

Planning Committee Member and Substitute Member training

Final Decision-Maker	Planning Committee
Lead Head of Service	Angela Woodhouse, Head of Policy & Communications
Lead Officer and Report Author	Rob Jarman, Head of Planning and Development James Bailey – Development Manager
Classification	Public
Wards affected	All

Executive Summary

Councillors are required to agree mandatory training requirements for the financial year 2019/20 in accordance with the Council Constitution. Taking into account the training carried out in the early part of 2019, the report sets out the recommended training for new and existing Planning Committee and Substitute Members.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

Purpose of Report

This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure they comply with the Council's Constitution by ensuring their knowledge and understanding of current local and national planning policies and legislation remains up to date, while serving on or supporting the Committee.

This report makes the following recommendations to this Committee:**The Planning Committee agree the following as their 2019/20 training programme;**

- 1. That new Planning Committee Members and new Substitute Members** (to include Councillor M. Burton) complete Planning Training by the end of August 2019, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the

Constitution.

2. **That existing Planning Committee Members and Substitute Members** (excluding Councillor M. Burton), due to attendance at the training sessions in January, February and March 2019 which covered annual refresher training on recent changes to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) *are not required to undertake further refresher training on the above matters this financial year but **complete refresher training covering Planning Conditions and Grounds of Refusal** in order to fulfil the requirements in the Constitution and that this be completed every two years thereafter.*

3. **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions:
 - Between 3-4 specialised/best practice subject area sessions covering S106 Agreements, Maidstone Building for Life 12, NPPF – Housing, NPPG, Landscape and Ecology and Enforcement.
 - Design Tours - to include neighbouring Borough's and Maidstone Borough.

Timetable	
<i>Meeting</i>	<i>Date</i>
Planning Committee	27.06.2019

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> • <i>Embracing Growth and Enabling Infrastructure</i> • <i>Safe, Clean and Green</i> • <i>Homes and Communities</i> • <i>A Thriving Place</i> <p>• <i>Accepting the recommendations will materially improve the Council's ability to achieve the corporate priorities. I set out the reasons other choices will be less effective in section 3 - available alternatives.</i></p>	Rob Jarman
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> • <i>Heritage is Respected</i> • <i>Health Inequalities are Addressed and Reduced</i> • <i>Deprivation and Social Mobility is Improved</i> • <i>Biodiversity and Environmental Sustainability is respected</i> <p><i>The report recommendations supports the achievements of the cross cutting objectives by providing training to Members and Substitute Members to make better quality decisions and enhance their knowledge of the planning system.</i></p>	Rob Jarman
Risk Management	<p><i>There is a risk that if training is not carried out then Members may breach the Local Code of Conduct for Councillors and legal challenges could arise.</i></p>	Rob Jarman
Financial	<ul style="list-style-type: none"> • <i>The proposals set out in the</i> 	Section 151

	<p><i>recommendation are all within already approved budgetary headings and so need no new funding for implementation. If an electronic version of refresher training is developed, then this may need to be funded/partly funded from the Member Training budget.</i></p>	Officer
Staffing	<ul style="list-style-type: none"> <i>We will deliver the recommendations with our current staffing.</i> <i>We may need to access extra expertise to deliver the recommendations, as set out in section 2 (paragraph 2.9).</i> 	Rob Jarman
Legal	<ul style="list-style-type: none"> <i>Accepting the recommendations will fulfil the Council's duties under The General Role and Conduct of Councillors and Officers. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Constitution.</i> <i>Acting on the recommendations is within the Council's powers as set out by the Constitution.</i> 	Legal Team
Privacy and Data Protection	<ul style="list-style-type: none"> <i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i> 	Policy and Information Team
Equalities	<ul style="list-style-type: none"> <i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i> 	Anna Collier
Public Health	N/A	
Crime and Disorder	N/A	
Procurement	N/A	

2. INTRODUCTION AND BACKGROUND

2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.

2.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under **"THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS"**:

"The Council has agreed that no member will be able to serve on the Planning Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Councillors and substitutes of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of the Committee until the training has been completed. The Head of Policy and Communications will keep a record of the training requirements of the Committee and of the Councillors' compliance with the requirements. Existing members and substitute members of the Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed. No Member will be able to serve on the Policy and Resources Committee when discharging its function as the Planning Referral body without having agreed to undergo the mandatory training required to be taken by Members and Substitute Members of the Planning committee. The training must be completed before the Committee first meets to discharge its function and must be refreshed as appropriate".

2.3 Further, Part 3.1, section 4.2 paragraph 2 of the Council's Constitution states under **"APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES"** states that:

'No Councillor will be able to serve on the Planning Committee, Policy and Resources Committee acting as the Planning Referral body and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed.'

2.4 Also, Part 4.4 section 20 under **"TRAINING"** states:

All Members of the Planning Committee and substitute Members should receive training on grounds of refusal and imposition of conditions.

All Councillors should receive basic training on planning issues.'

- 2.5 There are a limited number of new Members (including Substitutes) and an existing Substitute Member of the Planning Committee who are required to undertake the training listed in 2.10 (1) below in order to fulfil the requirements of the Constitution.
- 2.6 Due to the recent completion in January, February and March of this year, where existing Members and Substitute Members of Planning Committee completed annual refresher training on **recent changes** to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process), that there is no Constitutional requirement for existing Members to undertake this training again this financial year.
- 2.7 However, when agreeing to the training requirements for 18/19, Members of the Committee (see Appendix 1 – Minutes of Planning Committee 29 November 2018) agreed that *"every two years Members must undertake refresher training covering Planning Conditions and Grounds of Refusal"* (this related to existing Planning Committee Members and Substitute Members). No training was delivered for existing Committee and Substitute Members in the 18/19 financial year for planning conditions and grounds of refusal and therefore in order to meet the requirements of the Constitution, Members should now have training on these topics.
- 2.8 A training programme for the mandatory, optional topics and Design Tour is currently being arranged and dates for these are currently being finalised and will be circulated in due course. The draft dates are attached as Appendix 2 to the report.
- 2.9 The other options for training are still being investigated which include an electronic version of fresher training. This however, is taking a lot longer to progress than originally envisaged due to fact that there are no market options available which cover the specific requirements of the Constitution. A bespoke suite of electronic training packages would therefore have to be developed and will be explored in greater detail over this financial year.
- 2.10 Planning Committee Members and Substitute Members should attend as follows:
 - (1) **That new Planning Committee members and new substitute members** (*to include Councillor M. Burton*) complete Planning Training by the end of August 2019, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
 - (2) **That existing Planning Committee members and substitute members** (*excluding Councillor M. Burton*), due to attendance at the

training sessions in January, February and March 2019 which covered annual refresher training on **recent changes** to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) are not required to undertake further refresher training on the above matters this financial year but **complete** refresher training covering Planning Conditions and Grounds of Refusal in order to fulfil the requirements in the Constitution and that this be completed every two years thereafter.

(3) **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions:

- Between 2-3 specialised/best practice subject area sessions covering S106 Agreements, Maidstone Building for Life 12, NPPF – Housing, NPPG, Landscape and Ecology and Enforcement.
- Design Tours - to include neighbouring Borough's and Maidstone Borough.

2.11 The Committee are asked to agree this minimum level of training for Committee Members and Substitute Members, from the list at 2.10 above, which will maintain a suitable level of knowledge and understanding of national and local policies and legislation to be able to properly perform their functions as a Planning Committee. The strongly recommended optional training will assist on-going professional development.

3. AVAILABLE OPTIONS

3.1 The Committee could decide to do nothing. However, this is not recommended as it would contravene the Council's own Local Code of Conduct for Councillors and Officers Dealing with Planning Matters.

3.2 The Committee could decide alternative optional training but the above options takes account of training delivered this year and that agreed when training was last voted on at Planning Committee. If alternative training is proposed the Committee would need to be clear on what this should be so officers can progress this.

3.3 The Committee could decide that the training and development as outlined in the list at 2.10 be completed by all Planning Committee Members and Substitute Members, and that the optional training should be attended.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is option 3.3. The reasons for this recommendation are:

- 4.2 The Committee Members will fulfil their responsibilities under the Local Code of Conduct for Councillors detailed in Part 4.4, Section 1c of the Council's Constitution;
 - 4.3 Members and Substitute Members of the Planning committee will fulfil their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation, and;
 - 4.4 The Planning Committee will avoid being inquorate due to an insufficient supply of suitably trained Substitute Committee Members.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 1. I am satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Members are required by the Constitution to agree Member training on a yearly basis and whilst this report does include as Appendix 1, the decision of Planning Committee regarding the training requirements for 18/19, a decision on the training requirements for 19/20 is required.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the Committee has made its decision, information on the training dates and times will be sent to all Committee Members and Substitute Members.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Minutes of Planning Committee 29 November 2018
 - Appendix 2: Suggested Training dates for training
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9. BACKGROUND PAPERS

N/A