

Planning Committee

2 June 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Planning Committee Member and Substitute Member training

Final Decision-Maker	Planning Committee
Lead Head of Service	Paul Riley Head of Finance and Resources
Lead Officer and Report Author	Rob Jarman Head of Planning and Development Tessa Ware Democratic Services Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

- 1.1 The Committee agree that the following training and development be completed by all Planning Committee Members and Substitute Members by December of each year as a minimum requirement:
- all newly elected members, new to the Planning Committee as members or substitute members, to attend:
 - § the induction training;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 on 25 July 2016;
 - § plus one other Planning training session
 - long serving Planning Committee Members and Substitute Members attend;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 on 25 July 2016;
 - § plus one other Planning training session, and:
 - all Planning Committee Members and Substitute Members attend all of the professional development sessions agreed between the Head of Planning and Development, with powers delegated by the Planning Committee, and the Political Group Spokespersons.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all and Securing a successful economy for Maidstone Borough by ensuring planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation.

Timetable

Meeting	Date
Planning Committee	2 June 2016

Planning Committee Member and Substitute Member training

2. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 2.1 This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure their knowledge and understanding of current local and national planning policies and legislation remains up to date while serving on or supporting the Committee.
 - 2.2 The report also recommends a programme of annual training available to Planning Committee Members and Substitute Members to facilitate the fulfilment of their responsibilities.
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3. INTRODUCTION AND BACKGROUND

- 3.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 3.2 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 Finance and Resources 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. All members of the Council will be provided with training on planning processes.

- 3.3 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, that:

'No Councillor will be able to serve on the Planning 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.'

Also, Part 4.4 section 20 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.'*

3.4 A programme of training has been arranged with the Planning Department for the Municipal year 2016-2017. Planning Committee Members and Substitute Members are strongly recommended to attend as follows:

Subject	Date	Recommended attendance
New Member induction	26 May 2016	Essential for all newly elected Members and newly elected Members on Planning Committee and new Substitute Members
Process for determining planning applications and how the Committee works	28 June 2016	Recommended for all newly elected members on Planning Committee and new Substitute Members
Delegated powers and use of conditions, reasons for refusal and S106	25 July 2016	Essential for all Planning Committee Members and Substitute Members
Local Plan, Neighbourhood Plans, NPPF and NPPG	27 September 2016	Recommended for all Planning Committee Members and Substitute Members
Enforcement	25 October 2016	Recommended for all Planning Committee Members and Substitute Members
Heritage, Landscape and Ecology	22 November 2016	Recommended for all Planning Committee Members and Substitute Members

3.5 The Committee are asked to agree a minimum level of training for Committee Members and Substitute Members, from the list at 3.4, that 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

- 3.6 On-going professional development and refresher training will be made available to Committee Members and Substitute Members through the year. The content and delivery method of this training will be agreed with the Political Group Spokespersons. The Committee are asked to delegate powers to the Head of Planning and Development to agree the content and delivery method of this training in consultation with the Political Group Spokespersons.
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4. AVAILABLE OPTIONS

- 4.1 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.
- 4.2 The Committee could decide that Planning Committee Members and Substitute Members attend all of the training detailed in 3.4. This would be useful for newly elected Councillors who are members of the Planning Committee but would not be essential for long serving members of the Planning Committee save where new legislation or guidance has been introduced.
- 4.3 The Committee could decide that the following training and development be completed by all Planning Committee Members and Substitute Members by December of each year as a minimum requirement:
- all newly elected members, new to the Planning Committee as members or substitute members, to attend:
 - § the induction training within one month of the beginning of the municipal year;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 (25 July 2016);
 - § plus one other Planning training session within four months of the beginning of the municipal year
 - long serving Planning Committee Members and Substitute Members attend;
 - § the Planning training session on delegated powers and use of conditions, reasons for refusal and Section 106 (25 July 2016);
 - § plus one other Planning training session within four months of the beginning of the municipal year; and,
 - all Planning Committee Members and Substitute Members attend all of the professional development sessions agreed between the Head of Planning and Development, with powers delegated by the Planning Committee, and the Political Group Spokespersons.
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5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

5.1 The preferred option is option 4.3. The reasons for this recommendation are:

- 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;
- 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;
- The Planning Committee will avoid being inquorate due to an insufficient supply of suitably trained Substitute Committee Members.

NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.2 Once the Committee has made its decision information on the training dates and times will be sent to all Committee Members and Substitute Members.

5.3 The Head of Planning and Development in consultation with the Political Group Spokespersons will agree the content and delivery method of the professional development training. Dates will be agreed and all Planning Committee Members and Substitute Members will be notified.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		
Risk Management		
Financial		
Staffing		
Legal	Members have a constitutional duty to undertake a minimum amount of training relative to the particular committee on which they sit; they also have a public responsibility to be able to make proper and lawful decisions.	Kate Jardine, Team Leader (Planning), Mid Kent Legal Services
Equality Impact Needs Assessment	Reasonable adjustments based on needs will be made to allow	Clare Wood, Policy &

	all members to participate in training. E.g larger size fonts	Information Officer
Environmental/Sustainable Development		
Community Safety		
Human Rights Act		
Procurement		
Asset Management		