

A6

# CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 3rd November 2001

Agenda Item No:-

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Public

Operational

Delegated: Yes

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**Accompanying Comments and Statements**

**Required**

**Included**

Environmental Impact Statement:

No

No

Corporate Management Team Comments:

No

No

City Treasurers Comments:

No

No

City Solicitor & Secretary Comments:

No

No

Head of Personnel Services Comments:

No

No

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Title:- **MEMBER TRAINING**

Report of:- **Director of Environment and Development**

Report reference:- **EN.173/01**

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**Summary:-**

This Report details the options available for Member Training.

**Recommendation:-**

It is recommended that Members decide on the form of training required and authorise the Director of Environment and Development to arrange the agreed training

Mike Battersby  
Director of Environment and Development

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

1.0 INTRODUCTION

1.1 With the formation of the new Development Control Committee including two new Full Members and three new substitutes it is an opportune time to look at the need for Member Training.

1.2 The Committee on Standards in Public Life 1997 (The Nolan Committee) commented on Member Training and stated:

**"All members of an authority's planning committee (or equivalent) should receive training in the planning system, either before serving on the Committee, or as soon as possible after their appointment to the committee".**

1.3 I also consider that it would be helpful for Members who have been on the Committee for a number of years to have a refresher course, particularly following the Right to Speak which has put extra pressure on and information before Members. It is important that this additional information is considered correctly and in the right context.

1.4 The former Department of the Environment, Transport and the Regions have published a paper on Training in Planning for Councillors and this is attached at Appendix 1.

2.0 TRAINING

2.1 Member Training can be delivered in a number of ways and in the past this has been provided both by outside trainers providing in-house training as well as officers from the Division. In addition the Royal Town Planning Institute do run an Elected Members Training Series, consisting of five events, which can be attended individually or for which block bookings can be made for any combination of events and any number of delegates. As this is run in London and is expensive I do not consider this to be a realistic option. I have, however, included in Appendix 2 the content of the events to give Members a feel for the breadth of training available.

- 2.2 Other training providers such as the University of the West of England can provide in-house training tailored to the Committee's particular needs. Fees are negotiable but a basic one-day course on determining applications would cost in the region of £1,000 including travel and subsistence. Appendix 3 contains brief details of what can be offered.
- 2.3 In addition training can be provided using officers of the Division. This is obviously the cheapest option, is more easily arranged but does take officers away from other work through preparation time and the seminar.
- 2.4 I would be grateful for Members view on the most appropriate form of training so the necessary arrangements can be made. Although I will be able to identify particular areas of training I would also appreciate comments from Members.
- 3.0 RECOMMENDATION
- 3.1 It is recommended that Members decide on the form of training required and authorise the Director of Environment and Development to arrange the agreed training.

Mike Battersby  
Director of Environment and Development

**Contact Officer:** Alan Eales

**Ext:** 7170

**Department of the Environment, Transport and the Regions:  
Training in Planning for Councillors**

# Department of the Environment, Transport and the Regions

## *Training in Planning for Councillors*

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### **Introduction**

All elected members will have contact with planning issues. They may become involved in local cases as ward representatives, they may serve as members of the planning committee and they may become involved in development issues at full council meetings. Under the proposals in the DETR's Paper, 'Local Leadership, Local Choice', they may also become involved in planning as members of the council's executive.

Planning has a positive role to play in delivering services to local communities. To achieve its objectives, a number of different partners must work closely together. The Government is responsible for national legislation, and national and regional guidance. Local planning authorities assist in the production of regional guidance, produce development plans and take individual planning decisions. Because of the large sums of money which can be at stake and the strong feelings which can be aroused, it is particularly important that correct procedures are followed, everyone with an interest feels that they have been given a fair hearing and questions of impropriety cannot and do not arise.

The Committee on Standards in Public Life (the Nolan Committee) reported in 1997 on various aspects of local government practice. One chapter of their report was devoted to the planning system. This made a number of recommendations designed to ensure full public confidence in the planning process. One was that, 'All members of an authority's planning committee (or equivalent) should receive training in the planning system, either before serving on the committee, or as soon as possible after their

appointment to the committee.'

The Government fully endorsed this recommendation and has been working with the Local Government Association, the Improvement and Development Agency and the Royal Town Planning Institute to take it forward. This leaflet is the result. It gives guidance to local authorities on deciding what topics to cover in councillor training and the ways in which this training can be provided.

The syllabus set out in the following pages refers to various current initiatives. The DETR and LGA have recently agreed a planning concordat committing both organisations to closer working. This leaflet is one example of this new partnership. The syllabus also refers to best value and the Government's proposals for new political structures and a new ethical framework. In addition, councillors in London will need to be given information about changes proposed in the Greater London Authority Bill. It will be important in setting up a training programme that further developments are taken on board as they occur. The syllabus should therefore be seen as a flexible tool, as the beginning rather than the end of the process.

## **Training Syllabus**

We all recognise that councillors are very busy people and have a limited amount of time to devote to any one area of their responsibilities. The syllabus set out below is therefore designed to be delivered in modules so that it can be spread over a series of sessions. We have also identified which councillors are likely to benefit most from each module. Although the syllabus focuses on particular topics, it will be important to use actual case studies and council documents in the training given.

Training is an ongoing process and councils will need to consider on a regular basis the extent to which established councillors require some form of refresher training in specific issues.

### **Module 1**

This module is aimed particularly at new members of planning committees.

## Unit 1 - Determining planning applications

The purpose of the planning system: to balance and resolve competing demands between economic, social and environmental considerations to achieve sustainable development; to regulate the development and use of land in the public interest.

What is development and therefore what requires planning permission, including a brief introduction to permitted development rights.

- Who decides planning applications - councillors, delegated decisions, called in applications.
- What happens when applications come into the authority:

*the planning register;*  
*public consultation, including statutory requirements and any consultation beyond this;*  
*statutory and non-statutory consultation with other bodies;*  
*environmental impact assessment.*

- The content and layout of the officers' report to the committee.
- Where applicable, the rights of applicants and objectors to speak at the committee meeting.
- How applications are decided - the key role of the development plan. Material considerations.
- What is and is not a material consideration.
- Key legal issues eg Wednesbury unreasonableness.
- Attaching conditions and obligations.
- The need to give reasons for refusal and for setting conditions. The need to minute reasons for overturning officers' recommendations.
- Arrangements for deciding applications which have been delegated to officers.

## Unit 2 - An overview of the planning system

### *A brief overview of the role of the key players*

Central Government: Secretary of State proposes primary and secondary legislation; issues national policy in the form of Planning Policy Guidance notes (PPGs) and circulars; issues Regional Planning Guidance (RPG); takes some planning decisions; and implements policies to improve the effectiveness and efficiency of the system. The Planning Inspectorate decides most appeals on behalf of the Secretary of State.

Local planning authorities: work together and with other regional stakeholders on draft Regional Planning Guidance; prepare, adopt and implement development plans; make decisions on planning applications; take enforcement action; and manage the planning system to achieve best value. [This section will need adapting depending on the type of authority involved.]

Others: parish councils; resident and business communities; national and local consultees; the ombudsman; and the auditor.

The different considerations which apply to listed building consent and conservation area consent applications and any other types of application which come before the planning committee. [This will need adapting depending on the type of authority involved and may not be relevant in all cases.]

How planning relates to other council functions eg the role of the planning system in promoting development, the need for council developments to obtain planning permission.

## Unit 3 - Propriety issues

- General principles - need for decision making to be open, transparent, above board and taken on the right basis.



- The Government's proposals for a new ethical framework, including statutory codes of conduct for councillors, standards committees and a Standards Board.
- The council's local code of best practice in planning procedures.
- How councillors' different roles interact and the role of officers.
- The importance of taking planning decisions on the basis of land use considerations.
- Contacts with objectors and applicants before the planning committee meeting. Estoppel.
- Site visits.
- Declaration of interests.
- Applications for council-owned land.

## Module 2

This module is aimed at all members of the Council. It is essentially a shortened version of Module 1 but with an additional unit on the development plan. All councillors are likely to encounter planning issues, particularly as ward councillors and members of the full council.

### Unit 1 - An overview of the planning system

The purpose of the planning system: to balance and resolve competing demands between economic, social and environmental considerations to achieve sustainable development; to regulate the development and use of land in the public interest.

How planning relates to other council functions eg the role of the planning system in promoting development, the need for council developments to obtain planning permission.

What is development and therefore what requires planning permission, including a brief introduction to permitted development rights.

### Unit 2 - Determining planning applications

- Who decides planning applications - councillors, delegated decisions, called in applications.
- How are applications decided - the key role of the development plan. Material considerations.
- What is and is not a material consideration.
- Public consultation, including statutory requirements and any consultation beyond this.
- Where applicable, the rights of applicants and objectors to speak at the committee meeting.
- The role of non-planning committee members at planning committee meetings.
- Attaching conditions and obligations.
- The need to give reasons for refusal and for setting conditions. The need to minute reasons for overturning officers' recommendations.
- Arrangements for deciding applications which have been delegated to officers.

### Unit 3 - Propriety issues

General principles - need for decision making to be open, transparent, above board and taken on the basis of land use considerations.

The council's local code of best practice in planning procedures.

Contacts with objectors and applicants, including the role of the ward councillor. Estoppel.

### Unit 4 - Development plans

- The type of development plan prepared by the authority (and by the county or district where there are two tiers).
- The basic stages in preparing a plan and the role of councillors in this process.
- The relevance of Central Government guidance including PPGs and RPG.
- The role of supplementary planning guidance including planning briefs.
- Reviewing plan policies.

- The relationship of the development plan with other strategic documents eg the local transport plan

### **Further modules**

Individual councillors, including the planning committee chair, other members of the planning committee and, in future, relevant members of the executive may need further training in specific planning issues. The following modules identify some of the topics which this training might cover.

### **Module 3: The preparation of development plans**

Key facts about the local area.

The coverage of structure and local plans or unitary development plans.

The basic stages in preparing a plan.

The relevance of Central Government guidance, including PPGs and RPG.

[In London, the relevance and preparation of the Mayor's Spatial Development Strategy].

The importance of the plan in deciding applications.  
Section 54A.

The status of plans before they have been adopted.

The role and preparation of supplementary planning guidance.

The role and preparation of planning briefs.

Reviewing plan policies, including the need to set a timetable.

Departure applications.

The relationship between the development plan and other council plans.

### **Module 4: Regional Planning Guidance**

The role of Regional Planning Guidance.

Arrangements for its preparation.

The role of the Regional Development Agency.

### **Module 5: Other aspects of the planning process**

Call in of applications by the Secretary of State.

Appeals - role of the council and the Planning Inspectorate.  
The absence of a third party right of appeal.  
The role of the Ombudsman.  
Judicial review.  
Enforcement.  
Human rights.

### **Module 6: Other planning powers**

Listed building consent.  
Conservation area designation, conservation area consent  
and the use of Article 4 directions.  
Advertisement consent.  
Compulsory purchase orders.

### **Module 7: Managing the planning process**

Managing the process of development plan preparation and  
review. Managing the process of development control.  
The planning aspects of best value including community  
consultation, planning indicators and beacons. (What is  
appropriate here will depend on whether the council is  
undertaking wider training on best value.)  
Sharing best practice.  
The one stop shop approach.

### **Module 8: Minerals and waste applications**

Minerals local plans.  
Waste local plans.

### **Module 9: New developments in the planning system**

Councils should review on a regular basis the extent to  
which those who have undergone basic training need to be  
updated on any subsequent changes in the planning system.  
These may include:

- changes in legislation;
- new planning policy guidance;
- new structures affecting the planning process; and
- new problems facing the local authority.

## **Ways of Providing Training to Councillors in Planning**

There are a variety of ways in which training in planning is provided for councillors. The main ones are described below.

### Training by the authority

It is relatively common for senior planning officers within authorities to provide both induction and refresher training for councillors. The advantages are that councillors do not have to travel far to receive the training, it can be tailored to the particular issues faced by the authority, it is relatively cheap and can be laid on at times to suit particular councillors. However, councils may want to combine this with some external training so that councillors gain a wider perspective and see how the same issue is tackled by other authorities.

### Training by groups of authorities

Small authorities in particular may find it helpful to co-operate in providing training. In addition, there can be benefits in sharing experiences across authorities.

### Training by outside providers on the council's premises

There are a range of organisations which provide training for local authorities on planning. Some of these are willing to provide that training on the council's premises. This training will involve a cost to the authority on top of the time of any council officers who are involved. Its advantage is that it provides an outside perspective while enabling councillors to undertake their training at a local venue. It can also relieve hard-pressed senior officers of an additional task, although it may be helpful to have one or more officers present to explain particular local variations and practices.

### Training by outside providers away from the council's premises

Again, there are a range of external organisations which provide training in planning on their own premises. These include various higher education institutions. The advantage is that councillors attending these courses can mix, depending on the course, with councillors and officers from other authorities and sometimes also with those from other organisations and the private sector. Existing councillors may also find it helpful to attend courses focusing on particular topics where they need a greater understanding in relation to their particular role.

## **Training Providers**

### **The professional institutions**

- RTPI (including Planning and Environmental Training conferences and courses)
- RICS

### **Academic institutions**

- short course programmes run by universities

### **Training events**

- the *Town and Country Planning Summer School for Councillors*

### **Voluntary bodies**

- the Town and Country Planning Association conference programme
- Planning Aid

### **Commercial providers**

#### Relevant publications

Councils may find the following publications useful as handouts for Modules 1 and 2.

Local Government Association, 'Probity in Planning: the Role of Councillors and Officers'. November 1997.

RTPI, 'The Role of Planning in Local Government' by  
Robert Cowan. 1999.

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Published 19 May 1998

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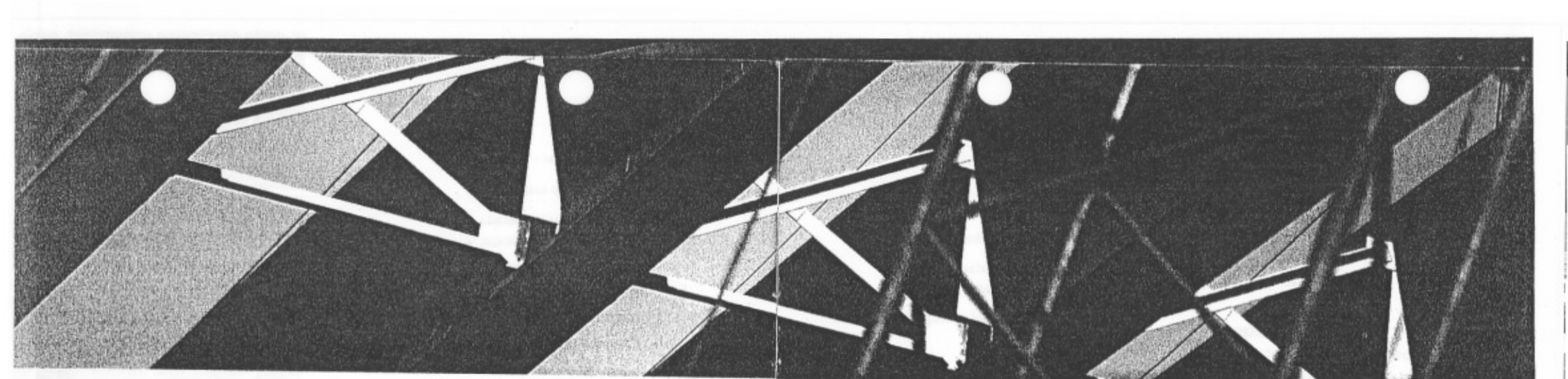
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[Return to DTLR Home Page](#)

**RTPI Elected Members Training 2001**





An  
introduction  
to the  
planning  
system

- 10.00 Coffee and registration
- 10.30 **The UK planning system**
- Brief history
  - The purpose of the planning system
  - Basic terms used
  - The role of key players and how planning relates to other council functions
  - National policy
- 11.15 **Development plan basics**
- Types of development plan
  - Development plan preparation
- 12.00 **Exercise - allocating land for housing**
- How much?
  - Where?
- 12.30 Lunch
- 13.30 **Development control basics**
- Definitions of 'development' and 'Permitted development'
  - Changes of use and the Use Classes Order
  - Listed buildings and conservation areas
  - Need for council developments to obtain planning permission
  - Who decides planning applications
  - Pre-application discussion
- 14.30 **Making a decision**
- How applications are decided
  - The role of the development plan and material considerations
  - Officer's recommendations
  - Making the decision
  - Attaching conditions and obligations
  - Reasons for refusal and for setting conditions
- 15.15 **Exercise - making a decision on a specific proposal**
- Details of application and sample officers' report
  - Consideration by the committee
  - Recommendation
- 15.45 **Exercise - report back**
- Report back from syndicate groups
- 16.00 **What happens next?**
- Appeals and inquiries
  - Decision letters
  - Award of costs
- 16.15 **Questions to tutors and discussion period**
- 16.30 Close of course

# Development planning

18.

## 10.00 **Coffee and registration**

### 10.30 **The development planning system**

- Historic background to the current system
- Structure plans
- Local plans
- Unitary development plans
- Regional planning guidance and other regional frameworks
- Primacy of the development plan

### 11.00 **Exercise - the role of the development plan in determination of a planning application**

- Introduction of application and relevant development plan material
- Committee debate on application
- Exercise - report back

### 11.45 **The plan - Part 1**

- Stages in preparation
- The role of councillors in the process
- The role of other council services
- The relationship with other strategic documents
- Government guidance (PPGs, RPG, NPPGs, Circulars, PANs and London Mayor's Spatial Development Strategy as appropriate for individual areas)
- Case study

### 12.45 **Lunch**

### 14.00 **The plan - Part II**

- Local plan inquiries and the role of inspectors/reporters
- Public participation
- Approval, modification or rejection of plans

### 14.30 **Once the plan is in place**

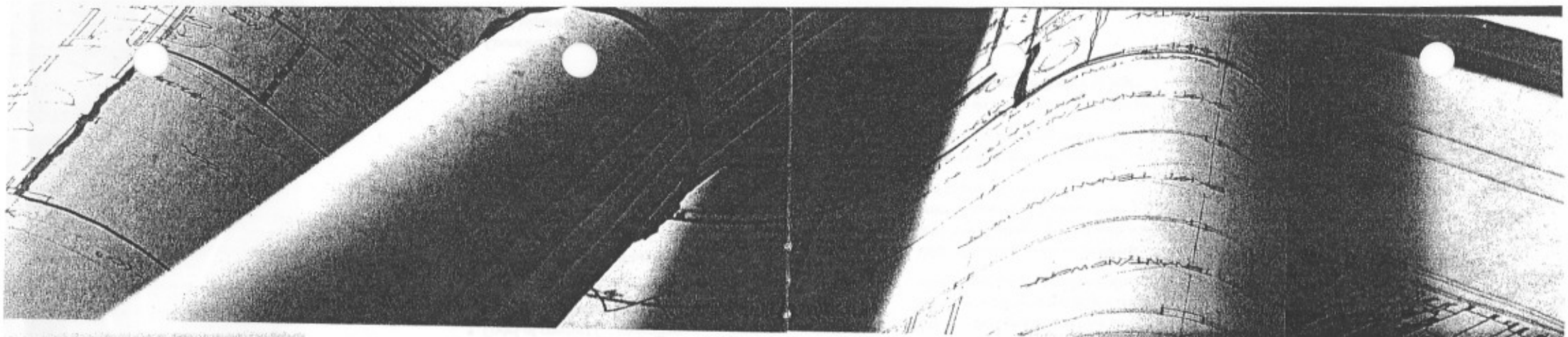
- Role and preparation of supplementary planning guidance
- Role and preparation of planning briefs
- Departures from the plan
- Monitoring outcomes
- Reviewing the plan

### 15.00 **Exercise - plan policies**

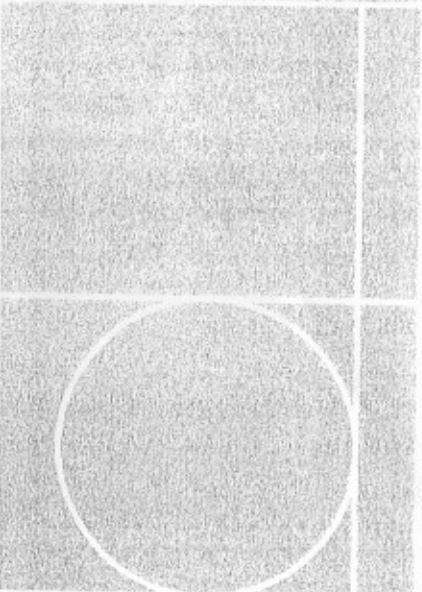
- Exercise - report back

### 16.00 **Questions to tutors and discussion period**

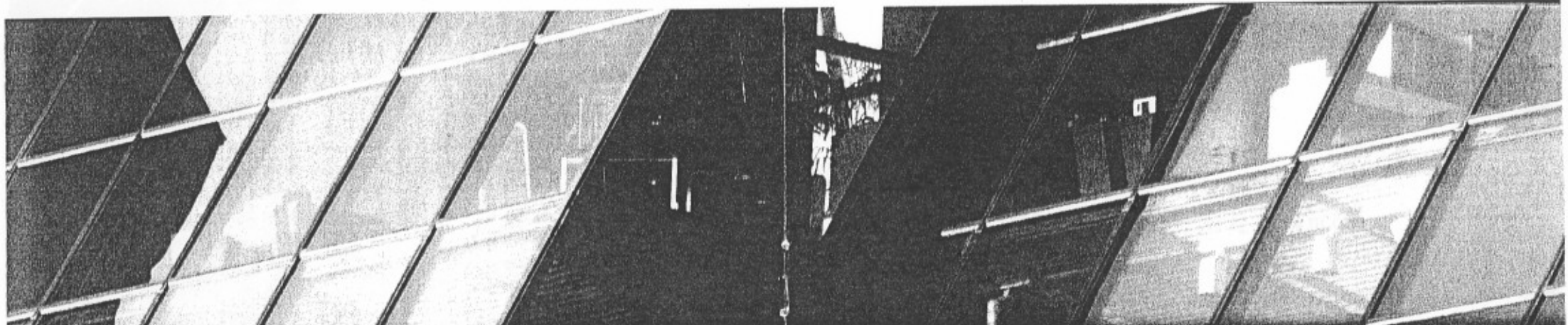
### 16.30 **Close of course**



Development  
control  
processes  
and planning  
powers

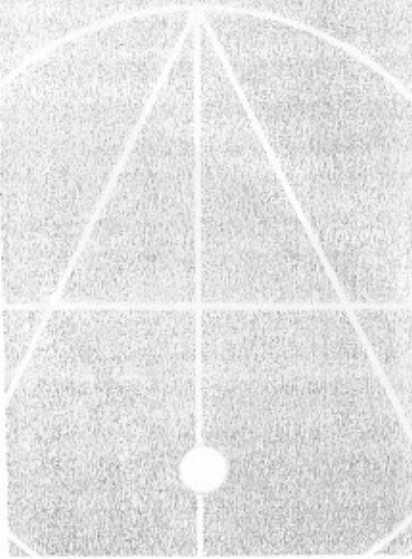


- 10.00 Coffee and registration
- 10.30 **The development control system**
  - Definitions of 'development' and 'permitted development'
  - Changes of use and the Use Classes Order
  - Who decides planning applications
  - The committee decision
- 11.00 **The appeals process**
  - Call-in of applications
  - Appeals - role of the council and the inspector/reporter
  - Absence of a third party right of appeal
  - Mediation
  - Procedures and award of costs
- 11.30 **Case study - the appeal**
  - Other public rights of complaint
  - The Ombudsman
  - Judicial Review
- 12.15 **The Human Rights Act**
  - Background to rights
  - Implications for planning
- 12.45 Lunch
- 14.00 **Enforcement**
  - Discretion and expedience
  - Planning & Compensation Act 1991
  - Breach of Condition Notices, Planning Contravention Notices
  - Certificates of Lawful Development, injunctions, rights of entry, etc.
- 14.30 **Conservation of the environment**
  - Listed building consent
  - Conservation area designation, conservation area consent
  - Use of Article 4 directions
  - Tree preservation orders and hedgerow protection
- 15.00 **Design considerations**
  - Design for sustainable development
  - Scale, layout, density, landscape, open space
  - Materials
  - Sources of design advice
- 15.30 **Understanding the development process**
  - Developer's perspective
  - Impact of conditions and obligations
  - Development finance land options
- 16.00 **Questions to tutors and discussion**
- 16.30 **Close of course**

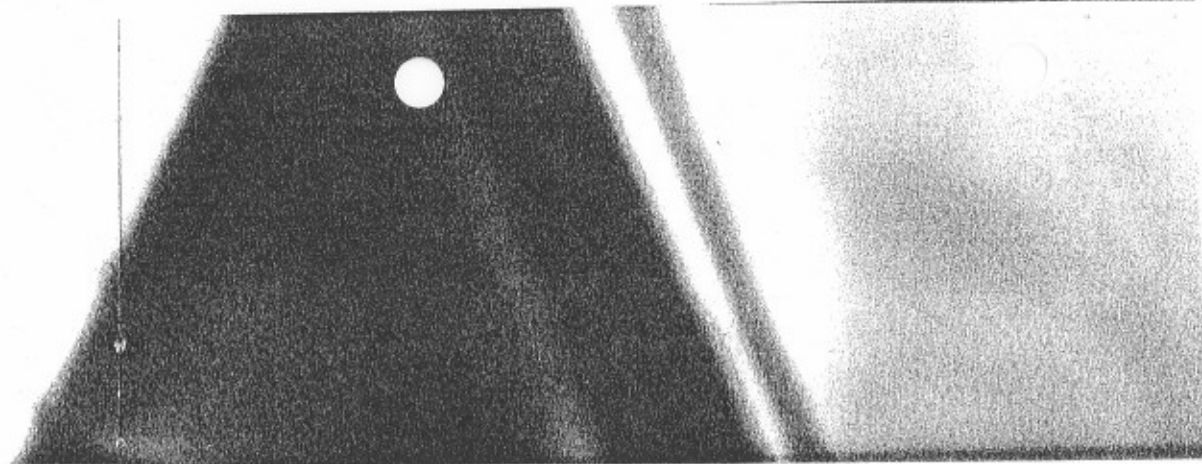
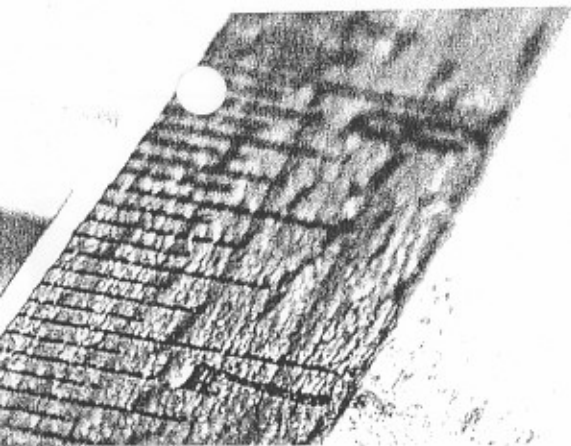


# Propriety and ethical standards

20.



- 10.00 Coffee and registration
- 10.30 **General principles**
  - Need for decision-making to be open, transparent and above board
  - Statutory duties, e.g. plan-led decision making
  - Decisions taken on the basis of material considerations related to land use
- 11.00 **Guidance**
  - An ethical framework (Government proposals in England/Act in Scotland)
  - Codes of conduct for councillors, standards committees and a Standards Board
  - Council's local codes of best practice in planning procedures
- 11.30 **Roles and relationships with officers**
  - How councillors' different roles interact
  - The role of officers and RTPI Code of Professional Conduct
  - Councillors as witnesses at public local inquiries
- 12.00 **Exercise – how should the elected member be acting?**
  - Description of situation
  - Factors to take into consideration
- 12.30 **Exercise – feed back**
- 12.45 Lunch
- 14.00 **Contacts with objectors and applicants**
  - Dangers of expressing view on applications until in receipt of all relevant information
  - When to meet people who have an interest in a planning matter and under what circumstances it could be helpful
  - Value of holding meetings in formal setting with officers present both in order to progress the case efficiently and to protect councillors
  - Distinction between obtaining relevant information and being lobbied
  - What to do if an applicant or objector attempts to bring influence to bear
- 12.00 **Exercise – how should the elected member be acting?**
  - Awareness of development process to provide understanding of pressures and constraints within which developer operates
- 14.30 **Case study – conduct at site visits**
  - Description of situation
  - Factors to take into consideration
- 15.00 **Interests**
  - Declaration of interests
  - Understanding and identifying what might be a conflict of interests
  - Applications relating to council-owned land and development in which the council has a financial interest
  - Distinction between council's planning and property functions
- 15.45 **Questions to tutors and discussion period**
- 16.30 **Close of course**



## Managing the planning process

21.

- |       |                                                                                                                                                                                                                                                                   |       |                                                                                                                                                                                    |       |                                    |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------|
| 10.00 | Coffee and registration                                                                                                                                                                                                                                           | 12.30 | Exercise - feedback                                                                                                                                                                | 15.45 | Questions to tutors and discussion |
| 10.30 | <b>Managing the processes</b> <ul style="list-style-type: none"><li>• Development planning and review</li><li>• Development control</li></ul>                                                                                                                     | 12.45 | Lunch                                                                                                                                                                              | 16.30 | Close of course                    |
| 11.00 | <b>The planning aspects of best value</b> <ul style="list-style-type: none"><li>• Community consultation</li><li>• Performance monitoring (statutory and discretionary performance indicators)</li><li>• Appraisal/inspection</li><li>• Competitiveness</li></ul> | 14.00 | Costs of the planning service and fee income                                                                                                                                       |       |                                    |
|       |                                                                                                                                                                                                                                                                   | 14.30 | <b>Use of IT to maximise efficiency</b> <ul style="list-style-type: none"><li>• For planning applications</li><li>• For local plans</li><li>• Consultation and awareness</li></ul> |       |                                    |
| 11.30 | <b>Member/officer relationships</b> <ul style="list-style-type: none"><li>• Probity</li></ul>                                                                                                                                                                     | 15.00 | <b>Public image</b> <ul style="list-style-type: none"><li>• Helpful assistance</li><li>• User-friendly material (plain English)</li><li>• One-stop shop approach</li></ul>         |       |                                    |
| 12.00 | <b>Exercise - member/officer relationships</b> <ul style="list-style-type: none"><li>• Scenario</li></ul>                                                                                                                                                         | 15.30 | <b>Sharing best practice</b> <ul style="list-style-type: none"><li>• Peer group assessment</li></ul>                                                                               |       |                                    |

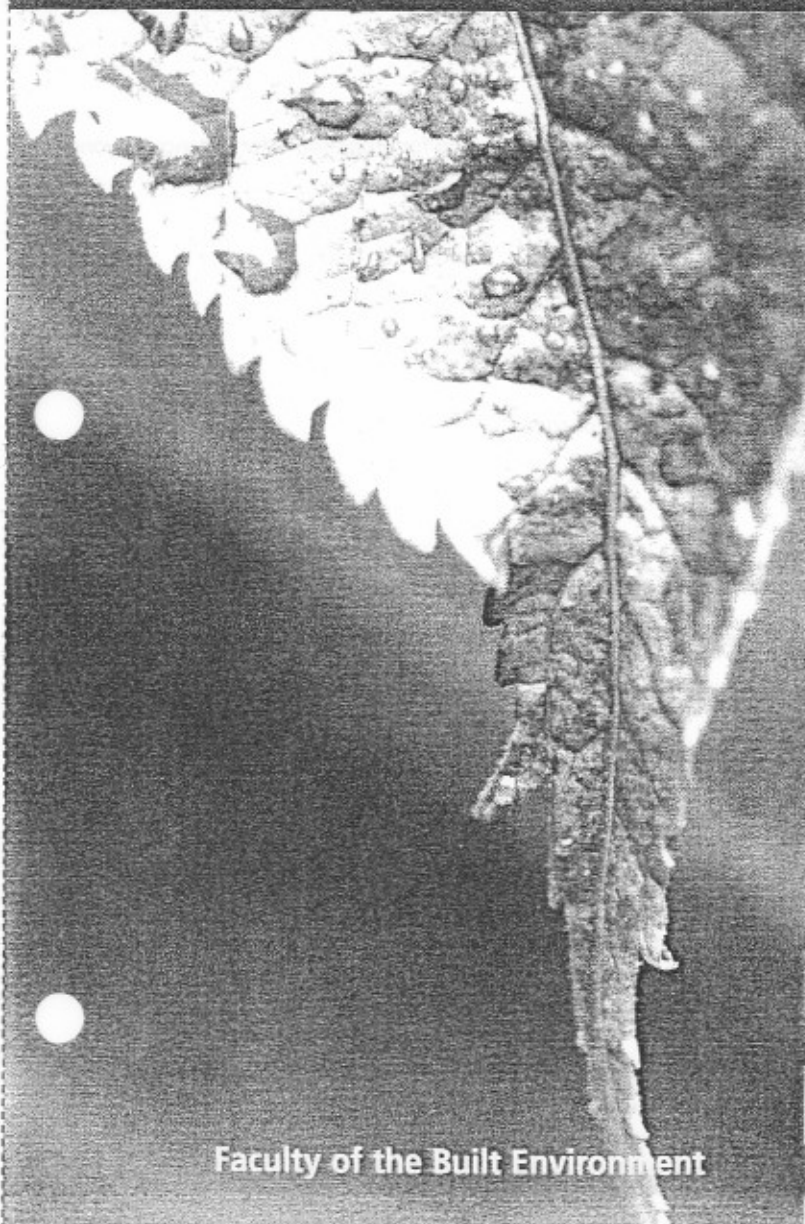
**Training for Elected Members of Local Authorities - UWE**

UWE

BRISTOL

University of the  
West of England

# Training for Elected Members of Local Authorities



Faculty of the Built Environment

# Training for Elected Members of Local Authorities



The Nolan Report and the government 'modernisation' programme have drawn attention to various issues and new developments, in particular:

- training in the operation of the town and country planning system
- probity and new ethical frameworks
- best value
- cabinet government and other forms of management and accountability.

More specifically Richard Caborn, Minister for the Regions, Regeneration and Planning, has written to all Council Leaders and Chief Planning Officers enclosing and recommending guidance entitled 'Training in Planning for Councillors'.

## Training in-house

Our courses for elected members are delivered in-house. The benefits are:

- The courses can be tailored to suit local circumstances and requirements
- The timing can be geared to suit the availability of members. For instance we have delivered day, half-day, evening and weekend courses
- In-house training can be very cost-effective
- A programme of courses can be negotiated allowing for progression, for instance, beyond the generality of the planning system into, for instance:
  - decision making
  - probity
  - design
  - enforcement
  - judicial review and the ombudsman
  - planning appeals and the award of costs
  - sustainability.



## The Delivery Team

**Martin Chick:** Director, Short Course, Conference and Training Programme, Faculty of the Built Environment



**Jim Claydon:** Head of the School of Planning and Architecture, Faculty of the Built Environment



**Mike Devereux:** Senior Lecturer, School of Planning and Architecture, Faculty of the Built Environment



**Alan Smith:** Ex Chief Executive, Kingswood Borough Council and holder of various interim senior management posts in local government



**Les Sparks, OBE:** Recently Director of Planning and Architecture, City of Birmingham