



Law Society
of Scotland

Consultation Response

Mandatory Training on Planning for Elected Members

26 October 2023



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful, and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Planning Law sub-committee welcomes the opportunity to consider and respond to the Scottish Government's consultation mandatory training on planning for elected members.¹ The sub-committee has the following comments to put forward for consideration.

Questions

Part 1: What are the specified functions?

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

We have no comments to make.

Part 2: Should there be different training requirements?

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

We would welcome specific and relevant training to be provided to elected members based on their participation in planning committees, Full Councils or Local Review Bodies (as applicable). In particular, we note the expanded role of Local Review Bodies, and would highlight that a number of relevant matters and processes are legalistic and would merit specific training. These include, for example, (a) advertisements, (b) certificates of lawfulness of existing use or development, and (c) certificates of lawfulness of proposed use or development. These can give rise to complex legal issues with which elected members are unlikely to be familiar and which specific training and support on would be beneficial.

¹ [Mandatory training on planning for elected members](#)

Part 3: What should the training cover?

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

Yes

Part 4: What topics should be included?

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

Yes

We welcome this list of topics and consider these to cover important areas in ensuring elected members have the knowledge to undertake the role and make relevant decisions. We note that under the “Post Decision” heading on page 7 of the Consultation Paper there is reference to “The functions and processes of Local Review Bodies”. As mentioned in response to question 2, we consider there is merit in providing more detailed training on these points.

Questions 5-6

We have no comments to make.

Part 5: How should the training be delivered?

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

We consider that there would be merit in the training being delivered by a range of relevant professionals working in the planning industry, including training on the relevant legislation and wider legal framework delivered by solicitors and/or other legally trained persons.

Part 6: Should there be a test?

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

We have no comments to make.

Part 7: How often should the training be taken?

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

Other

We note the discussion at paragraph 6.8 in relation to the duration of the training, in particular the proposal for online training to be no more than three hours in total. We appreciate that the rationale for this is likely to avoid lengthy online sessions. Given the broad range of training topics (as noted at question 4), we consider that additional or longer training sessions would be required to adequately cover such topics.

Parts 8-10

Questions 10-13

We have no comments to make.

For further information, please contact:

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