

SELECTION AND MEMBER SERVICES COMMITTEE

8th September 2026

2:30pm

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

DATE at 2:30pm
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Ruth Emberley**
Telephone:

Membership (13)

Reform UK (8):	Ms L Kemkaran, Mr M Paul (Chair), Mr S Dixon (Vice Chair), Mr W Chapman, Miss D Morton, Ms G Foster, Mr P King and Mr M Brown
Liberal Democrat (2):	Mr T Prater, Mr J Moreland
Conservative (1):	Mr A Kennedy
Green (1):	Mr M Hood
Restore Britain (1):	Ms M Fothergill

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Apologies and Substitutes
- 2 Declarations of Interest in items on the agenda for this meeting
- 3 Minutes of the meeting held on the 2 July 2026 (Pages 1 - 4)
- 4 Development of the Kent Health and Wellbeing Board and Terms of Reference (Pages 5 - 22)
- 5 Planning Applications Committee Terms of Reference: Proposed Revisions (Pages 23 - 60)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
Deputy Chief Executive
03000 416814

Friday, 28 August 2026

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KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 2 July 2026.

PRESENT: Mr M Paul (Chair), Mr Dixon (Vice Chair), Ms G Foster, Mr B Collins, Mr M Brown, Dr G Sturley, Mr W Chapman, Mr P King, Mr A Hook, Mr R Streatfeild, Mr M Hood, Mr A Kennedy and Mr P Thomas

IN ATTENDANCE: Ben Watts (Deputy Chief Executive), Petra Der Man (Monitoring Officer), Joel Cook (Head of Democratic Services), Tristan Godfrey (Senior Governance Manager), Lizzy Adam (Head of Information Governance, Consultation and Member Support), Ollie Unthank (Members Hub Supervisor)

UNRESTRICTED ITEMS**38. Apologies and Substitutes**

(Item 1)

Apologies were received from Ms Kemkaran, with Mr Collins attending as her substitute, Miss Morton with Dr Sturley as her substitute, Mr Prater with Mr Hook as his substitute, Mr Moreland with Mr Streatfeild as his substitute, Miss Fothergill with Mr Thomas as her substitute.

39. Declarations of Interests by Members in items on the agenda

(Item 2)

Mr Paul King, Mr Paul Thomas and Mr Michael Brown declared an interest in Item 6, as they had been nominated as candidates for appointment to specific Outside Body organisations.

40. Minutes of the Meeting held on the 7 May 2026

(Item 3)

RESOLVED that the minutes of the meeting held on the 7 May 2026 were a true and accurate record and a paper copy be signed by the Chair.

41. Verbal Update

(Item 4)

1. The verbal update on Committee business was presented by the Deputy Chief Executive, Ben Watts.
 - a) The Committee received an update on Member training and development following Member induction. Feedback from Member catch-up sessions held in March was being used to form an action plan and a further programme of development sessions, which would be

launched in the autumn. A more detailed report would be brought to the Committee in September.

- b) An update was provided on attendance at mandatory training sessions. It was reported that 20 Members had yet to complete Cyber Security training and 15 Members had yet to attend training on the role of elected Members in an emergency. Additional training opportunities would be arranged. Members were also advised that a Tag Evac training video would shortly be circulated and completion would be monitored.
- c) The importance of completing all mandatory training was emphasised, and it was noted that a future report may be required if attendance levels did not improve.
- d) It was reported that changes to political proportionality arrangements had affected governance positions, including opposition Group leaders and certain Committee chairs. Officers would work with the Panel to review any necessary changes to the Members' Allowances Scheme. Members were invited to identify any additional matters for referral to the Panel. It was noted that, should local government reorganisation proceed, this may be one of the final opportunities to undertake such a review.
- e) In response to a request, it was agreed that an updated list of Members who had not yet completed the mandatory Cyber Security training would be circulated to Group leaders.

2. RESOLVED Members noted the Verbal Update.

42. KCC Combined Member Grants – Guideline Review

(Item 5)

- 1. The report was presented by the Head of Information Governance, Consultation and Member Support, Lizzy Adam.
 - a) The Committee received a report setting out a review of the Combined Member Grant Scheme guidelines, undertaken in response to Member feedback and operational experience since the previous update.
 - b) The proposed amendments included retaining the restriction on funding running costs, permitting funding for used vehicles, providing greater clarity on repeat and retrospective funding applications, and excluding certain costs where alternative processes were available.
 - c) It was reported that the changes would help ensure the scheme continued to support community projects effectively while maintaining clear and practical guidance for applicants.
 - d) During discussion, it was suggested that applicants should automatically receive a copy of their grant application upon submission, following feedback received from grant recipient. Officers

acknowledged the issue and advised that this functionality had been identified during a recent review of the application form and a solution was being looked at. Members expressed support of this solution.

2. RESOLVED that Members RECOMMENDED the revised guidelines to the Deputy Leader for adoption and implementation.

43. Outside Bodies Update

(Item 6)

Declarations of interest were made by Mr Michael Brown, Mr Paul King and Mr Paul Thomas. The Chair requested at the start of the item, for these Members leave the Council Chamber, in the interests of fairness and correct governance.

1. The report was presented by the Head of Democratic Services, Joel Cook. The following key points were highlighted:
 - a) It was reported that further engagement had taken place with the political Groups and interested Members. While most competing expressions of interest had been resolved through discussion, two appointments remained outstanding, namely the appointments to the Rochester Bridge Trust and the Gabriel Richards Charity.
 - b) The Committee was advised that the report detailed those Members who had expressed an interest in the appointments and outlined the considerations normally taken into account when making appointments, including the proportional allocation of positions across political Groups. It was noted, however, that the determination of appointments remained a matter for the Committee.
 - c) The Committee was further invited to note the appointments listed in Appendix 1 of the report, which had already been made under delegated authority. It was reported that the relevant organisations had been notified of those appointments and that the appointed Members had received information regarding their roles and responsibilities.
 - d) During discussion, clarification was sought as to whether either of the outstanding appointments could be shared between two Members, either through a joint appointment arrangement or by dividing the term of office between them. The Committee was advised that the governance arrangements for appointments were determined by the respective outside bodies and were therefore outside the control of the County Council. It was noted that informal discussions could take place in individual cases, although Members were reminded that any alternative arrangements could have implications for future practice.
 - e) The Committee discussed the factors that might be taken into account when determining the appointments. Reference was made to the guidance on proportionality and it was acknowledged that this should be an important consideration in reaching a decision.

- f) The Committee also considered whether the geographical location of the outside bodies and the electoral divisions represented by the interested Members were relevant factors. In relation to the Gabriel Richards Charity, it was noted that the charity was located in the Dover district area, and consideration was given to the proximity of the interested Members' divisions to the charity's area of operation. In relation to the Rochester Bridge Trust, discussion took place regarding the Trust's connection with the Medway area and whether representation from a Member with links to that locality would be advantageous.
 - g) It was also noted that the Rochester Bridge Trust's activities extended beyond the management of a single bridge and included responsibility for other assets and operations which supported its charitable objectives. The Committee considered whether this wider geographical and operational remit should be reflected in the appointment
 - f) Following two separate votes by Committee Members, Mr Paul King was appointed to the Gabriel Richards Charity and Mr Michael Brown was appointed to the Rochester Bridge Trust.
- 2.
- a) RESOLVED Members NOTED the appointments made to various Outside Bodies (detailed in Appendix 1).
 - b) RESOLVED Members appointed Mr Paul King to the Gabriel Richards Charity and Mr Michael Brown to the Rochester Bridge Trust.

(a)

From: Jamie Henderson, Cabinet Member for Public Health
Dr Anjan Ghosh, Director of Public Health

To: **Selection and Member Services Committee**

Subject: Development of the Kent Health and Wellbeing Board and Terms of Reference

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: Full County Council

Summary

1. The purpose of this paper is to **update, inform, and promote** member discussion around the future role and working of the Kent Health and Wellbeing Board (HWB) with a focus on endorsing proposed changes to the Terms of Reference (ToR).
2. The Health and Wellbeing Board was established in 2013 to lead on partnership endeavours to improve health and wellbeing, and reduce health inequalities across Kent. Its working is informed by the Joint Strategic Need Assessment (JSNA) detailing the health challenges faced by the people of Kent. Delivery is through the Joint Local Health and Wellbeing Strategy (JHWS).
3. The DHSC Neighbourhood Health Framework places the local Health and Wellbeing Board at the centre of developing a local Neighbourhood Health Plan with the key leadership role. In parallel work has been in train with the Local Government Association to rethink the Kent Health and Wellbeing Board to optimise its value.
4. In view of the enhanced responsibilities of the Board, the increasing recognition of the importance of local partners and their approaches in tackling the wider determinants of health, and the revised NHS architecture, a number of changes to the ToR are proposed with a focus on role and membership.
5. The ToR proposed were discussed at the Kent Health and Wellbeing Board in July. The paper was produced prior to the Local Government Reform announcements. It is therefore proposed that the ToR would benefit from small changes that would better enable alignment with the potential future Unitary Authorities.

Recommendation(s):

The Selection and Member Services Committee is asked to:

- a) Note the evolving national and local context for Health and Wellbeing Boards, including the Board's anticipated leadership role in the development and oversight of the Kent Neighbourhood Health Plan and Better Care Fund arrangements;
- b) Endorse the proposed future role, membership and ways of working for the Kent Health and Wellbeing Board as set out in this report;
- c) Endorse the proposed changes to the Terms of Reference attached at Appendix 1; and
- d) Note that any revisions to the Terms of Reference endorsed by the Committee will require formal approval and adoption by Full County Council.

1 Introduction

- 1.1 This paper outlines the increasingly important role that the Kent Health and Wellbeing Board (HWB) will play in the next few years. This will include leadership in the development of the required Neighbourhood Health Plan for implementation from April 2027.
- 1.2 Additionally at the recent workshop, a range of initial priorities for the Kent Health and Wellbeing Board have been agreed including leadership around mental health challenges, the Marmot Coastal Region initiative, Neighbourhood Health and the Better Care Fund.
- 1.3 Work has been undertaken to review the purpose and membership of the Health and Wellbeing Board resulting in the revised Terms of Reference attached for discussion and approval. The proposed changes were discussed and endorsed at the July Health and Wellbeing Board but would benefit from further small changes to reflect later proposed Unitary boundaries. This will help ensure developed strategies and plans are best owned, and remain relevant, into the future.

2 Background to the Health and Wellbeing Board locally

- 2.1 To remind members, Health and Wellbeing Boards (HWBs) were established under the Health and Social Care Act 2012 to act as a forum in which key leaders from the local health and care system could work together to improve the health and wellbeing of their local population. They became fully operational on 1 April 2013 in all 152 local authorities with adult social care and public health responsibilities.
- 2.2 Under the Health and Social Care Act 2012, it was required that Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWS) be developed through Health and Wellbeing Board and that these formed the basis of NHS and local authority commissioning plans, across all local health, social care, public health and children's services that would both improve the health and wellbeing of the local community and reduce inequalities.
- 2.3 The role of the Health and Wellbeing Board defined within the NHS Neighbourhood Health Framework has become even more important. Neighbourhood Health Plans are a key part of the DHSC expectations around the delivery of Neighbourhood Health and our understanding is that they will be made a statutory requirement in due course..
- 2.4 The time is therefore right for a review of the Kent Health and Wellbeing Board terms of reference and membership to ensure it can optimally lead health improvements in the coming years.

3 The Strategic Approach to Health and Wellbeing In Kent

- 3.1 Given the complexity of the local system in Kent and Medway and the need to develop an Integrated Care Strategy, the decision was taken in Kent that the Kent and Medway Integrated Care Strategy be adopted as the Kent Joint Local Health and Wellbeing Strategy.
- 3.2 The Strategy is driven by a number of key principles. These include the importance of the full range of health determinants, a focus of prevention and the need to address inequalities. There was a strong recognition of the key role of local partnerships and the need to ensure a strong "bottom up" approach.
- 3.3 Additionally the wider role and impact of key local players on improving health was recognised including the role of the County Council around growth, employment and transport and the potential of large NHS trusts both as system anchors and in enabling support around the wider determinants of health.
- 3.4 It is proposed that to ensure the optimal effectiveness of the Board, that membership changes be agreed to best reflect strategic direction and approach.

4 The Neighbourhood Health Plan

- 4.1 The Department of Health and Social Care (DHSC) have produced a Neighbourhood Health Framework detailing actions required to deliver neighbourhood health from now until 2029. This is the subject of a separate paper to Board. A key issue is the role of the Health and Wellbeing Board in leading the development of the Neighbourhood Health Plan (NHP). This is to be implemented from April 2027 so will need to be developed over the coming year.
- 4.2 The Plan will need to:-
- Provide an overview of how NHS objectives will be delivered through the three NHS Reform Agendas (improved routine services, proactive care and alternatives to hospital).
 - Describe how Neighbourhood Health (NH) will support local goals around inequalities and health outcomes.
 - Link local objectives to the Joint Strategic Needs Assessment (JSNA).
 - Confirm geographies for Neighbourhood Health.
 - Confirm organisational responsibilities.
 - Define governance and operational partnerships to deliver the Plan.
 - Describe how other local initiatives align with Neighbourhood Health e.g. Family hubs, housing, VCSE, employment support.
- 4.3 The Health and Wellbeing Board will additionally have a key role in the development of the Better Care Fund (BCF) plans. These will need to strongly link with the Neighbourhood Health Plan. Pooled funding under the BCF will need to be used in line with BCF 2026/27 guidance with funding decisions consistent with the national conditions for the BCF, including required increases in the Integrated Care Board's minimum contributions to adult social care over the next three years.
- 4.4 There is an expectation that the Health and Wellbeing Board will agree local targets in the Neighbourhood Health Plan to begin delivery in 2027/8 with local outcome measures covering the whole life course including both health and social needs.
- 4.5 Neighbourhood health plans are a key part of the DHSC expectations around the delivery of Neighbourhood Health and our understanding is that they will be made a statutory requirement in due course. As NHPs will form part of the short- and medium-term work of the HWB, it makes sense to include this in the terms of reference. As and when the statutory requirements of the HWB are changed, the TOR will be reviewed to ensure it is aligned.

5 Review of the Kent Health and Wellbeing Board

5.1 A review of the Kent Health and Wellbeing Board has taken place led by the Local Government Association (LGA). This included interviews with key stakeholders as well as a workshop.

5.2 There were a range of challenges captured through interviews. These can be summarised:

- Health inequalities across Kent are stark, with significant disparities.
- Coastal communities experience disproportionate ill health and inequality.
- The Board is not functional and needs to change. It is not an effective strategic partnership, being a passive meeting.
- It is a missed opportunity, is too transactional, and needs the right people having impactful conversations to effect change.
- The purpose of the Board is unclear, with no consensus on what good looks like.
- The Integrated Care Partnership has taken the lead in areas the Health and Wellbeing Board should be leading.
- Many elected members are new with little experience of the Health and Wellbeing Board role.
- Meetings are too formal with long reports and need to be more focussed.
- There are too many meetings, the partnership landscape is complex with duplication.
- The potential impact of Local Government Reform and NHS changes in Kent.
- Unresolved, longstanding disagreements between the NHS and councils around funding often impede partnership working.

5.3 A raft of opportunities were also identified:-

- The dissolution of the Integrated Care Partnership is an opportunity to reimagine and redesign the Health and Wellbeing Board.
- Recreate the Health and Wellbeing Board as the strategic partnership to lead around inequalities and wider health determinants.
- The Marmot Coastal Region initiative and the Folkestone and Hythe Neighbourhood Health Pilot are recognised as opportunities to prioritise and galvanise action.
- Tangible focus on the coast aided by Marmot, could be a powerful way to gain traction around neighbourhood planning.
- We can develop a compelling narrative and shared sense of purpose with a clear plan and priorities to bring partners along.
- The Health and Wellbeing Board can make the economic argument for addressing wider determinants and inequalities that reflects the current political reality.

- Good feedback about the health alliances in relation to place and system leadership and the opportunity to build on them.
- The DPH and Public Health are respected across the system and appear to have the authority to lead and support change.
- Make meetings less formal, with fewer papers and create the space for discussion using a workshop format with expert input.

5.4 The workshop then went on to consider next steps for the Health and Wellbeing Board. This included discussion around what is needed to ensure partnership working is addressing the priorities agreed for health and wellbeing. The workshop further considered the values, behaviours and ways of working that will foster collaboration to impact our shared priorities.

6 Terms of Reference changes to reflect enhanced roles and responsibilities

- 6.1 There are a number of key additional responsibilities the Board is charged with that need to be reflected in the Terms of Reference. These include the central leadership role around the Neighbourhood Health Plan, at sections 19.12 (e) and 19.12 (f) in the attached draft ToR and further duties around the Better Care Fund, at 19.12 (i) ii.
- 6.2 Subsequent to the production of the paper, there has been the opportunity to reflect on proposed LGR boundaries, and to consider potential further changes to membership to best reflect this future.

7 Terms of Reference changes to Membership to optimise working

- 7.1 The recent workshop considered the need to enhance membership informed by the Boards strategic approach around the wider determinants of health and the importance of local places in improving local health. A number of changes to the Membership are proposed to better enable this.
- 7.2 Additionally, membership has been revised to reflect changes to NHS organisation since the last review of the ToR. The proposed membership is detailed in sections 19.14 to 19.22 in the attaches draft.
- 7.3 It is proposed the Kent County Council Corporate Director of Growth, Environment and Transport be a member. This reflects the importance of these wider determinants of health in our strategic approach.
- 7.4 The importance of local place and local partners suggests a need for an enhanced local place focus within the Board. It was therefore proposed that three local Health Alliance representatives and a representative local district/borough/city Chief Executive become members. Subsequent to LGR

considerations it is proposed that the number of local Health Alliance representatives and the number of Chief Executive Representatives are both increased to four to mirror the planned Unitary boundaries with an Alliance and Chief Executive from each.

- 7.5 There are currently three local elected members on the Board. In line with the discussion above it is proposed that this be increased to four members, one from each of the planned Unitary areas.
- 7.6 The importance of communities in improving health and wellbeing is recognised as a key strategic approach. To reflect this it is proposed that a representative of the VCSE Alliance become a member of the Board.
- 7.7 The important role of NHS trusts in delivering healthcare and improving health through wider endeavours is recognised and it is proposed that two provider trust members be appointed.
- 7.8 There will need to be changes to reflect the change in NHS architecture. It is proposed that the current leadership be represented by two Integrated Care Board representatives and a GP representative. These would replace the three current defunct ToR roles relating to Clinical Commissioning Groups and the Local Area Team.

8 Governance

- 8.1 The Health and Wellbeing Board considered the evolving national and local context for Health and Wellbeing Boards, endorsed the proposed future role, membership and ways of working of the Kent Health and Wellbeing Board, and endorsed the proposed revisions to the Board's Terms of Reference.
- 8.2 Small subsequent further changes to align membership with evolving LGR Unitary structures have been detailed in this paper for consideration by the Committee.
- 8.3 As the Terms of Reference form part of Kent County Council's governance framework, the revisions endorsed by the Health and Wellbeing Board need to be considered by the Selection and Member Services Committee before onward recommendation to Full County Council. The revised Terms of Reference will only take effect following formal approval and adoption by Full County Council.

9 Conclusions and Outputs

- 9.1 The Kent Health and Wellbeing Board is charged with an enhanced role in improving local health and wellbeing with a focus on delivering the Neighbourhood Health Plan

- 9.2 Internal workshop thinking and a strong set of strategic principles outlined in the Local Joint Health and Wellbeing Strategy (Integrated Care Strategy) help us to consider what further changes to Terms of Reference and Membership are required.
- 9.3 Changes to the role of the Board reflect the new enhanced role around the Neighbourhood Health Plan and the Better Care Fund
- 9.4 Changes to Membership reflect our strategic principles including the importance of wider determinants of health, the role of community and the need to develop local responses to local issues.
- 9.5 Further membership changes are needed to reflect changes in NHS architecture and the likely impact of LGR.
- 9.6 Following endorsement by the Health and Wellbeing Board, the revised Terms of Reference are submitted to the Selection and Member Services Committee for consideration and, if supported, will be referred to Full County Council for formal approval and adoption.

10 Recommendation(s):

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The Selection and Member Services Committee is asked to:

- a) Note the evolving national and local context for Health and Wellbeing Boards, including the Board's anticipated leadership role in the development and oversight of the Kent Neighbourhood Health Plan and Better Care Fund arrangements;
- b) Endorse the proposed future role, membership and ways of working for the Kent Health and Wellbeing Board as set out in this report;
- c) Endorse the proposed changes to the Terms of Reference attached at Appendix 1; and
- d) Note that any revisions to the Terms of Reference endorsed by the Selection and Member Services Committee will require formal approval and adoption by Full County Council.

11 Contact details

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Role

- 18.1 The Kent Health and Wellbeing Board (HWB) is a multiagency strategic partnership for Kent, covering matters relating to the health and wellbeing of the County's residents.
- 18.2 The HWB leads and advises on work to improve the health and wellbeing of the people of Kent through a coherent strategic vision underpinned by the Joint Health and Wellbeing Strategy, informed by the Joint Strategic Needs Assessment (JSNA) and a more joined up strategic commissioning approach across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing) in order to:
- (a) secure better health and wellbeing outcomes in Kent,
 - (b) reduce health inequalities, and
 - (c) ensure better quality of care for all patients and care users.
- 18.3 The HWB has a key strategic role in promoting integrated health and care services, improving population health, and reducing health inequalities.
- 18.4 The HWB also aims to increase the role of elected representatives in health and provides a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

Terms of Reference:

- 18.5 The HWB:
- (a) Commissions and endorses the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.
 - (b) Commissions and endorses the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.
 - (c) Commissions and endorses the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.
 - (d) Reviews the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if it considers that they do not.

- (e) Oversees, in relation to the development of the Neighbourhood health model and the Neighbourhood Health Plan, the creation of jointly owned neighbourhood health plans. These plans must:
- i. Be informed by the Joint Strategic Needs Assessment (JSNA), which identifies local health inequalities and priorities.
 - ii. Align with ICB five-year commissioning plans and local outcomes frameworks.
 - iii. Include a minimum set of interventions to establish foundational neighbourhood services, while allowing flexibility for local adaptation.
 - iv. Promote multidisciplinary, cross-sector working, integrating NHS, social care, and community services to improve access and outcomes
- (f) Facilitates collaboration between ICBs, local authorities, and providers to:
- i. Define neighbourhood footprints that reflect population needs.
 - ii. Agree on pooled funding arrangements under the Better Care Fund.
 - iii. Ensure services are person-centred, preventive, and digitally enabled.
 - iv. Support the development of neighbourhood health centres, which serve as hubs for integrated care and community engagement.
- (g) Works alongside the Health Overview and Scrutiny Committee (HOSC) to ensure that substantial variations in service provision by health care providers are appropriately scrutinised. The HWB itself will be subject to scrutiny by the HOSC.
- (h) Considers the totality of the resources in Kent for health and wellbeing and considers how and where investment in health improvement and prevention services could improve the overall health and wellbeing of Kent's residents.
- (i) Discharges its duty to encourage integrated working with relevant partners within Kent, which includes:
- i. endorsing and securing joint arrangements, including integrated or other joint commissioning where agreed and appropriate,
 - ii. use of pooled budgets for joint commissioning (s75) in the place and the co-ordination of NHS and local authority commissioning, including Better Care Fund plans,
 - iii. the development of appropriate partnership agreements for service integration, including the associated financial protocols and monitoring arrangements,
 - iv. making full use of the powers identified in all relevant NHS and local government legislation.
- (j) Works with existing partnership arrangements, e.g., children's commissioning, safeguarding and community safety, to ensure that the most appropriate mechanism is used to deliver service improvement in health, care and health inequalities.

- (k) Considers and advises Care Quality Commission (CQC) and NHS Integrated Commissioning Board; monitors providers in health and social care with regard to service reconfiguration.
- (l) Is the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.
- (m) Identifies a set of priorities annually. Progress against these priorities will be made to the Board on a regular basis.
- (n) Reports to the full County Council as and when requested on its activity.
- (o) Represents Kent in relation to health and wellbeing issues in local areas as well as nationally and internationally.
- (p) May delegate those of its functions it considers appropriate to another Committee established by one or more of the principal Councils in Kent to carry out specified functions on its behalf for a specified period of time (subject to prior agreement and meeting the HWB's agreed criteria). This includes the existing sub-committees under the Kent and Medway ICP – the Prevention and the Health Inequalities Sub-committees and the Strategic Partnership for Health and Economy. These will become workstreams under the Kent Health and Wellbeing Board, with the likely merging of the Prevention and Health Inequalities groups into a single workstream.

Membership

18.6 The Chair and Vice-Chair are elected by the HWB.

HWB:
Membership

18.7 Kent County Council:

- (a) The Leader of Kent County Council and/or their nominee*.
- (b) Three elected Members of Kent County Council nominated by the Leader of Kent County Council, recommended to be the Cabinet Members for Environment, Coastal Regeneration and Public Health, Adult Social Care, and Children's Services.
- (c) Director of Public Health*.
- (d) Corporate Director Adult Social Care and Health*.
- (e) Corporate Director Children, Young People and Education*
- (f) Corporate Director of Growth, Environment and Transport

18.8 Two representatives from the NHS Kent and Medway ICB*

18.9 A representative from Kent's General Practitioners, the Chair of the Primary Care Collaborative.

18.10 A representative of the local Health Watch* organisation for the area of the local authority.

- 18.11 Representation from NHS England for the purposes set out in section 197 of the Health and Social Care Act 2012*.
- 18.12 Three representatives from the NHS Provider Trusts – one from the NHS Kent Community Health Foundation Trust, one from the NHS Acute Trusts and one from the NHS Kent and Medway Mental Health Trust. As far as is practical, these are to be aligned with current NHS Provider Collaborative arrangements across Kent. This ensures that Board membership reflects existing NHS partnership structures and ways of working.
- 18.13 A representative from the VCSE Alliance. The representative will be proposed to be second vice-chair.
- 18.14 One representative from each network of Health Alliances to a total of four (one from each proposed Unitary area).
- 18.15 Chief Executive representation from the 12 Kent Districts/ Boroughs/City Councils (nominated through the Kent Joint Chiefs) to a total of four (one from each proposed Unitary area)..
- 18.16 Four elected Members representing the Kent District/Borough/City Councils (nominated through the Kent Council Leaders).
- 18.17 A representative from Kent and Medway Adult Safeguarding Board (KMASB).
- 18.18 Three standing non-voting frontline operational representatives drawn from adult social care, acute services, and emergency services (ambulance).
- 18.19 Any other person or representatives as the Health and Wellbeing Board considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board. This includes the provision for other frontline sectors to be called upon where required by the agenda.
- 18.20 Notes to 19.14-19.23 - *denotes statutory member.

Procedure Rules

- 18.21 Conduct. Members of the HWB are expected to subscribe to and comply with the Kent County Council Code of Conduct. Non-elected representatives on the HWB (e.g., GPs and Officers) will be co-opted members and, as such, covered by the Kent Code of Conduct for Members for any business they conduct as a member of the HWB.
- 18.22 Declaration of Disclosable Pecuniary Interests. Section 31(4) of the Localism Act 2011 (disclosable pecuniary interests in matters considered at meetings

HWB:
Procedures

or by a single member) applies to the HWB and any Sub Committee of it. A register of disclosable pecuniary interests is held by the Clerk to the HWB, but HWB members do not have to leave the meeting once a disclosable pecuniary interest is declared.

18.23 Frequency of Meetings. The HWB meets at least quarterly. The date, time and venue of meetings is fixed in advance by the HWB in order to coincide with the key decision-points and the Forthcoming Decision List.

18.24 Meeting Administration.

- (a) HWB meetings are advertised and held in public and administered by the County Council.
- (b) The HWB may consider matters submitted to it by local partners.
- (c) The County Council gives at least five clear working days' notice in writing to each member of every ordinary meeting of the HWB, to include any agenda of the business to be transacted at the meeting.
- (d) Papers for each HWB meeting are sent out at least five clear working days in advance.
- (e) Late papers may be sent out or tabled only in exceptional circumstances.
- (f) The HWB holds meetings in private session when deemed appropriate in view of the nature of business to be discussed.
- (g) The Chair's decision on all procedural matters is final.

18.25 Meeting Administration of Sub-Committees. The HWB is able to establish sub-committees. The administration arrangements will be agreed at the time of establishment, and with the agreement of the partner taking on responsibility for administration. The sub-committees will be subject to the provisions stated in these Procedure Rules.

18.26 Special Meetings. The Chair may convene special meetings of the HWB at short notice to consider matters of urgency. The notice convening such meetings shall state the particular business to be transacted and no other business will be transacted at such meeting.

18.27 The Chair is required to convene a special meeting of the HWB if they are in receipt of a written requisition to do so signed by no less than three members of the HWB. Such requisition shall specify the business to be transacted, and no other business shall be transacted at such a meeting. The meeting must be held within five clear working days of the Chair's receipt of the requisition.

18.28 Minutes. Minutes of all HWB meetings are prepared recording:

- (a) the names of all members present at a meeting and of those in attendance,
- (b) apologies,
- (c) details of all proceedings, decisions, and resolutions of the meeting.

- 18.29 Minutes are printed and circulated to each member before the next meeting of the HWB, when they are submitted for approval by the HWB and are signed by the Chair.
- 18.30 Agenda. The agenda for each meeting normally includes:
- (a) Minutes of the previous meeting for approval and signing.
 - (b) Reports seeking a decision from the HWB.
 - (c) Any item which a member of the HWB wishes included on the agenda, provided it is relevant to the terms of reference of the HWB and notice has been given to the Clerk at least nine working days before the meeting.
- 18.31 The Chair may decide that there are special circumstances that justify an item of business, not included in the agenda, being considered as a matter of urgency. They must state these reasons at the meeting and the Clerk shall record them in the minutes.
- 18.32 Chair and Vice Chair's Term of Office. The Chair and Vice Chair's term of office terminates on 1 April each year, when they are either reappointed or replaced by another member, according to the decision of the HWB, at the first meeting of the HWB succeeding that date.
- 18.33 Absence of Members and of the Chair. If a member is unable to attend a meeting, then they may provide an appropriate alternate member to attend in their place. The Clerk of the meeting should be notified of any absence and/or substitution within five working days of the meeting. The Chair presides at HWB meetings if they are present. In their absence the Vice-Chair presides. If both are absent, the HWB appoints from amongst its members an Acting Chair for the meeting in question.
- 18.34 Voting. The HWB operates on a consensus basis. Where consensus cannot be achieved the subject (or meeting) is adjourned and the matter is reconsidered at a later time. If, at that point, a consensus still cannot be reached, the matter is put to a vote. The HWB decides all such matters by a simple majority of the members present. In the case of an equality of votes, the Chair shall have a second or casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.
- 18.35 In exercising its statutory and granted powers, the HWB will take into account that its decisions cannot override the statutory powers, responsibilities or governance arrangements of individual partner organisations.
- 18.36 Quorum. A third of members form a quorum for HWB meetings. No business requiring a decision shall be transacted at any meeting of the HWB which is inquorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair either suspends business until a quorum is re-established or declares the meeting at an end.

- 18.37 Adjournments. By the decision of the Chair, or by the decision of a majority of those members present, meetings of the HWB may be adjourned at any time to be reconvened at any other day, hour and place, as the HWB decides.
- 18.38 Order at Meetings. At all meetings of the HWB it is the duty of the Chair to preserve order and to ensure that all members are treated fairly. They decide all questions of order that may arise.
- 18.39 Suspension/disqualification of Members. At the discretion of the Chair, anybody with a representative on the HWB will be asked to reconsider the position of their nominee if they fail to attend two or more consecutive meetings without good reason or without the prior consent of the Chair, or if they breach the Kent Code of Conduct for Members.

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From: Petra Der Man, Monitoring Officer

To: Selection and Member Services Committee, 8 September 2026

Subject: Planning Applications Committee Terms of Reference: Proposed Revisions

Status: Unrestricted

Future pathway of report: 17 September 2026, County Council

1. Introduction

- a) The Planning and Infrastructure Act 2025 gave the Secretary of State the power to introduce a national scheme of delegation for planning decisions and to control the size and composition of planning committees.
- b) This power has now been given effect through The Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026. As set out in the Explanatory Memorandum to this document, the purpose of introducing the changes is as follows:
 - a. “The aim is to ensure that there is greater clarity and consistency about the role of planning committees in planning decision making. It is intended to enable planning committees to work more effectively by allowing them to focus on the key development proposals that matter in their area, enabling other, often more minor and technical, decisions to be made by planning officers.”¹
- c) These changes to the law are coming into effect on 31 October 2026. The Council therefore needs to revise the Terms of Reference of the Planning Applications Committee to be compliant with the legislation and to ensure planning decisions can continue to be taken lawfully.
- d) In addition, on 18 December 2025, County Council agreed that the Planning Applications Committee would take on the functions of the Regulation Committee. This change has been fully incorporated into the proposed revisions to the terms of reference. As a consequence, it is also being proposed that the Committee be renamed as the Planning and Regulation Committee.

¹ Section 4.1, [The Town and Country Planning \(Discharge of Local Planning Authority Functions \(England\) Regulations 2026](#)

2. National Scheme of Delegation

- a) The national scheme of delegation for planning applications as set out in the regulations, and supported by statutory guidance² essentially divides planning applications into two 'schedules'.
 - a. Schedule 1 sets out applications that must always be determined by Officers.
 - b. Schedule 2 sets out applications which may be determined by the Committee, but only once a statutory gateway test has been applied and satisfied.
- b) The only exception is where 'own-interest' applications are concerned and where Kent County Council is connected to the application in specified ways. Here also, tests must be applied before the Committee may consider the application.
- c) This is a significant shift in how local authority planning delegations are structured. As such, the changes to the terms of reference of the Committee are supported by a new section, the planning scheme of delegation, has been added to the Appendix to the Constitution. Where the new scheme of delegation has superseded existing delegations in the Appendix, these have been deleted or amended as necessary.
- d) The Appendix also sets out who the 'Nominated Officer' will be who is able to take decisions on different kinds of applications. Where there needs to be a decision as to whether a schedule 2 or own-interest application will go to the Committee for determination, under the regulations this decision needs the agreement of the relevant Nominated Officer and a Nominated Member. It is being recommended that the Chair of the Committee be the Nominated Member, with the Vice-Chair undertaking the role where the Chair is unavailable. For the purposes of the Regulations, the Nominated Officer is the Head of Planning Applications unless stated otherwise.
- e) In order for there to be clarity and consistency as to how planning applications are assessed, and to ensure that applications are not held up unduly, there is provision for a triage process to be established. This will allow effective use of resources and Member's time and focus the Committee on the most significant proposals. The principle of a triage process is covered in the proposed terms of reference, and further information will be presented to the proposed Planning and Regulation Committee in due course.
- f) In summary the triage process is intended to ensure that routine, technical, and applications where all concerns have been resolved can be determined efficiently under delegated powers, while preserving a clear route to the Planning and Regulation Committee where an application raises significant unresolved issues or where Committee consideration is justified in the interests of transparency and public accountability.

² [Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England - GOV.UK](#)

- g) Authorities are expected to keep records of referral decisions and report them regularly to the planning committee. This is also reflected in the proposed terms of reference.

3. Membership

- a) As mentioned above, the Secretary of State can set a maximum number of Members on planning committees. This has been set at 13. There are currently 15 Members on the Planning Applications Committee so this needs to be amended.

4. Regulation Committee Functions

- a) Broadly speaking, the majority of the functions of the Regulation Committee have been managed through delegated arrangements. This will continue as set out in section 17.40 and following of the proposed terms of reference.
- b) The exception is around planning enforcement, which sat with the Regulation Committee itself. This function will move to the Planning Applications Committee and is set out at 17.29d of the proposed terms of reference.
- c) To help people understand the bringing together of these functions, it is also being recommended that the Committee name be changed to Planning and Regulation Committee.

5. Next Steps

- a) The Selection and Member Services Committee is being asked to recommend to County Council that the proposed changes be adopted. Because the changes to the legislation come into force on 31 October 2026, any changes to the Constitution will not be made until this time.

6. Recommendation

The Selection and Member Services Committee is asked to:

- a. Recommend to County Council that the proposed amendments to the Planning Applications Committee Terms of Reference be approved.
- b. Recommend to County Council that the name of the Planning Applications Committee be amended to Planning and Regulation Committee.
- c. Recommend to County Council that the proposed amendments to the Appendix to the Constitution incorporating the new planning scheme of delegation be approved.

7. Appendices

Appendix 1 – Proposed revised terms of reference for the Planning Applications Committee / Planning and Regulation Committee

Appendix 2 – Proposed revisions to the Appendix to the Constitution incorporating the new planning scheme of delegation.

8. Background Documents

The Town and Country Planning (Discharge of Local Planning Authority Functions (England) Regulations 2026 -

<https://www.legislation.gov.uk/uksi/2026/854/contents/made>

Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England -

<https://www.gov.uk/government/publications/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-guidance-for-local-planning-authorities-in-england/planning-committees-and-the-national-scheme-of-delegation-of-planning-functions-guidance-for-local-planning-authorities-in-england>

9. Report Author(s) and Relevant Director

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Appendix 1

Planning and Regulation Committee

(Proposed new terms of reference, incorporating former Regulation Committee functions and updated committee name)

Membership

1.1 Membership: 13 Members

1.2 The membership shall not at any time exceed the limit set by The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

1.3 This limit referred to in 17.26 only applies to the Committee in carrying out its functions under the same regulations.

1.4 Political Groups may only nominate Members as regular Members or as substitutes on the Planning and Regulation Committee if they have had training in the relevant procedures.

1.5 This Committee is responsible for the following planning functions which will be performed in line with the relevant legislation and having regard for any relevant guidance issued by the Secretary of State:

- a. Exercising delegated authority for the determination of planning applications and related matters in schedule 2 of the planning scheme of delegation set out in the Appendix to the Constitution. These functions will be exercised in accordance with 17.31 to 17.34 below.
- b. Own-interest applications in accordance with 17.35 to 17.37 below.
- c. The Committee will also consider or determine any other planning matter not listed at a-b above that are referred to it by the relevant Nominated Officer or Officers named in the Appendix to the Constitution.
- d. Exercising the Council's functions in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related regulations and statutory instruments.

1.6 The votes of each individual Member of the Planning Applications Committee (whether for, against, or in abstention) will be recorded whenever the Committee votes against the Nominated Officer's recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation.

Planning Scheme of Delegation

1.7 The planning scheme of delegation is set out in the Appendix and is managed through these terms of reference. The scheme contains the following:

- a. Schedule 1 sets out those applications reserved by The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 to be determined by the Nominated Officer or Officers, unless 17.35 to 17.37 applies.
- b. Schedule 2 sets out those applications reserved under these same regulations which may be considered by the Committee after the procedure set out in 17.33 to 17.36 has been followed.

1.8 For the purposes of matters relating to schedule 2, the Nominated Member is the Chair of the Committee, with the Vice-Chair able to act as Nominated Member when the Chair is unavailable or has a conflict of interest.

1.9 Schedule 2 applications will only be considered by the Committee once the following procedure has been undertaken, except where 17.35 to 17.37 relating to own-interest applications apply:

- a. A Gateway Triage Process has been completed. The Gateway Triage Process will be agreed by the Head of Planning Applications following consultation with the Chair.
 - i. Those applications that pass the Gateway Triage Process move on to the next stage (17.33b). All others will be determined by the Nominated Officer.
- b. The Nominated Member and Nominated Officer agree that determination by the Committee is necessary because in their view it raises either of the following as set out in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026:
 - i. one or more issues of economic, social or environmental significance to the local area, or
 - ii. one or more significant planning matters having regard to the development plan and any other material considerations.

1.10 In all cases where the Nominated Member and Nominated Officer do not agree as required in 17.33(b), the decision is to be taken by the Nominated Officer.

1.11 Schedule 1 and 2 applications are considered own-interest applications where they meet the following criteria:

- a. Those that are made (whether or not jointly with any other person) by or on behalf of:
 - i. that authority,
 - ii. a member of that authority, or
 - iii. an officer of that authority, or

- b. Those applications that, in the view of both the Nominated Member and the Nominated Officer, the authority or any of its Members or Officers otherwise has an interest in the application.

1.12 Own interest applications, as defined by 17.35, will only be considered by the Committee where the following apply:

- a. A Gateway Triage Process has been completed (which will include a transparency and propriety review). The Gateway Triage Process will be agreed by the Head of Planning Applications following consultation with the Chair.
 - i. Those applications that pass the Gateway Triage Process move on to the next stage (17.36b). All others will be determined by the Nominated Officer.
- b. The Nominated Member and Nominated Officer agree that determination by the Committee is necessary. If the application is listed in Schedule 2, it may only be considered by the Committee where, in the view of the Nominated Officer and Nominated Member, it raises:
 - i. one or more issues of economic, social or environmental significance to the local area, or
 - ii. one or more significant planning matters having regard to the development plan and any other material considerations.

1.13 In all cases where the Nominated Member and Nominated Officer do not agree to refer as required in 17.36(b), the decision is to be taken by the Nominated Officer

1.14 A record will be kept of the cases the Nominated Officer and Nominated Member have considered for referral to the Committee in accordance with 17.30 to 17.37, the outcome of their consideration and the reasons for their decision. They will be reported to the Committee on a regular basis.

1.15 The Planning and Regulation Committee, and any Panel carrying out regulatory functions under delegation, may permit members of the public interested in their decisions to address their meetings, in accordance with agreed procedures and adhering to the principles of decision-making contained in section 8.5 of the Constitution.

Regulatory Functions – Delegation Arrangements

1.16 The Committee is also responsible for the following specific regulatory functions on behalf of the Council. These are carried out through the following scheme of delegation and not by the Committee itself.

- (a) Appeals against refusal to approve premises for the solemnisation of marriages (or the attachment of a condition to such an approval).

- i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.
 - (b) All Commons Registration functions under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.
 - i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.
 - (c) The creation, stopping up, diversion of any footpath or bridleway or restricted byway or the reclassification of any public path where substantive objection has been raised or a Political Group or the Local Member requests.
 - i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.
 - (d) Appeals by pupils and parents against school-related decisions that are not considered by an external appeal Committee, including transport, education awards and religious education.
 - i. Such appeals to be dealt with by ad hoc Panels of Members chaired by and including at least one member of the Planning and Regulation Committee. All Panel members must have received appropriate training before taking up their positions.
 - (e) The discharge of persons who are subject to guardianship, pursuant to Section 23 of the Mental Health Act 1983 on the recommendation of the Director Adult Social Care and Health.
 - i. This is delegated to the Mental Health Guardianship Sub-Committee. The sub-committee must consist of at least three Members, one of whom must be a member of the Planning and Regulation Committee and the others to be members of the Adult Social Care Cabinet Committee (who must not also be members of an NHS Foundation Trust). The decision to discharge must be agreed by at least three Members or where there are more Members on the Sub-Committee by a majority of the Panel.
- 1.17 The Planning and Regulation Committee Member Panel, established to carry out the delegated functions of 17.40 a-c are to consist of 5 Members. A minimum of 1 member must also be a Member of the Planning and Regulation Committee. All Panel members must have received appropriate training before taking up their positions.

- 1.18 For the removal of doubt, section 17.28 only applies to Members who participate in these delegated arrangements if they are also members of the Planning and Regulation Committee.

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Appendix 2

Proposed revisions to the Appendix to the Constitution incorporating the addition of a Planning Scheme of Delegation

The Delegation Table

Contents:

- Planning Scheme of Delegation (Pages1-5).
- Functions Delegated by the Council to Officers and Committees (Pages 5-274-29).

Planning Scheme of Delegation

Made in accordance with: The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Please note – this scheme must be read alongside the Planning and Regulation Committee terms of reference set out in the Constitution, sections 17.25-42.

Schedule 1 – Applications to be determined by the Nominated Officer unless referred as an own-interest application under sections 17.35-36 of the Constitution.

Ref.	Application Type (See Note 1, below)	Nominated Officer (See Note 2 below)
1.	<u>An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development).</u>	Head of Planning Applications
2	<u>An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works).</u>	Not applicable
3	<u>A householder application.</u>	Not applicable
4	<u>A minor commercial application</u>	Head of Planning Applications
5	<u>A minor residential application.</u>	Not applicable
6	<u>An application for permission in principle.</u>	Head of Planning Applications
7	<u>An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.</u>	Head of Planning Applications

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	<u>In this paragraph—</u> <u>“original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</u> <u>“Schedule 1 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.</u>	
<u>8</u>	<u>An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle).</u>	<u>Head of Planning Applications</u>
<u>9</u>	<u>In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—</u> <u>(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);</u> <u>(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).</u> <u>In this paragraph, ‘Schedule 1 approval’ means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule</u>	<u>Director of Growth and Communities or</u> <u>Director of Infrastructure or</u> <u>Director of Highways and Transportation or</u> <u>Director Environment and Circular Economy</u>
<u>10</u>	<u>An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development).</u>	<u>Head of Planning Applications</u>
<u>11</u>	<u>An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development).</u>	<u>Head of Planning Applications</u>
<u>12</u>	<u>The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990.</u>	<u>Head of Planning Applications</u>
<u>13</u>	<u>A reserved matters approval application in respect of an outline planning permission other than a large outline permission.</u>	<u>Head of Planning Applications</u>
<u>14</u>	<u>An application made under article 27(1) of DMPO (applications made under a planning condition).</u>	<u>Head of Planning Applications</u>

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<u>15.</u>	<u>An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for—</u> <u>(a) prior approval, or</u> <u>(b) determination as to whether prior approval is required.</u>	<u>Head of Planning Applications</u>
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Note 1: Schedule 1 refers directly to schedule 1 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. Applications which would otherwise fall under Schedule 1, will fall within Schedule 2 where:

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- a local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- the application is made under section 73A of the Town and Country Planning Act 1990

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Note 2: Where the Nominated Officer is listed as 'Not Applicable', this refers to applications which are not listed in County Council functions, but are listed to demonstrate compliance with the regulations.

Schedule 2 – Applications which may be determined by the Nominated Officer or Planning and Regulation Committee in accordance with the Planning and Regulation Committee Terms of Reference

<u>Ref</u>	<u>Application Type (see Note 1)</u>	<u>Nominated Officer (see Note 2 below)</u>
<u>1</u>	<u>An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).</u>	<u>Not Applicable</u>
<u>2</u>	<u>An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).</u>	<u>Not Applicable</u>
<u>3</u>	<u>An application for planning permission that the authority concerned considers is connected with an application of a kind specified in the following application types:</u> <u>a. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).</u>	<u>Not Applicable</u>

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	<u>b. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).</u>	
<u>4</u>	<u>An application for planning permission that is not—</u> <u>(a) a householder application,</u> <u>(b) a minor commercial application, or</u> <u>(c) a minor residential application.</u>	<u>Head of Planning Applications</u>
<u>5</u>	<u>An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.</u> <u>In this paragraph—</u> <u>“original planning permission” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;</u> <u>“Schedule 2 planning permission” means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.</u>	<u>Head of Planning Applications</u>
<u>6</u>	<u>An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)</u>	<u>Head of Planning Applications</u>
<u>7</u>	<u>In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—</u> <u>(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);</u> <u>(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).</u> <u>In this paragraph, “Schedule 2 approval” means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in Schedule 2.</u>	<u>Director of Growth and Communities</u> <u>or</u> <u>Director of Infrastructure</u> <u>or</u> <u>Director of Highways and Transportation</u> <u>Director Environment and Circular Economy or</u> <u>Head of Planning Applications</u>

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<u>8</u>	<u>A reserved matters approval application in respect of a large outline permission.</u>	<u>Head of Planning Applications</u>
<u>9</u>	<u>An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement) (b).</u>	<u>Not Applicable</u>
<u>10</u>	<u>An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order) (c).</u>	<u>Not Applicable</u>

Note 1: Schedule 2 refers directly to schedule 2 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

Note 2: Where the Nominated Officer is listed as 'Not Applicable', this refers to applications which are not listed in County Council functions, but are listed to demonstrate compliance with the regulations.

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Functions Delegated by the Council to Officers and Committees (Schedule of Council Functions)

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	RESPONSIBILITY/ DECISION MAKER
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A. Functions relating to town and country planning and development management amongst others, including the following:

1. Power to determine application for planning permission	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Planning Applications Committee— The determination of any application not delegated to officers or which relate to land or buildings managed by the Director of Growth and Communities or to which there are material planning objections—except where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case. Director of Growth and Communities—set out in notes 1 & 2 below
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2. Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990	As A1
3. Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990	As A1

4. Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) (and subsequent amendments and regulations). Sections 69, 91, 92 and 96A of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) (as amended).	As A1.
<u>15.</u> Power to decline to determine application for planning permission	Section 70A, 70B & 70C of the Town and Country Planning Act 1990	Director of Growth and Communities

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<u>26.</u> Duties relating to the making of determinations of planning applications	Sections 69, 91, 92 and 96A of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) Order 2015 (S.I. 2015/595) (as amended).	Director of Growth and Communities
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<u>37.</u> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	The Town and Country Planning (General Permitted Development) (England) Order 2015 (2015/596) (as amended).	Director of Growth and Communities
<u>48.</u> Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990 Section 111 of the Local Government Act 1972	Director of Growth and Communities or Director of Infrastructure or Director of Highways and Transportation Director Environment and Circular Economy
9. Power to issue a certificate of existing or proposed lawful use or development	Sections 101(4) and 102(2) of the Town and Country Planning Act 1990	Director of Growth and Communities
<u>510.</u> Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990	Director of Growth and Communities

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<u>644</u> . Power to authorise entry onto land	Section 196A and 196B of the Town and Country Planning Act 1990	Regulation Committee Planning and Regulation Committee - the carrying out of enforcement action, initiation of Stop Notices or any other form of action which may give rise to liability to pay compensation. Director of Growth and Communities - to exercise all other powers delegated to the committee by the Council in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related statutory instruments.
<u>742</u> . Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990	As A <u>644</u>
<u>843</u> . Power to serve a planning contravention notice, temporary stop notice, breach of condition notice, or stop notice	Sections 171C, 171E, 187A and 183(1) of the Town and Country Planning Act 1990	As A <u>644</u>
<u>944</u> . Power to issue an enforcement notice and power to vary and withdraw an enforcement notice	Section 172 and 173A of the Town and Country Planning Act 1990	As A <u>644</u>
<u>105</u> . Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990	As A <u>644</u>
<u>116</u> . The obtaining of information as to interests in land	Section 330 of the Town and Country Planning Act 1990	As A <u>644</u>

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127. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act	Director of Growth and Communities
138. Power to determine a screening or scoping opinion	Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as consolidated and amended by SI 2017/571 and subsequent amendments and regulations.	Director of Growth and Communities

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149. Power to determine an Appropriate Assessment application	The Conservation of Habitats and Species Regulations 2010 (SI 2010/490) as consolidated and amended by the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) and as the later is amended by SI 2018/1307).	Director of Growth and Communities - to determine Appropriate Assessment applications where Natural England has advised the Council that it is satisfied that the proposal will not affect the conservation objectives of the designated site or that the mitigation measures proposed are acceptable
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1520. Power to act as a statutory planning consultee for major development with surface water drainage as the Lead Local Flood Authority.	Para. (ze) of Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595).	Director of Growth and Communities
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Note 1 – The following delegation to the Head of Planning Applications Group was agreed by the Planning and Regulation Committee on 18 November 2015:

To refuse applications and to not approve details submitted under conditions where such submissions meet any of the following criteria:

- The proposal does not accord with the Development Plan and there are no overriding material reasons for granting permission or approving the details;

- Insufficient detail or information has been submitted to:

- (i) enable proper consideration of an application for planning permission; or

- (ii) satisfy the terms of a condition or conditions, in the case of an application to discharge a condition or conditions; or

- (iii) enable technical issues raised by consultees to be resolved.

either to determine an application for permission or to discharge a condition or conditions;

- The applicant has not agreed a reasonable extension of time to otherwise allow, within the required timescale for:

- (i) proper consideration of any further information submitted; or

- (ii) completion of a legal agreement; or

- (iii) resolution of any other outstanding matters;

- The applicant has failed to complete a legal agreement upon which a resolution by the Planning and Regulation Committee to grant planning permission is dependent within 6 months of such a resolution being made;

- The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;

- The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.

Such decisions in relation to Note 1 above will only be issued following consultation with the Chair, Vice Chair and Lead Spokesperson for each Political Group prior to a decision being taken unless reasons of urgency make this impracticable. The consultation period shall usually be 2 working days.

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Any decision taken in respect of Note 1 above is to be reported to the Committee, including the reason that (exceptionally) it had been impractical to consult the Chair, Vice-Chair and Lead Spokesperson for each Political Group.

(NB: when the delegation was granted, it was the Planning Applications Committee. Name of Committee updated as needed).

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B. Regulatory Services Functions

1. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3, 5, 6 and 11 of the Poisons Act 1972	Director of Growth and Communities
2. Power to register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925	Director of Growth and Communities
3. Power to license the employment of children	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963	Director of Growth and Communities
4. Power to approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510) as amended by SI 2003/1961, and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168) and amended by SIs 2011/2661 and SI 2013/2294.	Corporate Director Growth, Environment and Transport Appeals for refusals to be considered by the Regulation Committee <u>Planning and Regulation Committee</u>

5. Powers to license the sale and collection of pigs	Articles 13 and 14 of the Pigs (Records, Identification and Movement) Order 2011 (SI 2011/2154) and related regulations.	Director of Growth and Communities
6. All Commons Registration functions	Part 1 of the Commons Act 2006 and Commons Registration (England) Regulations 2008 (SI 2008/1961).	Regulation Committee <u>Planning and Regulation Committee</u>

C. Functions Relating to Highways

1. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Director of Highways and Transportation
2. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Director of Highways and Transportation
3. Power to license planting, retention and maintenance of trees etc. in part of highway	Section 142 of the Highways Act 1980	Director of Highways and Transportation

4. Power to license works in relation to buildings etc. that obstruct the highway (inc. scaffolding).	Section 169 of the Highways Act 1980	Director of Highways and Transportation
5. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	Director of Highways and Transportation
6. Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980	Director of Highways and Transportation

7. Power to enter into oversailing licences	Section 177 of the Highways Act 1980	Director of Highways and Transportation
8. Power to restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980	Director of Highways and Transportation
9. Power to consent to construction of cellars etc under street	Section 179 of the Highways Act 1980	Director of Highways and Transportation
10. Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators	Section 180 of the Highways Act 1980	Director of Highways and Transportation
11. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Director of Highways and Transportation
12. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Director of Growth and Communities or Director of Highways, Transportation and Waste
13. The making of agreements for the execution of highways works	Section 278 of the Highways Act 1980 Section 38 of the Highways Act 1980	Director of Growth and Communities or Director of Highways and Transportation
14. Preventing surface water from flowing on to the highway	Section 100 of the Highways Act 1980	Director of Highways and Transportation
15. The adoption of small pieces of highway where the land owner is KCC or unknown or when works have been carried out	Section 228 of the Highways Act 1980	Director of Highways and Transportation

16. The making of traffic regulation orders to restrict traffic.	Road Traffic Regulation Act 1984	Director of Highways and Transportation
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D. Functions relating to Public Paths

1. Power to create footpaths, bridleways and restricted byways by agreement	Section 25 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
2. Power to create footpaths, bridleways and restricted byways	Section 26 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	Director of Growth and Communities
4. Power to stop up footpaths, bridleways and restricted byways	Section 118 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
5. Power to determine application for public path extinguishment order	Section 118ZA and 118C(2) of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities

6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
8. Power to divert footpaths, bridleways and restricted byways	Section 119 of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
9. Power to make a public path or restricted byway diversion order	Section 119Z and 119C(4) of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	Director of Environment, Planning and Enforcement

13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
14. Duty to keep register with respect of applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980 and the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177	Director of Growth and Communities
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	Director of Growth and Communities
17. Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980.	Director of Growth and Communities
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	Director of Growth and Communities
19. Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	Director of Growth and Communities
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980	Director of Growth and Communities

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21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	Director of Growth and Communities
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	Director of Growth and Communities
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or at the request of a political party or elected Member Otherwise, Director of Growth and Communities
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	Director of Growth and Communities
27. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	Director of Growth and Communities

28. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984 (SI 1984/1431).	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
29. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1985	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
30. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
31. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Regulation Committee <u>Planning and Regulation Committee</u> – where substantive objection has been raised or the Local Member requests Otherwise, Director of Growth and Communities
32. Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	Director of Growth and Communities
33. Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	Director of Growth and Communities

E. Functions Relating to Elections

1. Powers in respect of holding of County Council elections	Section 35 of the Representation of the People Act 1983	County Returning Officer
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2. Power to pay expenses properly incurred by Deputy Returning Officers in relation to County Council functions	Section 36(4) of the Representation of the People Act 1983	County Returning Officer
4. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972	County Returning Officer Head of Governance
5. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972.	County Returning Officer
6. Power to set County Scale of Election Fees and Expenses for KCC Elections.	Section 36(4) of the Representation of the People Act 1983.	Selection and Member Services Committee
7. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000	Selection and Member Services Committee

F. Functions relating to name and status of areas and individuals

1. Power to change the name of the county	Section 74 of the Local Government Act 1972	County Council
2. Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972	County Council

G. Functions relating to the Land Drainage Act 1991

1. Power to enforce obligations to repair watercourses, bridges, etc	Section 21 of the Land Drainage Act 1991 as amended by Section 31 of Schedule 2 of the Flood and Water Management Act 2010.	Director of Environment and Circular Economy
2. Power to give consent for obstructions, etc, in watercourses	Section 23 of the Land Drainage Act 1991 as amended by Section 32 of Schedule 2 of the Flood and Water Management Act 2010	Director of Environment and Circular Economy
3. Power to require works for maintaining flow of watercourses	Section 25 of the Land Drainage Act 1991 as amended by Section 33 of Schedule 2 of the Flood and Water Management Act 2010	Director of Environment and Circular Economy
4. Powers of entry for internal drainage boards and local authorities	Section 64 of the Land Drainage Act 1991	Director of Environment and Circular Economy

H. Functions relating to Counter-Terrorism and Security

1. Duty to establish a local panel	Section 36 of the Counter-Terrorism and Security Act 2015	Corporate Director Adult Social Care and Health
2. Duty to support a local panel	Sections 36-38 of the Counter-Terrorism and Security Act 2015	Corporate Director Adult Social Care and Health

I. Functions relating to Coastal Access

Power to enter	Schedule 20	Corporate Director of Growth,
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agreement with an owner or occupier for the carrying out of works for the purpose of assisting Natural England to discharge the coastal access duty.	section 2 Marine and Coastal Access Act 2009	Environment and Transport.
Power to establish or maintain the England Coast Path in the absence of agreement including the service of notice	Schedule 20 section 3 Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.
Power to erect notices and signs where delegated by Natural England	Schedule 20 section 6 (5) Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.
Power to remove notices or signs.	Schedule 20 section 8(1)(b) Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.
Power to enter land to determine whether works are required and the carrying out of the work and inspection for the purposes of the Act.	Schedule 20 section 9 (2) Marine and Coastal Access Act 2009	Corporate Director of Growth, Environment and Transport.

J. Other Functions

1. Power to make, amend, revoke or re- enact bylaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	County Council
2. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	County Council

3. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972	Pension Fund Committee.
4. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be)	The Accounts and Audit Regulations 2015 (2015/234).	Governance and Audit Committee
5. Functions relating to sea fisheries	Ch.1 of Part 6 of the Marine and Coastal Access Act 2009 and The Kent and Essex Inshore Fisheries and Conservation Order 2010 (SI 2010/2190).	Kent and Essex Inshore Fisheries and Conservation Authority,
6. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	County Council
7. Power to appoint staff or place them at the disposal of other authorities	Sections 112 and 113 of the Local Government Act 1972	<u>Senior Managers</u> - Personnel Committee or Member Appointment Panel (Sub Committee) <u>Other officers</u> – Senior Managers
8. Duty to appoint officers as Head of Paid Service, Monitoring Officer, as responsible for administration of financial affairs and provide staff for them	Sections 151 of the Local Government Act 1972, 4(1) and 5(1) of the Local Government and Housing Act 1989	County Council
9. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	County Council

10. Power to make payments or provide other benefits in cases of maladministration, etc.	Section 92 of the Local Government Act 2000.	Corporate Director of Finance (as the Section 151 Officer)
11. The making of arrangements for appeals against exclusion of pupils	Section 51A of the Education Act 2002	Head of Governance
12. The making of arrangements for admission appeals	Section 94(1) and (4) and Schedule 24 of the Schools Standards and Framework Act 1998	Head of Governance
13. The making of arrangements for children to whom section 87 applies: appeals by governing bodies	Section 95(2) and Schedule 25 of the Schools Standards and Framework Act 1998	Head of Governance
14. The obtaining of particulars of persons interested in land	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Director of Growth and Communities or Director of Highways and Transportation
15. Discharge of persons who are subject to Guardianship	Section 23 of the Mental Health Act 1983	Mental Health Guardianship Sub-Committee on the recommendation of Director Adult Social Care and Health
16. Appointment of, nomination of or removal of LEA Governors to school governing bodies	School Governance (Constitution) (England) Regulations 2012	Governor Appointment Panel Appointments delegated to the Corporate Director Children, Young People and Education, in consultation with the Chairman of the Governor Appointment Panel where the nominee meets the guidelines in full

17. Legal framework for duty of care for waste, contaminated land and statutory nuisance.	Environmental Protection Act 1990	Director of Highways and Transportation or Director of Environment and Circular Economy
18. To carry out Highways, Transport & Waste statutory duties included within the listed legislation.	The Highways Act 1980, The Traffic Management Act 2004, The New Roads and Streetworks Act 1991, The Road Traffic Act 1991, Traffic Signs Regulations and General Directions 2016, The Construction (Design and Management) Regulations 2015, The Equality Act 2010, Town and Country Planning Act 1990, The Wildlife & Countryside Act 1981 and Public Nuisance Common Law.	Director of Highways and Transportation or Director of Environment and Circular Economy

19. Grant dispensations where: (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.	Section 33 (2) of the Localism Act 2011	Standards Committee Monitoring Officer
20. The appointment of proper officers	See Relevant regulation in Constitution: Statutory and Proper Officers.	County Council

21. The appointment (and the revocation of any such appointment) of an individual: (a) to any office other than an office in which he is employed by the authority (b) to any body other than: (i) the authority (ii) a joint committee of two or more authorities (c) to any committee or sub-committee of such a body		All Senior Officers except when the appointment needs to be made by the Leader in connection with the delegation by him of his functions, the list of those appointments to be agreed from time to time by the Selection and Member Services Committee
22. Any function under a local Act		All Senior Officers

~~Note 1—The following delegation to the Head of Planning Applications Group was agreed by the Planning Applications Committee on 18 November 2015:~~

~~To determine any application (including details submitted under condition and non-material amendments) for which there has been no relevant planning objection raised by consultees or as a result of publicity, or where representations are received that could otherwise be considered material planning objections but in the opinion of the Head of Planning Applications are not relevant in a particular case.~~

~~Note 2—The following delegation to the Head of Planning Applications Group was agreed by the Planning Applications Committee on 18 November 2015:~~

~~To refuse applications and to not approve details submitted under conditions where such submissions meet any of the following criteria:~~

- ~~• The proposal does not accord with the Development Plan and there are no overriding material reasons for granting permission or approving the details;~~
- ~~• Insufficient detail or information has been submitted to:~~
 - ~~(i) enable proper consideration of an application for planning permission; or~~
 - ~~(ii) satisfy the terms of a condition or conditions, in the case of an application to discharge a condition or conditions; or~~
 - ~~(iii) enable technical issues raised by consultees to be resolved, either to determine an application for permission or to discharge a condition or conditions;~~
- ~~• The applicant has not agreed a reasonable extension of time to~~

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otherwise allow, within the required timescale for:

- (i) ~~proper consideration of any further information submitted; or~~
- (ii) ~~completion of a legal agreement; or~~
- (iii) ~~resolution of any other outstanding matters;~~

- ~~The applicant has failed to complete a legal agreement upon which a resolution by the Planning Applications Committee to grant planning permission is dependent within 6 months of such a resolution being made;~~
- ~~The application is retrospective and is aimed at rectifying a breach of planning control against which Enforcement proceedings including Court prosecutions have already been instigated;~~
- ~~The application is a repeat application within 12 months of a previous refusal or withdrawal and does not address the grounds of refusal or concerns raised by the earlier proposal.~~

~~Such decisions in relation to Note 2 above will only be issued following consultation with the Chair, Vice Chair and Lead Spokesperson for each Political Group prior to a decision being taken unless reasons of urgency make this impracticable. The consultation period shall usually be 2 working days.~~

~~Any decision taken in respect of Note 2 above is to be reported to the Committee, including the reason that (exceptionally) it had been impractical to consult the Chair, Vice Chair and Lead Spokesperson for each Political Group.~~

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