

15 July 2010

Brighton & Hove City Council

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| Subject: | Mandatory Development for Planning Committee | | |
| Date of Meeting: | 15 July 2010 Full Council 13 July 2010 Governance Committee | | |
| Report of: | Director of Environment Director of Strategy and Governance | | |
| Contact Officer: | Name: | Jeanette Walsh | Tel: 29-2195 |
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| Wards Affected: | All | | |

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The council's Constitution specifies at Part 5.1 that Planning Committee exercises the council's functions in relation to development control matters. It also specifies that the council may approve a restricted pool of councillors to serve as members or substitute members of the committee, in which case any meeting of the committee must comprise only councillors from the pool and no substitution by non-pool councillors will be allowed.
- 1.2 The Council (since its inception) has required any member of that pool to undergo mandatory training prior to attending their first Planning Committee meeting, whether they do so as a full member or a substitute member. This training is organised and delivered by the Head of Development Control in conjunction with the Senior Solicitor on an as required basis. The mandatory training currently needs to be refreshed every two years. The training is essentially a three (3) hour session. Records of attendance are kept by Development Control and these are shared with Democratic Services.
- 1.3 On 27 April 2010, the Overview and Scrutiny Commission was asked to comment on a proposal that any member of the Planning pool must undertake mandatory training every six months in order to retain his/her ability to sit on the Planning Committee. This proposal was made to ensure that all members who make planning decisions remain up to date with fast changing legal and policy considerations that they need to apply when making those decisions.
- 1.4 The Overview and Scrutiny Commission welcomed and approved the proposal.

2. RECOMMENDATIONS:

2.1 That the Governance Committee:

- (i) Supports the proposal that:
 - (a) mandatory training for all members of the Planning pool be introduced on a six-monthly basis;
 - (b) the training be open to all other members to attend on a non-mandatory basis
 - (c) any mandatory development sessions should be offered on at least two different timeslots to take account of members' other commitments.
- (ii) Recommends to Council that the proposal be approved.
- (iii) Agrees that, subject to Council approval, the changes come into force immediately after the Council meeting of 15 July 2010.

2.2 That **Full Council**:

- (i) Approves the proposals as set out in paragraph 2.1 (i) above.
- (ii) Authorises the Head of Law to amend the constitution to reflect the above, including making consequential drafting amendments.
- (iii) Agrees that the requirement for ongoing mandatory planning training every six months should come into force with effect from 16 July 2010 and that the first mandatory session be arranged as quickly as possible following its meeting.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton & Hove City Council supports its Members through the provision of an annual development programme that is commissioned by the Member Development Working Group and organised by Democratic Services. The Working Group comprises Councillor Ken Norman (Chair), Councillor Gill Mitchell, Councillor Ian Davey and Councillor David Watkins.
- 3.2 In addition to the annual development programme produced by the Member Development Working Group, committee and/or role specific training is arranged by a number of other council teams. In relation to Planning Committee, the Head of Development Control organises a programme of events each year which all members of Planning Committee are invited to attend.
- 3.3 The Planning Committee has a duty to determine planning applications in accordance with adopted policy and relevant legislation and case law. Decisions made by the Planning Committee can be the subject of appeal and legal challenge on the basis that the Committee has or has not followed the correct procedure or has not taken into account matters that it should have or has taken

into account matters which it should not. In either case, this could leave the Council open to challenge and to the risk of costly legal action and result in decisions being quashed.

- 3.4 The Planning Committee meets every three weeks and as such is the most frequently convened meeting in the council diary. It attracts significant interest from residents, who follow its proceedings in person at meetings or via web casts of those meetings. As well as being legally and procedurally correct, it is important, therefore, that its proceedings are seen to be conducted effectively and efficiently in order to contribute to enhancing the council's reputation in the eyes of the people it represents.
- 3.5 As part of the work being undertaken by the department for Communities and Local Government (CLG) through the Killian Pretty Review there has been a significant amount of change to legislation and the way the planning policy framework is constructed. In addition there is a cultural change programme which expects planning divisions across the country to move to a model of Development Management. Essentially, this has been and will continue to be a move towards a spatial planning and partnership working.
- 3.6 As part of the ideas behind a move to Development Management there is a very real recognition of an increased role for Members to play in getting involved in pre-application discussions about development and thus having a real hand in the place shaping agenda.
- 3.7 The rationale for bi-annual, and mandatory, training for members of Planning Committee is based on the fact that planning is a fast changing area of public policy and law and will continue to be the subject of significant scrutiny in the future. Coupled with this there is a real need to include elected members into the realm of pre-application discussions. In order to do this members need to have the support of up to date training which will give them the skills to ensure they can carry out their roles to the best of their abilities.
- 3.8 In order to ensure that Members have a reasonable opportunity to attend these workshops, a choice of two sessions will be offered wherever possible, one during the day and another at a suitable time for those councillors who work or who have other day time commitments. This may not always be possible where there are external providers, but all endeavours will be made to meet members' requirements. Spare places will be offered to members who do not sit on Planning Committee but who are interested in building on their understanding of planning matters.
- 3.9 Therefore it is proposed that:
 - a) mandatory training for all members of the Planning pool be introduced on a six-monthly basis;
 - (b) the training be open to all other members to attend on a non-mandatory basis
 - (c) any mandatory development sessions should be offered on at least two different timeslots to take account of members' other commitments.

- 3.10 The Head of Development Control and the Democratic Services Manager will both keep records of the training attended by each member of Planning Committee. In the event of any non-attendance of the proposed mandatory training, the Head of Democratic Services would liaise with the relevant Group Leader to ask him/her to nominate an alternative who has completed all such training.

4. CONSULTATION

- 4.1 This matter was considered by the Member Development Working Group and the Chairman of Planning Committee on 20 April 2010, when all indicated that they would support the introduction of mandatory training for Planning Committee members.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There would be two sessions once every 6 months. We would ask the Planning Advisory Service or another organisation to support this training. The training would be managed and arranged by officers but with support. It is likely that each day (two sessions on the day) would cost in the region of £1,000.00. The more regularly the sessions are arranged the more likelihood that the cost would go down.

Finance Officer Consulted: Derek Mansfield Date: 01/04/10

Legal Implications:

- 5.2 Training and development of members of Planning Committee is essential in ensuring that those members are up to date regarding legal and policy considerations relevant to the planning decisions that they are asked to make. A mandatory rolling development programme will assist members with an appreciation of the relevant legal issues and assist the Council in discharging its obligations fully and in limiting potential legal challenges.

- 5.3 The decision-making route to get these changes approved is via Governance Committee to Full Council.

Lawyer Consulted: Hilary Woodward Date: 24/03/10

Equalities Implications:

- 5.4 This report does not have any specific impact on equalities.

Sustainability Implications:

- 5.5 This report does not have any specific impact on sustainability.

Crime & Disorder Implications:

- 5.6 This report does not have any specific impact on Crime & Disorder.

Risk & Opportunity Management Implications:

- 5.7 There is a risk to the council if proper training is not undertaken and challenges are made to planning committee decisions as a result.

Corporate / Citywide Implications:

- 5.8 Demonstrating to prospective councillors that there is a robust framework of relevant training and development in place will encourage more people to stand as councillors.

SUPPORTING DOCUMENTATION

Appendices

1. Extract from the proceedings of the Overview & Scrutiny Commission meeting held on 27 April 2010.

Documents in Members' Rooms

None

Background Documents

None

