Mandatory Training on Planning for Elected Members

Scottish Government
Riaghaltas na h-Alba

Mandatory Training on Planning for Elected Members

1.   Introduction

Policy background

1.1 An independent review of the Scottish planning system ['Empowering planning to deliver great places'](#) was published on 31 May 2016. The review was carried out by an independent panel, appointed by the Scottish Ministers, and operated independently of the Scottish Government. The independent panel recognised that skills and training for elected members is an important part of an efficient planning system, but were concerned that training requirements were not always enforced. They recommended that skills development was required in a number of priority areas and that 'training of elected members should be mandatory, monitored and enforced'.

1.2 [The subsequent public consultation](#) and [June 2017 Position Statement](#) indicated broad support for mandatory training for elected members. The Position Statement explained there was strong consensus that mandatory training is implemented for all local elected members who are involved in a planning committee or any other body, in order to improve consistency within decision-making.

1.3 Mandatory training for elected members was included in the Planning (Scotland) Act 2019, alongside a package of measures to improve the performance of the planning system as a whole. [Section 45 of the Planning (Scotland) Act 2019](#), once in force, will prohibit elected members from carrying out certain specified planning functions if they have not completed training specified by Scottish Ministers. These functions are to be specified in regulations and may for example include the determination of planning applications. This consultation is seeking your views on the proposed approach to implementing these provisions.

Elected Member's role in the planning system

1.4 Elected members have a crucial role in the decision-making process within the planning system, being a vital part of our democratic process by carrying out specific planning functions including the determination of certain planning applications for their local authority. Elected members do not necessarily have a planning background and it is vital that adequate training is provided to ensure that elected members have the knowledge and understanding to help them make decisions that are robust and sound in planning reason.

1.5 The implementation of elected member training will benefit the wider planning system by giving those involved in the decision-making process an increased understanding of their role. This could help to ensure planning decisions across Scotland are made on a consistent basis which is robust and grounded in an understanding of relevant planning principles, policies and legislation in order to improve trust in the planning system.

1.6 The planning system has an important role in helping us to deliver on our ambitions for Scotland. It supports the delivery of a range of cross-cutting objectives to deliver the Scottish Government's Strategic Priorities and Outcomes contained within the National Performance Framework. The recently adopted National Planning Framework 4 (NPF4), which is part of the statutory development plan, sets out national planning policies, designates national developments, highlights regional spatial priorities and places National Outcomes at its centre. It highlights that planning has a unique role in contributing to all of the National Outcomes.

1.7 We consider that the introduction of mandatory training for elected members will help deliver these ambitions by providing quality public services and improving influence over local decisions (Human Rights Outcome) and improving trust in public organisations and Scotland's reputation (International Outcome).

2.   Current Practice

2.1 At present, elected members undertake training on a voluntary basis. Current practice varies across Scotland as the content and volume of training for elected members is not prescribed or monitored by legislation, the Scottish Government, or any other individual body.

2.2 Both the Improvement Service and PAS (formerly Planning Aid for Scotland) currently provide training materials for elected members. The Improvement Service provides free to access materials titled 'Introduction to the Planning System for Elected Members' which has been approved by Heads of Planning Scotland (HOPS). This is used by many local authorities to provide training. PAS training is provided at a cost to authorities and is based on a core script which is adapted to suit individual authority's needs. Other private sector companies also provide training to some authorities.

2.3 Mandatory training is not unique to planning. Elected members who sit on licensing boards are already required to undertake mandatory training before they can take up a position on the board. This training is currently administered by Alcohol Focus Scotland, a national charity. The key elements of this training are:

- 1 day course with some home study before and after the course
- Course content is specified by the Scottish Government and covers an introduction to licensing, responsible operation of licensed premises, and the effect of irresponsible operation on society and health
- A 40 question multiple choice assessment completed virtually, after the training session, facilitated by Alcohol Focus Scotland and accredited by Scottish Qualifications Authority for the purposes of the Licensing (Scotland) Act 2005

2.4 There are also examples of mandatory elected member training in other parts of the UK and further afield. This includes:

- [In the district council of Wealdon in England](#), it is mandatory for all newly elected members to undergo training before they can sit on a planning committee
- [In Ireland, the Association of Irish Local Government (AUKG) are the primary body representing the elected members](#). They ensure that all members receive appropriate and relevant training on an annual basis
- [In South Australia there is an elected member training pathway programme](#) where all 28 councils participate in the mandatory training programme and some members undertake further training above their standard mandatory training to obtain a national qualification

2.5 Although these may not be directly applicable to Scotland there are important lessons which can be learned.

3. Previous Stakeholder Engagement

3.1 During November 2022, workshops were held with various stakeholders to gather information to inform our approach to elected member training. Representatives from organisations, including local authorities, community councils, and the private sector, were invited to attend one of 4 online workshops. A full list of representative organisations is provided at Annex A.

3.2 The workshops were structured around three main discussion points:
- Current practice and key issues
- Content to be included in mandatory training
- Delivery and monitoring of mandatory training

Key Findings

3.3 Participants highlighted that there was a perceived inconsistency in attendance by elected members, both newly elected and long standing, at the current training sessions provided by local authorities.

3.4 Participants also perceived there to be lack of understanding of the core elements of the planning system. This included:

- the local development plan (LDP) process, the role of LDP policies and the difference between particular application types (e.g. planning permission in principle and approval of matters specified in conditions);
- what constitutes a material consideration and how to attach weight to different considerations; and
- the appeals process, and the associated delays and costs that can arise.

3.5 Participants also felt that there was inconsistency with decision-making which supports the findings from the [review of the planning system (2016)](#). The inconsistency in decision-making was partially attributed to a lack of understanding of the core elements of the planning system as stated above. Other concerns raised throughout included:

- not understanding technical or professional planning advice which accompanies planning decisions, for example technical assessments and officer recommendations; and
- considerations not relevant to planning being taken into account during the decision-making process of an application.

3.6 In terms of delivery and monitoring, there was also a general consensus that there needs to be evidence that the training has been understood. The option of a test being incorporated into the training was mentioned. There were differing views on whether the method of training should be conducted in-person or online. It was highlighted that in-person training would be more engaging for elected members and therefore could be considered more effective. However, the online method was deemed most appropriate due to the large numbers of elected members across Scotland and it would allow them to undertake the training at a time that suits them.

4.   Who should undertake the training?

4.1 The Planning (Scotland) Act 2019 states that a 'member of a planning authority', in this case 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'.

4.2 Elected members undertake various functions within the planning system which can include the determination of planning applications, being involved in the development plan process and other development management functions. Based on the findings from the stakeholder workshops, improving consistency with decision-making, specifically the determination of planning applications was highlighted as the most important issue. Therefore, we consider that elected members should be prohibited from taking decisions on planning applications as submitted under the Planning Acts until training requirements have been fulfilled. Planning applications include applications for planning permission, planning permission in principle, applications for prior approval, applications to vary or discharge matters reserved by planning conditions, certificate of lawful use or development, all consent applications and tree work preservation order applications.

4.3 Excluding those applications which are determined by planning officers, planning applications are predominantly determined by elected members at planning committees. There are, however, instances where a planning application is to be determined by Full Council or a Local Review Body. For example, an application could be determined at Full Council where a local authority's scheme of delegation states that certain triggers are met, such as the number of representations made or an objection made by a statutory consultee or other council department. We propose that all elected members should be prohibited from being involved in the determination of any planning applications, as a member of a planning committee, Full Council or any Local Review Body until the training requirements have been fulfilled.

4.4 It is possible that a situation may arise where not enough elected members have fulfilled their training requirements and the council would not have the minimum number of elected members required to allow a vote to take place on a planning application. Although we do not anticipate this occurring in practice, we would expect authorities to ensure enough elected members have fulfilled the training requirements before a planning decision is to be taken at planning committee, Full Council or through a Local Review Body.

> **Question 1:** Should the determination of planning applications be the only specified function that elected members are prohibited from doing until training requirements have been completed?
>
> [yes/no]
> Please add any comment in support of your answer

4.5 Elected members on a planning committee will generally be involved on a regular basis in determining planning applications and would be involved in the decision-making process for a broad range of application types. However, elected members who sit on Full Council or Local Review Body may only take a decision on a planning application infrequently. To account for the different levels of involvement with determining planning applications, the training requirements for elected members could vary depending on whether the elected member sits on the Full Council, Local Review Body or planning committee.

4.6 For example, the training for elected members on Full Council or Local Review Body could be delivered at a high level whilst the training for planning committee members could be more in-depth. In each case, training requirements will need to be fulfilled by an elected member before they can take a decision on a planning application either through a planning committee, Full Council or any other body.

> **Question 2:** Should the training requirements vary for elected members depending on whether they participate in a planning committee, Full Council or Local Review Body?
>
> [yes/no]
> Please add any comment in support of your answer

5.   What should the training cover?

5.1 The content chosen for the training should help to provide the knowledge and skills for elected members to make informed and robust planning decisions. Based on the evidence gathered from the desk based research and stakeholder workshops, there was broad consensus that the content for mandatory training of elected members should focus on the key principles and knowledge of the planning system as a whole, which are applicable to all types of planning applications.

5.2 Local authorities would be encouraged to provide additional training to elected members on local level planning considerations and policies if needed. This would not be part of the mandatory training and would be at local authorities' discretion to allow flexibility for them to choose what to focus on based on the pertinent issues facing their areas and communities.

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

[yes/no]
Please add any comment in support of your answer

5.3 The topics that we believe should be covered in the training are as follows:

Importance of a plan led system
- Overview of the legal framework
- Development plan at a national and local level
- Regional Spatial Strategies and Local Place Plans
- Planning policy and guidance
- Wider strategic landscape including the National Performance Framework and UN Strategic Development Goals

Planning application process
- Types of planning applications and consents and the different considerations and processes
- Hierarchy of development and differences between national, major and local developments
- Overview of the process prior to elected members involvement which includes pre-application consultation, pre-application discussions, validation, fees, consultation, engagement, technical assessments and site visits
- Schemes of delegation

Decision making at committee:
- Overview of the information likely to be contained in committee reports
- How to identify planning considerations by understanding what are material considerations and how they should be treated
- How to consider stakeholder and community views
- How to take a decision and provide robust reasons for decision
- Use of conditions to ensure they are exercised in a fair, reasonable and practical way

Role of elected members:
- Conduct and behaviour
- Understanding at what stage in the process they can talk to planning officers, applicants and communities

Post decision:
- Dispensing conditions
- Legal agreements i.e. planning obligations
- Appeals process
- The functions and processes of Local Review Bodies

Question 4: Do you agree with the list of topics to cover?

[yes/no]
Please add any comment in support of your answer

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

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6.   How should the training be delivered?

Who will deliver the training?

6.1 A number of different approaches could be used to deliver the training. The implementation and delivery of the training needs to take account of the resourcing pressures being faced by local authorities and should therefore avoid placing any additional unnecessary burdens on authorities.

6.2 We also want to ensure that how the training is delivered does not result in lengthy spells where elected members are awaiting to undertake training as this would result in them being unable to carry out the specified functions during that period of time and create a potential backlog in the planning system.

6.3 Some potential options have been set out below.

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 the detailed content and deliver the 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 delivering the training to the elected members in-person.

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.

6.4 Further work will be required to determine the scale of resource required and the best approach to undertake the delivery of the training, however our preferred approach would be for the training to be delivered online on a national scale rather than in-person. We consider this approach to be more efficient and cost-effective. This approach would also free up local authority officers to focus on providing advice and training on the policies and areas where they can add the most value. Elected members would also be able to undertake the training at a time that suits them and wouldn't be reliant on the availability of trainers. This approach would also benefit any elected members who are appointed outwith the usual committee appointment process.

Question 6: Which would be your preferred option for how the training could be delivered? (please check all that apply)

- Option 1
- Option 2
- Option 3
- Option 4
- None of the above

Please add any comment in support of your answer

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

Test

6.5 Stakeholder engagement indicated that there was strong support for the training to include a test element, as it was considered to be the most effective method to demonstrate that the content of the training has been properly understood.

6.6 We propose that if a test is to be introduced it would be undertaken in a multiple choice format, as this would deliver results promptly. The test questions would be set once the training content has been finalised and user testing with key stakeholders will be undertaken to ensure that they are pitched at the appropriate level.

6.7 If implemented, the test would also require a certain number of questions to be answered correctly in order to pass to ensure that those undertaking the training have a general understanding of what they have been taught. We would propose that the test would be allowed to be retaken until a pass is achieved.

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

[Yes/No]
Please add any comment in support of your answer

Duration and Timing of Training

6.8 The time taken to complete the training should not place an unnecessary burden on elected members. The time taken will also depend upon whether the training is conducted in-person or online, how often the training needs to be taken and the breadth of content to be covered.

- In-person: The length of time would likely be either a 'half day' or 'full day' to account for questions and discussions.
- Online: The length of time would likely be no more than 3 hours in total.

6.9 As with all training, there are benefits to ensuring that the knowledge gained is maintained. We could require that elected members after a certain time period have to retake the training in full or undertake refresher training (e.g. if a test is included, retake the test only rather than full training) to continue to be allowed to carry out their specified planning functions.

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

Please tick
- once every year
- once every election cycle
- training should not need to be retaken
- Other

Please add any comment in support of your answer

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7. How will the training be monitored?

Monitoring Completion

7.1 In order to demonstrate that elected members have fulfilled the training requirements and are not prohibited from exercising the authorities specified planning functions it is important that there is some way of establishing and evidencing that the specified training has been completed. This completion could be shown by the provision of a certificate upon completion.

7.2 We propose that the completion of the training will be monitored by Local Authorities as they will be responsible for ensuring that elected members who have not fulfilled the necessary training requirements do not participate in exercising the authorities specified planning functions. To ensure transparency and to meet the overall objective of improving public trust in the planning system, the training completion status of each elected member should be made publicly available. The most effective way of making this information publicly available is through individual

Local Authorities' websites and recorded within the Planning Performance Framework (PPF) Reports / statutory annual reports.

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

[yes/no]
Please add any comment in support of your answer

Question 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?

[yes/no]
If no, where should the information also be made available?

Long-Term Monitoring of Impact

7.3 We want to ensure that elected member training will have long-term positive impacts on decision-making. Our aim with the implementation of elected member training is to ensure decisions are being made based on relevant planning principles, policies and legislation and overall trust in the planning system is strengthened.

7.4 There is no specific method currently in place which can accurately assess the impact of mandatory training, however, the most direct way to assess impact would be through collating feedback across different users of the system who may be able to see the direct impacts of mandatory training. This would be focused on elected members, planning officers, applicants and communities.

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

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8. Impact Assessments

8.1 We have undertaken a number of assessments on our draft proposals (or screened proposals to see whether an assessment is required). Our initial assessments are set out in Annexes B-F as supporting documents and we would welcome feedback on these as part of the consultation. The draft assessments and screening assessments undertaken include:

- a Partial Business and Regulatory Impact Assessment (BRIA) that considers the costs, particularly with regard to business, of the proposals (see Annex B);

- a Data Protection Impact Assessment (Consultation Only) ("DPIA") that considers the risks posed to privacy and data protection by participating in this consultation (see Annex C);

- an Equality Impact Screening Assessment ("EqIA") that considers the impact of the draft proposals on various equality groups defined by protected characteristics such as age, sex, religious or other belief, race or sexual orientation. Our initial conclusion following a screening of proposals is that a full assessment is not required (see Annex D);

- a Children's Rights and Wellbeing Screening Impact Assessment ("CRWIA") that considers the impact of the proposals on Children. Our initial conclusion following a screening of proposals is that a full assessment is not required (see Annex E);

- an Island Communities Impact Screening Assessment ("ICIA") that considers the impact of proposed changes on Scotland's Islands. Our initial conclusion following a screening of proposals is that a full assessment is not required (see Annex F); and

- a Fairer Scotland Duty Assessment that considers how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. Our initial conclusion following a screening of proposals is that a full assessment is not required (see Annex G).

Question 13: Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for elected members?

Annexes B – F – Attached Separately as supporting documents

Annex A - Previous Stakeholder Engagement – List of Attendees

Representatives from the following organisations attended the workshops:

- RTPI
- SOLAR
- Aberdeenshire Council
- East Renfrewshire Council
- Fife Council
- Perth and Kinross Council
- Homes for Scotland
- Scottish Renewables
- Planning Democracy
- 5 Community Councils across different local authorities in Scotland
- Improvement Service
- Key Agencies
- Dundee City Council
- Edinburgh City Council
- Glasgow City Council
- Stirling Council
- Scottish Property Federation
- Salmon Scotland
- Planning Aid Scotland

Responding to this Consultation
We are inviting responses to this consultation by 26 October 2023.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (http://consult.gov.scot). Access and respond to this consultation online at https://consult.gov.scot/local-government-and-communities/mandatory-training-for-elected-members. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 26 October 2023.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Planning, Architecture and Regeneration
Scottish Government
2F South
Victoria Quay
Edinburgh, EH6 6QQ

Handling your response
If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:
https://www.gov.scot/privacy/

Next steps in the process
Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at http://consult.gov.scot. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints
If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at chief.planner@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: http://consult.gov.scot. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

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Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy: https://www.gov.scot/privacy/

Are you responding as an individual or an organisation?

☐ Individual

☐ Organisation

Full name or organisation's name

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Email Address
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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

☐ Publish response with name

☐ Publish response only (without name)

☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
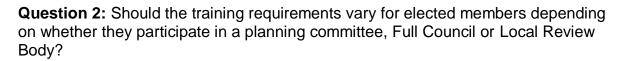
☐ Yes

☐ No

Questionnaire

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

[yes/no]
Please add any comment in support of your answer

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

[yes/no]
Please add any comment in support of your answer

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

[yes/no]
Please add any comment in support of your answer

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Question 4: Do you agree with the list of topics to cover?

[yes/no]
Please add any comment in support of your answer

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Question 5: Are there any other topics that you think could be covered in the mandatory training?

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Question 6: Which would be your preferred option for how the training could be delivered? (please check all that apply)

- Option 1
- Option 2
- Option 3
- Option 4
- None of the above

Please add any comment in support of your answer

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

[Yes/No]
Please add any comment in support of your answer

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

Please tick
- once every year
- once every election cycle
- training should not need to be retaken
- Other

Please add any comment in support of your answer

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

[yes/no]
Please add any comment in support of your answer

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Question 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?

[yes/no]
If no, where should the information also be made available?

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

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Question 13: Do you have any comments on the impact assessments undertaken as part of the consultation on mandatory training on planning for elected members?