

Mandatory training on planning for elected members (26th October 2023)

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national park authorities.

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.

1. Should the determination of planning applications be the only specified function elected members are prohibited from doing until training requirements have been completed?

No

HOPS consider that the adoption of the Local Development Plan should be included in training requirements.

2. Should the training requirements vary for elected members depending on whether they participate in a planning committee, Full Council or Local Review Body?

Yes

Training should be scaled appropriately for the functions of Elected Members, and it could be designed in such a way through modules, should the function of an Elected Member change they would be able to pick up any additional required knowledge in smaller modules rather than a full course. It would of course require clarity what the requirements are at each stage.

Local Review Body – members should cover in detail how a planning application is determined, i.e., weight given to policy considerations, consultee responses, material considerations, design issues, representations, etc. and the legal implications of the LRB process.

Planning Committee - members should cover similar issues, however, potentially in less detail and training is needed on the role of the DPEA and the implications of claims for expenses. There needs to be a greater focus for this group on the role of the Development Plan and wider planning powers relating to planning enforcement, TPOs, Planning Guidance etc.

Full Council – members should cover what the purpose of the LDP is and material planning considerations.

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

Yes

There should be a national set of standard training and the ability for planning authorities to provide training on specific local issues.

4. Do you agree with the list of topics to cover?

Yes

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

Within the sections listed we would also consider the following items to be important.

Importance of a plan led system:

- The role of National Planning Framework 4
- The purpose of planning statement within the Planning (Scotland) Act 2019
- The roles of various bodies including Scottish Government, the Directorate of Planning and Environmental Appeal and statutory consultees including Key Agencies

Decision making at committee:

- The implications of taking a decision – particularly in respect of appeals, associated costs for the planning authority

Role of elected members:

- Conflicts of interest
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6. Which would be your preferred option for how the training could be delivered?

None of the above

HOPS are aware that there are different positions held on this matter by planning authorities and benefits/drawbacks to all of the suggestions presented.

There are a few key issues we would like to note.

- Overarching principles of the training should be set out by Scottish Government, though this would ideally be developed in conjunction with local authorities, through HOPS and COSLA, and the Royal Town Planning Institute.
 - Authorities will be best placed to decide which training delivery method would be best placed for them to use.
 - Training should allow for elected members to be able to interact with those delivering the training, whether this is online or in person. The complex nature of the planning system means it is essential that there are opportunities for members to ask questions.
 - Training materials should be accessible to members at all times for future reference.
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7. Do you have any further comments on how the training could be delivered?

No comments

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

No

HOPS note however there will be mixed responses to this question by planning authorities.

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- Passing a test should not be the end goal of this process, a better understanding of the planning system should be.
 - Whether testing is implemented or not there should be a mechanism in place to ensure elected members have undertaken the training.
 - Testing can be an effective and efficient way to implement learning and in addition could highlight areas where further training is required.
 - Should testing be implemented there should be provisions in place to allow any member who fails this to be able to revise and resit as quickly as possible. There should be no additional burden placed on local authorities by having members unable to perform their functions while waiting to resit a test.
 - Multiple choice questions alone may not be appropriate in demonstrating understanding of some aspects of the planning system, while this may work to demonstrate regulatory functions there may be issues which require more in-depth responses to demonstrate understanding.
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9. How often should elected members be required to retake the training?

Once every election cycle

We expect that once every election cycle would be a sufficient amount of time to hold mandatory training. There however should be provisions in place to:

- Allow for required training and/or testing if there are significant changes to the planning system.
- Allow for members taking on new or enhanced roles to be able to undertake any required training and/or testing outwith this cycle to meet requirements.

As is currently the practice by Planning Authorities there will be a level of continuous professional development carried out between planning officer and members. We would not expect this to go away following the implementation of mandatory training.

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

No

This would be unnecessary as only those who have completed the training would be able to sit on a planning committee or local review body.

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

Statutory annual reports or PPF reports would be a good way to present this as it would allow for consistency in reporting across the country.

If there is an existing method of reporting for other training requirements, such as that for licensing boards by local authorities it would also make sense for the mandatory planning training/testing to follow these methods. We do acknowledge this may be done in different ways by local authorities.

We note this should only account for elected members who have successfully completed the training.

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

Feedback methods should be in place for Elected Members to be able to comment on the usefulness of any training and/or testing they receive. This would assist in improving the training going forwards.

We acknowledge that long-term effects of mandatory training will be difficult to measure. The first step will be the introduction of baseline data collection on relevant aspects of Elected Member input to the planning system. These could include but not be limited to:

- the percentage of appeals that are awarded expenses.
- a reduction in successful appeals where elected members have voted against officer recommendation.
- complaints against elected members

13. Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for elected members?

Regarding Annex B: Partial Business Regulatory Impact Assessment

HOPS note that while it is appreciated that it is seen to be cost-neutral for local authorities and Scottish Government will provide the funding for the implementation of mandatory training, there may be hidden costs for local authorities transferring to a new training system. This will be primarily in the cost of staff time to do so.