

### **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?**

Planning legislation is complex and it is essential that Elected Members have adequate training to enable them to make informed decisions. All Elected Members should be trained on all parts of planning system and not just restricted to planning applications. This should include local development planning and policy matters, enforcement, placemaking, the Local Review Body and the Councillor Code of Conduct. The planning system raises issues of probity, conflicts of interest and conduct for Elected Members and can be confusing and complex. It is an area of decision making in which Elected Members must be impartial and be seen to act impartially and training would assist in these requirements.

Elected Members have an important role to play in policy making requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources. The Local Development Plan plays a significant role in the planning system as it forms the policy basis for planning decisions on planning applications. As an Elected Member, key decisions on the content of the development plan will probably arise during the life of a council and they will rank as some of the most important decisions they will make. The content of a Local Development Plan may have a profound effect on the future quality of life for the communities that they represent. As various stages of the new Local Development Plan require to be determined by Council it is important that all Elected Members are trained to provide informed decisions.

As a general point, many of the Elected Members of West Dunbartonshire Council have concerns about restrictions being introduced on them with regard to taking decisions which they have been democratically elected to take by their constituents. Concerns were also expressed about situations arising wherein there is insufficient trained members at a meeting to allow a decision to be reached.

### **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. It is considered that the level of training should be the same for all Elected Members regardless of what level of decision-making they are participating at. This is because, depending on planning authority schemes of delegation, decisions on some National and Major Developments (and therefore significant applications), are taken at Full Council, and Elected Members taking decisions on these applications should have received the same level of training as Planning Committee members.

Similarly, as there is no right of appeal to decisions taken at Local Review, and therefore Elected Members on the Local Review Body are taking the final decision on a planning application, it is considered that members of the Local Review Body should receive the same level of training as Planning Committee members.

Also it gives an element of flexibility for Elected Members who are not part of the Planning Committee but then become a member of the Planning Committee as this can be done without additional training being required.

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

Yes. Mandatory training should be focused on the general key principles and knowledge of the planning system, with planning authorities complementing this with information relating to local level policies and issues such as conservation, listed buildings, biodiversity, enforcement, affordable housing developer contributions, placemaking, sustainability, net zero, etc. .

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

Yes. The list of topics is comprehensive and appears to cover the key principles and knowledge that would be required to enable competent involvement in planning decisions with more local matters as detailed in Question 3 above being covered separately.

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

No

**Question 6: Which would be your preferred option for how the training should be delivered?**

It is considered a combination of Options 1 and 3 would be appropriate. Option 1 (*Training could be delivered in-person with the Scottish Government setting out the overarching key principles which the training should cover and it would then be up to each local authority to develop the detailed content and deliver the training*) would enable planning authorities to provide an in-person training session for Elected Members who would prefer to learn this way. Planning authorities could add local issues to such a session, but with key principles set out by the Scottish Government, there would be a consistency in the training delivered by all planning authorities. Option 3 (*Training could be delivered online with the Scottish Government developing (or procuring) an online training course for Elected Members to access individually at a time that suits them*) would provide consistency of training across all planning authorities and would also allow Elected Members to access training at a time that suits them, and also to revisit it if they think necessary.

Option 4 is not supported as it could not be certain that the chosen training provider would be of sufficient quality and the planning authority would have had no say in their selection. It is not clear who would meet the costs of supplying this training, and with many authorities currently providing their training in-house, this could be an additional cost at a time of budget restraint. Also, as it is likely that planning authorities would have demand for training at the same time (i.e. following elections), if there was only one or a few authorised training providers, there could be a delay in

some planning authorities receiving training, impacting on the timescales for decisions to be made.

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

No

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

The requirement of undertaking a test would focus Elected Members attention on the training, however this may be a disincentive for some Elected Members to be part of the Planning Committee or take part in planning decisions. A test is used in Licencing and it is quite effective and is an accepted part of training. Consideration would need to be given if the test should be just for Planning Committee members or all Elected Members involved in planning decision making.

**Question 9: How often should Elected Members be required to retake the training?**

Mandatory training should be once every election cycle and this should include new Elected Members and refresher courses for more experienced Elected Members. It should be within 3 months of being elected and continued membership of Planning Committee will require training/refresher training.

Thereafter, Elected Members should be encouraged to keep their skills and knowledge up to date by attending training sessions on at least an annual basis Elected Members should be updated regularly on changes in legislation and procedures, as up to date knowledge is essential for those Elected Members involved in making decisions on planning applications and on local development plan documents.

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

There should be no requirement to publish this information but it should be available if a member of the public requests it. The information will be recorded within the Council, and if there is a prohibition on any Elected Members taking part in a decision, this would be known by the Member and by council officers.

**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?**

As above, it is not considered necessary to publish this information however if it was to be published the Planning Performance Framework/statutory annual reports would be place to report it.

**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?**

Given there are some concerns around the introduction of mandatory training, it is considered that some form of monitoring should be introduced to ensure it is meeting objectives. However, any monitoring should be purposeful, and not just done for the sake of doing it.

Monitoring could include quantitative data around how many Members have been trained in each planning authority, and the numbers involved in decisions on planning applications, to monitor if the requirement to undertake training has reduced Elected Member involvement. It could also include qualitative data collected from Elected Members, planning officers, applicants and communities around what their views on the impact of training has been. To make this more worthwhile, if possible pre-mandatory training baseline data should be collected for comparison purposes.

The provision of training and the number of trained Elected Members could be a performance indicator in the Planning Performance Framework.

**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