

Planning Committee Training

Final Decision-Maker	Planning Committee
Lead Head of Service	Rob Jarman, Head of Development Management
Lead Officer and Report Author	Rob Jarman, Head of Development Management
Classification	Public
Wards affected	All
Recommendation	Approval of proposed training programme for Planning Committee Members and Substitute Members

Executive Summary

This report outlines a proposed training programme for Planning Committee Members and Substitute Members to ensure compliance with the Council's Constitution through knowledge and understanding of relevant local and national planning policies and legislation.

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

To agree the training requirements for Planning Committee Members and Substitute Members for this municipal year.

This report makes the following recommendations to this Committee:

1. That the Training Programme set out in **Appendix 1** be approved.
2. That all Members of Planning Committee, including those likely to be Substitute Members complete the Mandatory Training as outlined in **Appendix 1** by the end of October 2024, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed.
3. All Members (particularly those on Planning Committee and those likely to be Substitute Members) are recommended to attend discretionary training to enhance their knowledge of key areas of the decision-making process.

4. That Parish Councils be invited to all planning training events.
5. That training sessions be delivered virtually.

Timetable	
<i>Meeting</i>	<i>Date</i>
Planning Committee	18 July 2024

Planning Committee Training

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council's ability to achieve corporate priorities.</p>	Head of Development Management
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation is reduced and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievement of the cross-cutting objectives by ensuring Members are kept up to date on existing and proposed legislative changes and best practice.</p>	Head of Development Management
Risk Management	Covered in the risk section (5.1).	Head of Development Management
Financial	The proposals set out in the recommendations are all within budget.	Head of Development Management

Staffing	We will deliver the recommendations with our current staffing.	Head of Development Management
Legal	<p>Accepting the recommendations will enable the Council to meet its constitutional responsibilities.</p> <p>Members are required to complete a minimum amount of training to effectively perform their duties on the committee. This training is crucial for Members to make informed and lawful decisions. Failure of a member to attend the mandatory training and subsequently participate in the decision-making process could result in legal challenges.</p> <p>If the recommendations are not accepted and no suitable alternatives are agreed upon, the Council may be in breach of its Constitution.</p> <p>Following the recommendations is within the Committee's remit as outlined in the Constitution.</p>	Russell Fitzpatrick – Mid Kent Legal Services (Planning)
Information Governance	The recommendations do not impact personal information the Council processes.	Information Governance Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
Public Health	No specific implications	Head of Development Management
Crime and Disorder	No specific implications	Head of Development Management
Biodiversity and Climate Change	No specific implications	Head of Development Management

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 2.2 Paragraphs 2.2.6 and 2.2.7 of the Local Code on Planning Matters (Part D3 of the Council's Constitution) state:

"2.2.6. The Council has agreed that no Members will be able to serve on this Committee without having agreed to undertake a minimum period of

*training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New Members must receive training, but the programme may include no training provision for experienced Members **unless there have been relevant changes to legislation, policies, or guidance.***

2.2.7. If a Member has not completed the specified training by the due date, the Member will cease to be a Member/Substitute Member of this Committee until the training has been completed. The Director of Strategy, Insight and Governance will keep a record of the training requirements of this Committee and of Members' compliance with the requirements."

(my emphasis in bold)

- 2.3 Clearly, legislation is changing on a frequent basis but more so policies and guidance. Guidance at a national level changes very frequently and at a local level the Council adopted its Local Plan Review (2021-2038) earlier this year on 20th March. Therefore, it is recommended that all Members who sit or are likely to sit on Planning Committee attend the 'Induction' or 'Advanced' planning training sessions, which session will depend on their planning experience. This then accords with the Constitution.
- 2.4 All Members are recommended to attend discretionary training because all Councillors are likely to engage with the decision-making process in some capacity.
- 2.5 Previous reports to Planning Committee confirmed that investigations had been carried out into an electronic version of refresher training which would allow Members to self-serve from a selection of topic-based subjects. Unfortunately, there were no market options available at the time and this would have required a bespoke suite of training packages to be developed and implemented. This option was not pursued any further due to resource and cost implications. However, training sessions are recorded utilising Microsoft Teams.

3. **AVAILABLE OPTIONS**

3.1 **Option 1: as per recommendation**

3.2 **Option 2 :**

- That the following Members:
 - new Planning Committee Members
 - new Substitute Members and
 - those Planning Committee Members returning to the Committee after a significant break and Members who are likely to substitute at Planning Committee after a significant break

must complete the Induction Training as outlined in **Appendix 1** by the end of September 2024, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed.

- That it is strongly recommended that all Planning Committee Members and Members who are likely to substitute at Planning Committee complete at least 2 specialised/best practice discretionary subject area training sessions covering those other topics set out in **Appendix 1**.
- That Parish Councils continue to be invited to all training events.
- That training sessions be delivered virtually.

3.3 **Option 3**

That Members of the Planning Committee and Substitute Members are not required to attend training events.

4. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 **Option 1** is the preferred option as it aligns with the Constitution and ensures that all Members, including those who already have planning experience are trained on significant and cumulative changes to planning matters.
- 4.2 Other options are not favoured because of their lack of alignment with the Constitution, the risk that training covering planning changes cannot be evidenced, and, secondary, pragmatic reasons such as defining a 'significant break' from attending Planning Committee.
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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. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy. The risk of lack of training is failing future audits and, ultimately, successful appeals and judicial reviews of decisions made by Planning Committee.
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6. **NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A draft schedule of training topics forms **Appendix 1**, and, if agreed, Councillors will be invited to attend these virtual training sessions via Microsoft Teams.
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7. **REPORT APPENDICES**

- 7.1 The following document is to be published with this report and forms part of the report - **Appendix 1: Draft Training Programme**