

## Mandatory Training on Planning for Elected Members



### Respondent Information Form

**Please Note** this form **must** be completed and returned with your response.

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Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes

No

### Questionnaire

**Question 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**

Please add any comment in support of your answer

The Council agrees that the determination of planning applications should be the only specified function that members are prohibited from doing until training requirements have been completed. For clarity, it is considered that this includes both planning committee and the Local Review Body.

When key decisions are being made on the Local Development Plan it is important that Members understand the purpose of the plan and the process to prepare it. However, in the interests of managing the training, ensuring that it is proportionate and tracking member participation, the Council agrees with determining planning applications as being the only specified function that cannot be undertaken by members without meeting the training requirements.

**Question 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**

Please add any comment in support of your answer

All elected members in East Dunbartonshire sit on planning board and therefore having different levels of training would not apply here.

Notwithstanding this, the Council considers that different levels of training could lead to confusion and could be difficult to manage in practice. Additionally, as per the response to Question 1, members of the Council will be responsible for determining key stages in the preparation of the development plan. Therefore, even if the only mandatory requirement for the training is determining planning applications, this will undoubtedly ensure a better understanding of the purpose of preparing development plans which would be reflected in the decision-making for key stages in approving the LDP.

Moreover, while they have different functions, a planning committee and a Local Review Body will be required to follow the same principles and consider the same material considerations in determining applications.

**Question 3:** Should the mandatory training be focused on the key principles and knowledge of the planning system?

**No**

Please add any comment in support of your answer

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 more important that the focus is on the main interactions that occur when decisions are being made. These are largely covered by the topics listed in Question 4 (including reasons for decision and use of conditions) but understanding the tests in the legislation and material considerations (including national and local policy) are the most crucial element and should be given particular prominence. Making decisions is the role for Members which officers can only give guidance on. Accordingly, it is crucial that making decisions in accordance with planning principles and the law is the main focus.

It is noted that the consultation document currently states that Local authorities would be encouraged to provide additional training to elected members on local level planning considerations and policies if needed. Given the above position that the focus should be on making informed decisions, the Council considers that it should be a mandatory requirement for the training to cover both national and local policy. This would be absolutely necessary in ensuring that they are utilised in their intended manner and that training on local policy should not be portrayed as a 'nice to have'.

**Question 4:** Do you agree with the list of topics to cover?

**Yes**

Please add any comment in support of your answer

Agree however as above the legislative test, the importance of development plans and what are relevant material considerations in determining applications should be a particular focus.

The Council's experience of the Licensing Board training is that it is too wide ranging and endeavours to cover all aspects of licensing. Is it particularly important that Members are trained in the different types of applications the Planning Authority receives when matters like this can be explained by officers. What is more important, and what the focus of any training should be, is a full understanding on how to make good planning decisions and an understanding of the Local Development Plan.

**Question 5:** Are there any other topics that you think should be covered in the mandatory training?

As per the response to Question 3 policy content and how this is included within reasons for decisions needs to be covered.

**Question 6:** Which would be your preferred option for how the training should be delivered? (please check all that apply)

- **Option 1**

Please add any comment in support of your answer

The Council considers Option 1 to be the most appropriate. 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 it is for Councils to determine whether the training is to be delivered live, in-person or remotely, so as to allow flexibility regarding individual circumstances etc. Whilst members viewing a recorded training would not provide the same benefits it may be necessary e.g. where a member is unable to attend scheduled sessions. However, 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 live for the majority of members, and gives members a chance to interact, whether this is online or physically in the same room.

**Question 7:** Do you have any further comments on how the training should be delivered?

No further comments on the delivery of the training. However, 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. This is to allow authorities sufficient time to prepare and ensure continuity in decisions and attendance at planning board.

**Question 8:** Should there be a requirement for elected members to have passed a test before being allowed to undertake a planning decision?

**No**

Please add any comment in support of your answer

If the training is predominantly provided in a live and/or in-person format, then it is considered that a test would not be necessary and would potentially be counter-productive. It is the Council's experience that a test focusses Members on learning the mechanics of a regulatory system, necessary to pass a test rather than the wider principles. For example, different types of applications and what a condition is etc. What is most important is that Members gain an understanding of how to make good planning decisions and how to develop the Local Development Plan. These are best learnt through examples and workshops where the facilitators will be able to gauge each Members understanding of the discussions and provide additional support where required.

However, if the training is provided online (i.e. by each Member watching a recording) then a test will be essential to measure how much of the training each Member has understood. Whilst some multiple-choice questions may be appropriate, qualitative questions will be important in determining Members understanding of how to make quality planning decisions.

**Question 9:** How often should elected members be required to retake the training?

Please tick

- once every year
- **once every election cycle**
- training should not need to be retaken
- Other

Please add any comment in support of your answer

In circumstances of 'normal business' undertaking the training once every election cycle is reasonable. However, there may be situations where the regulatory and/or policy requirements to determine applications have shifted significantly within the term. It is therefore suggested that there should be a mechanism in place to require additional training, potentially in a more condensed format, where this is necessary to ensure that members understand the implications of significant changes when considering applications.

There will always be a role for informal training and 'learning on the job.' The Council regularly holds briefings with Members in advance of planning board to discuss issues in a more informal setting. These often help to improve Members general understanding of the decision-making process in addition to discussing the merits of the individual application being considered at the time.

Provisions should also be in place to ensure that any new members elected during the election cycle are able to undertake the training quickly and that they are not held back unnecessarily from taking part in planning board. In the interest of being proportionate this could also follow a more condensed format.

**Question 10:** Should elected member's completion of the training be made available to the public?

**Yes**

Please add any comment in support of your answer

It is considered that this information should be publicly available by request. If members are prohibited from making decisions at planning board then it would not be necessary to formally publish their status regarding the training – as they would not be involved if they had not undergone the training.

If requested however, the Council should of course provide information on the training that was undertaken.

**Question 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 no, where should the information also be made available?

As per Question 10 above the Council does not consider it to be necessary for the training status of each member to be published and that this can be publicly available by request. However, should the government decide this to be worthwhile, the Council considers that reporting this as part of the Planning Performance Framework would be appropriate.

**Question 12:** Do you have any comments / suggestions on the best ways to monitor the long term effects of the mandatory training of elected members?

The Council considers that monitoring the percentage of successful appeals where expenses are awarded against the planning authority as a result of unreasonable decisions would be one measure on the effects of mandatory training. This would need to be undertaken at a national level because in most authorities the number of appeals where expenses are granted would be too small to identify any meaningful trends and specific circumstances could skew the results.

**Question 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