substitute on a committee when they had received the appropriate training rather than having nominated substitutes.

The Council agreed that any Non-executive member could act as a substitute on the Scrutiny Committees on the proviso that the Officers would report back to members on its possible extension to all other committees and groups. This group is now considering the need for changes to the substitute arrangements

In considering the recommendation of the overview and scrutiny committee one has to break it down into two parts namely the issue of whether it should be a non executive member and secondly the relevance of the required training for the Audit, Planning and both Licensing Committees. Additionally Standards Committee would not be affected by the change in substitute rule as it has its own specific substitute rules.

In terms of substitutes being limited to Non-executive members it is not appropriate because whilst it is understood that Non-executive members cannot serve on Overview and Scrutiny Committees, this is not a case with the other committees where in some instances it is a pre-requisite that a member of the Executive serves on these committees. Therefore, it is suggested that if this matter is progressed any further in terms of the removal of nominated substitutes and opening up the substitution rules it should in fact be open to all members rather than just Non-executive members.

In the Constitution four committees specifically require that their members must have received training. These are the Audit Committee, Planning Committee and both Licensing Committees. I set out below the wording used to express this requirement in the constitution-

Audit Committee

All Audit Committee members must receive appropriate training.

Planning Committee

The Council has also decided that no Member will be appointed to be a member or substitute member of the Planning Committee without having agreed to undertake a period of training in planning policies and procedures. This training should be commenced within 3 months of becoming a member/substitute member of the Planning Committee, and Members should be updated regularly on changes to legislation, policy and procedures. All Members of Planning Committee must receive refresher training annually.

Licensing and Licensing 2003 Act Committee

No Member will be appointed to the Licensing Committee without having agreed to undertake a period of training in licensing procedures as specified by the Council. This training should be undertaken before the member takes up their place on the Licensing Committee, and Members should be updated regularly on changes to legislation and procedures. All Members of Licensing Committee should receive refresher training annually.

You will see from the above that each committee is different though all seem to be attempting to achieve the same outcome. What is required is consistency in approach to training particularly if there is an opening of the substitution rules to allow all Councillors to act as substitutes. It is important that the agreed wording ensures that all members of these committees are trained or committed to being trained within an agreed timescale and in accordance with the training programme agreed by each committee. The wording set out below puts in place the process for ensuring all members are trained including substitute members:-

“The Council has agreed that no member will be able to serve on the Committee without having agreed to undertake a period of training on the policies and procedures of this Committee as specified by the Council. This training should be completed to an agreed level within an agreed time period set by the committee for newly appointed members and substitute members of the committee. If the specified training has not been completed by the due date, the member will cease to be a member/substitute member of the Committee in question until the training has been completed. The Head of Democratic Services will keep a record of the training requirements of each committee and of members’ compliance with the requirements. Existing members of the Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis.”

It is important that the wording regarding training is consistent and members are therefore asked to agree the proposed amendment. In respect of the change to substitution rules members will need to consider the implications firstly for those committees who in the constitution do not require training, and those which do require training. Also in considering any change consideration will need to be given to the Council's rules on membership of certain committees which prevents them from sitting on other committees such as exists with Planning and Licensing.

Recommendation

1. That the current rules for substitution be changed from nominated substitutes to any member of the Council acting as a substitute for any committee, other than Overview and Scrutiny Committees and the Standards Committee, as long as they have received the appropriate training (if appropriate) to enable them to sit on that committee.
2. That the Constitution be amended in Article 6A and in the Local Codes of Conduct for Councillors and Officers dealing with Planning and Licensing matters to delete the relevant paragraphs for training and replace them with the following:-

"The Council has agreed that no member will be able to serve on the Committee without having agreed to undertake a minimum period of training on the policies and procedures of this Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the committees for newly appointed members and substitute members of the committee. If the specified training has not been completed by the due date, the member will cease to be a member/substitute member of the Committee in question until the training has been completed. The Head of Democratic Services will keep a record of the training requirements of each committee and of members' compliance with the requirements. Existing members of the Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis."

Evaluation of the Standards Committee held on 1 September 2010

That in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the above proposed amendment of the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are given full effect by providing more capacity and flexibility in terms of the use of Substitutes and clarifying and strengthening the requirement for training on the policies and procedures of certain Committees.