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East Dunbartonshire Council

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COUNCIL THURSDAY, 28 SEPTEMBER 2023

REFERENCE: EDC/009/23/SM

LEAD OFFICER: DEPUTE CHIEF EXECUTIVE

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SUBJECT TITLE: PROPOSED COUNCIL RESPONSE TO
SCOTTISH GOVERNMENT CONSULTATION
ON MANDATORY TRAINING ON PLANNING
FOR ELECTED MEMBERS

1.0 PURPOSE

1.1 The purpose of this Report is to seek approval for the Council's response to the Scottish Government consultation on Mandatory Training on Planning for Elected Members.

2.0 RECOMMENDATIONS

It is recommended that the Council

2.1 Approves the response to the consultation on Mandatory Training on Planning for Elected Members (**Appendix 1**) for submission to the Scottish Government.

ANN DAVIE
DEPUTE CHIEF EXECUTIVE

3.0 BACKGROUND/MAIN ISSUES

- 3.1** The Scottish Government has been undertaking extensive reforms to the planning system since the publication of an independent review in 2016. The independent panel considered that skills and training for elected members was an important part of an effective and well-functioning planning system. However, they were concerned that the quality and delivery of training on the planning system for members varied greatly across Scotland. They recommended that skills development was required in a number of priority areas and in particular that the training of elected members should be mandatory, monitored and enforced.
- 3.2** In August 2017 the Scottish Government published a Position Statement in response to the independent review, within which it expressed its intention to introduce mandatory training for elected members. This is a position that was supported by the Council at the time (see report PNCA/061/17/NU).
- 3.3** Subsequently, a provision for the mandatory training of elected members on planning matters was included within the Planning (Scotland) Act 2019, alongside a package of measures to improve the performance of the planning system as a whole. Once in force, section 45 of the Planning (Scotland) Act 2019 will prohibit elected members from carrying out certain specific planning functions if they have not completed training as specified by Scottish Ministers. These functions are to be set out in secondary regulations and are likely to include the determination of planning applications as the main area where the training must be undertaken before members can sit on planning board.
- 3.4** The Scottish Government published a consultation document on 13 July 2023 seeking views on the proposed approach for implementing the mandatory training. The consultation runs until 26 October 2023. Further information can be found here <https://www.gov.scot/publications/mandatory-training-planning-elected-members/>.
- 3.5** The questions within the consultation document and a summary of the proposed Council response are provided below.

Consultation Question	Council Response:
1. Should the determination of planning applications be the only specified function that elected members are prohibited from doing until training requirements have been completed?	Yes (including decisions made at full Council and Local Review Body).
2. Should the training requirements vary for elected members depending on whether they participate in a planning committee, Full Council or Local Review Body?	No, differing levels of training could cause confusion and whilst planning committee and Local Review Body have different functions they must follow the same principles in making decisions.
3. Should the mandatory training be focused on the key principles and knowledge of the planning system?	Whilst an overview of the plan led system is important, members will have professional advisers to remind them of aspects of the planning system.

	It is crucial that making sound decisions in accordance with planning law and policy is the main focus.
4. Do you agree with the list of topics to cover?	Agree however the importance of development plans and what are relevant material considerations in determining applications should be a particular focus.
5. Are there any other topics that you think should be covered in the mandatory training?	Policy content and how this is included within reasons for decisions needs to be covered.
6. Which would be your preferred option for how the training should be delivered? <ul style="list-style-type: none"> • Option 1 – In-person training with the key principles set out by government. Then individual authorities developing detailed content and delivering the training to their members. • Option 2 – In-person training with the government setting out the key principles and developing the detailed content. Individual authorities deliver the training. • Option 3 – Online training with the government developing (or procuring) the training. Members undertake the training individually at a time that suits them. • Option 4 – Online training where a preferred training provider is identified and authorities must appoint this provider to deliver the training to their members. 	Option 1 - The priorities and experiences of Planning Authorities may differ across the country, so it is considered appropriate that the Scottish Government provide the overarching key principles and it is then for different Planning Authorities to provide the detailed training and content. It is also preferred that there should be flexibility for Council's to determine how best to deliver the training i.e. in person or online (it may be that both options are required depending on a number of factors). It is not considered necessary that in-person means that it cannot be an online training session. What is important is that the training is predominantly live and gives members a chance to interact, whether this is online or physically in the same room.
7. Do you have any further comments on how the training should be delivered?	The Council would request that a minimum period of 6 months is provided between the publication of any regulations/ guidance and the mandatory training coming into force to allow sufficient time to prepare.
8. Should there be a requirement for elected members to have passed a test before being allowed to undertake a planning decision?	No, not if the training is in-person. The training should focus on making good decisions through workshops and examples.
9. How often should elected members be required to retake the training? <ul style="list-style-type: none"> • once every year • once every election cycle • training should not need to be retaken • other 	Once every election cycle (in normal circumstances) however there may be exceptional situations where additional training is required. Provisions should also be in place for any new members elected during the term to be able to undertake the training quickly.

10. Should elected member's completion of the training be made available to the public?	Yes, however this should be by request and not through a requirement to be formally published.
11. If the completion of training is made public, do you think the information being provided within PPF / statutory annual reports and on the Local Authorities website are sufficient?	Yes, if the government deems that it should be published then the PPF is considered to be an appropriate place to do this.
12. Do you have any comments / suggestions on the best ways to monitor the long term effects of the mandatory training of Elected members?	Monitoring the percentage of appeals across Scotland that are awarded expenses as a result of unreasonable decisions would be one measure on the effects of the training.
13. Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for elected members?	No.

3.6 The Council's full response is provided in **Appendix 1**.

Next Steps

3.7 The Scottish Government has not provided indicative timescales for the publication of the finalised arrangements for the mandatory training. The draft Council response requests that a minimum period of 6 months is provided between the granting of new regulations/guidance and them coming into force (Question 7). It is considered crucial that there is sufficient time for planning authorities to prepare for the new training requirements in order to ensure continuity in decisions and attendance at planning board. Upon publication of the regulations and/or guidance, officers will inform members and will work across the Land Planning and Development, Legal Services and Members Services teams to develop and deliver the required training.

4.0 IMPLICATIONS

The implications for the Council are as undernoted.

4.1 Frontline Service to Customers – None

4.2 Workforce (including any significant resource implications) – None

4.3 Legal Implications – Members will be prohibited from making decisions on planning applications (including at Local Review Body) until the training has been undertaken.

4.4 Financial Implications – None

4.5 Procurement – None

4.6 ICT – None

4.7 Corporate Assets – None

4.8 Equalities Implications – None

4.9 Sustainability – None

4.10 Corporate Parenting – None

4.11 Other – None

5.0 MANAGEMENT OF RISK

The risks and control measures relating to this Report are as follows:-

5.1 Once the training requirements come into force the Land Planning and Development, and Legal Services will work together to ensure that the required training is developed and delivered as soon as possible in order to reduce the risk of disruption to the planning board and Local Review Body functions. The Council's response to the consultation requests that a minimum period of 6 months between any regulations/guidance being published and coming in to force is provided to give planning authorities sufficient time to prepare.

6.0 IMPACT

6.1 ECONOMIC GROWTH & RECOVERY – No direct impact

6.2 EMPLOYMENT & SKILLS – No direct impact

6.3 CHILDREN & YOUNG PEOPLE – No direct impact

6.4 SAFER & STRONGER COMMUNITIES – No direct impact

6.5 ADULT HEALTH & WELLBEING – No direct impact

6.6 OLDER ADULTS, VULNERABLE PEOPLE & CARERS - No direct impact

6.7 CLIMATE CHANGE – No direct impact

6.8 STATUTORY DUTY – The need to undertake training on the planning system will be a legal requirement. The Scottish Government is still to confirm the expected timescales for the requirement coming in to force.

7.0 POLICY CHECKLIST

7.1 This Report has been assessed against the Policy Development Checklist and has been classified as being an operational report and not a new policy or change to an existing policy document.

7.2 Note that the Scottish Government has undertaken its own assessments.

8.0 APPENDICES

8.1 Appendix 1: Proposed EDC Response to Members Training Consultation.