Mandatory training on planning for elected members (Scottish Government consultation)

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only to England, Northern Ireland and Wales

1 Executive Summary

The Scottish Government are looking to implement mandatory training on planning for elected members and have outlined a range of proposals that they would like feedback on. The consultation closes on 26 October 2023. Click here to submit your response.

2 Background

The Scottish Government is intending to implement mandatory training on planning for elected members as part of a package of measures to improve the performance of the planning system. Under Section 45 of the Planning (Scotland) Act 2019, elected members would be prohibited from carrying out certain planning functions until they have completed training on planning. This was deemed as being necessary since elected members have a vital role to play in the decision-making process within planning while not necessarily having a planning background; undergoing training will ensure elected members have the appropriate knowledge and understanding to make effective planning decisions. This has also been highlighted as also having the effect of improving trust in the planning system.

Currently elected members undertake training on a voluntary basis, and the content and volume of training varies due to the lack of prescription or monitoring through legislation. Training is currently provided by the Improvement Service for free and PAS for a cost, as well as through some other private sector companies. The concept of mandatory training is not unique to planning, as elected members on licensing boards are already required to undertake mandatory training.

The Planning (Scotland) Act 2019 states that an elected member "who has not fulfilled the specified training requirements [will be] prohibited from exercising any of the authority's specified functions

on their behalf, or being involved in exercising any of those functions on the authority's behalf as a member of a committee or any other body". Previous stakeholder engagement in November 2022 from organisations including local authorities, community councils and the private sector supported the idea that there were inconsistencies with decision-making partially attributed to a lack of understanding of the core elements of the planning system. Due to this, the Scottish Government is considering that elected members should be prohibited from taking decisions on planning applications until the required training has been completed.

There are options to be considered with regard to the level of training required. For instance, Full Council or Local Review Body elected members could receive high level training, whilst planning committee members could receive more in-depth training. There was broad consensus from previous stakeholder groups that the content for mandatory training should focus on the key principles and knowledge of the planning system, with local authorities being encouraged to provide additional training if needed. Considerations should be given to the delivery of training, taking into account local authority resourcing pressures, ensuring elected members are not waiting long periods of time awaiting training and making sure that elected members could undertake training at a time that suits them; for these reasons, the Scottish Government's preferred approach would be online training. Stakeholder engagement also supported including a test element to the training to prove that the content has been understood. They are proposing a multiple-choice format so results are delivered promptly, with the test allowed to be retaken until a pass is achieved. They could also require refresher training to be undertaken after a certain time period.

The Government are proposing that the completion of training will be monitored by local authorities and that the completion of training should be evidenced by something like a certificate upon completion. They feel that training completion status should be made publicly available to ensure public trust in the planning system is achieved. They want to ensure elected member training has long-term positive impacts on the decision-making in planning.

They would also like feedback on the following impact assessments completed as part of the consultation:

- a Partial Business and Regulatory Impact Assessment
- a Data Protection Impact Assessment
- an Equality Impact Screening Assessment
- a Children's Rights and Wellbeing Screening Impact Assessment
- an Island Communities Impact Screening Assessment
- a Fairer Scotland Duty Assessment

3 Consultation questions

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

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

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

4. Do you agree with the list of topics to cover? [see part 4 for the full list]

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

6. Which would be your preferred option for how the training could be delivered?

   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 and deliver the mandatory training.

   Option 2 - Training could be delivered in-person with the Scottish Government developing the mandatory training programme and the detailed content, with each Local Authority would deliver the training to the elected members.

   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.

   Option 4 - Training could be delivered online with the Scottish Government undertaking a procurement exercise where a preferred training provider is chosen with local authorities then being required to appoint this person to facilitate the training online to their elected members.

7. Do you have any further comments on how the training could be delivered?

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

9. How often should elected members be required to retake the training?

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

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?

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

4 APSE Comment

APSE encourages our members to respond to this Scottish Government consultation to ensure that the views of elected members and local authority planning departments are fully considered on the proposed approaches to implementing mandatory training on planning. Elected members play a valuable role in the planning process, and it is hoped that mandatory training will help improve public confidence in planning decisions.

APSE has two recent publications related to planning that are free to read online:

- Living Locally: The role of housing and planning within local councils [click here]
- Rising to the climate change challenge: The role of housing and planning within local councils [click here]

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