

Planning Committee

15 June 2017

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	Angela Woodhouse, Head of Policy & Communications
Lead Officer and Report Author	Rob Jarman, Head of Planning and Development Richard Timms, Principal Planning Officer
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

- (1) **That new Planning Committee members and new substitute members** complete Planning Induction Training by the end of July 2017, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements in order to fulfil the requirements in the Constitution.
- (2) **That existing Planning Committee members and substitute members** complete training by the end of September 2017 covering annual refresher training on Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements in order to fulfil the requirements in the Constitution.
- (3) **That Planning Committee members and substitute members** complete training as deemed appropriate by officers following the introduction of any new policy, guidance or legislation in order to fulfil the requirements in the Constitution.
- (4) **That Planning Committee members and substitute members** are strongly recommended to complete the following optional training sessions:
 - Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process)
 - Maidstone's New Local Plan – How its policies will continue to deliver high quality development
 - Between 1-3 specialised/best practice subject area sessions potentially covering design, air quality and biodiversity but to be agreed between the Head of Planning and Development and the Political Group Spokespersons. (This would be likely to be run by an external trainer/body within a budget of £2,000)

This report relates to the following corporate priorities:

- 1.2 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.

2. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 2.2 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.
- 2.3 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.

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 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."

- 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.'

3.4 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.'

3.5 A programme of training has been arranged with the Planning Department for the Municipal year 2017-2018. Dates for the training will be confirmed in due course. Planning Committee Members and Substitute Members should attend as follows:

(1) ***That all new Planning Committee members and new substitute members*** complete *Planning Induction Training* by then end of July 2017, covering the *Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements* in order to fulfil the requirements in the *Constitution*.

(2) ***That existing Planning Committee members and substitute members*** complete training by the end of September 2017 covering *annual refresher training on Planning Policies & Guidance, Legislation, Planning Conditions, Refusal of Planning Applications, and Section 106 Agreements* in order to fulfil the requirements in the *Constitution*.

(3) ***That Planning Committee members and substitute members*** complete training as deemed appropriate by officers following the introduction of any new policy, guidance or legislation in order to fulfil the requirements in the *Constitution*.

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

- *Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process)*
- *Maidstone's New Local Plan – How its policies will continue to deliver high quality development*
- *Between 1-3 specialised/best practice subject area sessions potentially covering design, air quality and biodiversity but to be agreed between the Head of Planning and Development and the Political Group Spokespersons. (This would be likely to be run by an external trainer/body within a budget of £2,000)*

3.6 The Committee are asked to agree this minimum level of training for Committee Members and Substitute Members, from the list at 3.5, 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.

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 alternative optional training but these have been proposed in discussion with the Political Groups Spokespersons, and can be covered by the Members training budget. If alternative training is proposed the Committee would need to be clear on what this should be so officers can progress this.
- 4.3 The Committee could decide that the compulsory training and development as outlined in the list at 3.5 be completed by all Planning Committee Members and Substitute Members, and that the optional training should be attended.

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 The preferred option is option 4.3. The reasons for this recommendation are:
- 5.2 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;
- 5.3 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;
- 5.4 The Planning Committee will avoid being inquorate due to an insufficient supply of suitably trained Substitute Committee Members.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

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

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Training will ensure planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation which will contribute towards keeping Maidstone	Richard Timms

	Borough an attractive place for all and securing a successful economy for Maidstone Borough.	
Risk Management	N/A	
Financial	Up to £2,000 from the Members Training Budget.	Richard Timms
Staffing	Officers will be required to carry out some of the training.	Richard Timms
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.	Richard Timms
Equality Impact Needs Assessment	Reasonable adjustments based on needs will be made to allow all members to participate in training. E.g larger size fonts	Richard Timms
Environmental/Sustainable Development	Training will ensure planning decisions are made using an up to date knowledge and understanding of national and local planning policies and legislation.	Richard Timms
Community Safety	N/A	
Human Rights Act	Training will ensure the Human Rights Act is considered where relevant.	Richard Timms
Procurement	N/A	
Asset Management	N/A	