

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 2 September 2014.

PRESENT: Mr M J Harrison (Chairman) Mr S C Manion (Vice-Chairman) Mr M Baldock, Mr H Birkby, Mr A H T Bowles, Mrs P Brivio (Substitute for Mr T A Maddison), Mr C W Caller, Mr G Cowan, Mr A D Crowther, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr J M Ozog, Mr R J Parry (Substitute for Mr C Simkins), Mrs E D Rowbotham, Mr J N Wedgbury and Mr M E Whybrow (Substitute for Mr P M Harman)

ALSO PRESENT: Mr M A C Balfour, Mr B E Clark and Mr R W Gough

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer - Enforcement), Ms J Hamid (Enforcement Administration Officer), Mr W Forrester (Head of Gypsy & Traveller Unit), Mr G Rusling (Public Rights of Way & Access Service Manager), Ms M McNeir (Public Rights Of Way and Commons Registration Officer), Mrs L Wilkins (Definitive Map Team Leader), Mrs A Hayward (Manager for Primary Admissions & Transport), Mr A Ballard (Senior Democratic Services Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

17. Minutes
(Item 3)

RESOLVED that the Minutes of the Committee meeting held on 13 May 2014 and of the Member Panel meetings held on 3 June (Westgate), 3 June (Margate) and 29 July 2014 are correctly recorded and that they be signed by the Chairman.

18. Dates of meetings in 2015
(Item 4)

The Committee noted the following dates for its meetings in 2015:-

Tuesday, 27 January 2015;
Tuesday, 12 May 2015; and
Tuesday, 1 September 2015.

19. Update from the Definitive Map Team
(Item 5)

(1) The Committee discussed a report by the Head of Regulatory Services on the background to the Definitive Map and Statement of Public Rights of Way, as well as progress with Definitive Map Team applications. The report also covered the key proposals of the De-Regulation Bill and the Antisocial Behaviour, Crime and Policing

Act 2014. The latter Act would, upon commencement, replace the County Council's power (exercised by the Committee) to make, vary or revoke gating orders with a new responsibility for District Councils to make a Public Spaces Protection Order.

(2) Correspondence from Mr B Caffarey relating to path ZF5 at Faversham had been circulated to all Members of the Committee before the meeting. The PROW & Access Service Manager reported that following a public inquiry, Orders to extinguish the obstructed section of public footpath ZF5 and create a length of footpath (ZF42), made in consequence of a Regulation Committee Member Panel decision, had not been confirmed. He said that it was a matter of some complexity to bring forward an alternative which would be satisfactory to all parties whilst meeting statutory requirements. Members commented that there would be a need to arrange a meeting so that all parties involved could contribute to identifying the best solution.

(3) RESOLVED that the content of the report be noted.

20. Update from the Commons Registration Team

(Item 6)

(1) The Public Rights of Way and Commons Registration Officer reported on progress with Village Green applications including the application by the landowner for a Judicial Review of the decision to register land at King Ethelbert School at Westgate as a Village Green. She also updated the Committee on the recent judgement of the Supreme Court in respect of the *R Barkas V North Yorkshire County Council* case.

(2) RESOLVED that the content of the report be noted.

21. Update on Planning Enforcement Issues

(Item 7)

(1) Mr R W Gough was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) The Committee discussed a report by the Head of Planning Applications Group which gave an update on planning enforcement and monitoring work since the May meeting of the Committee. She also referred to the recently published *Openness of Local Government Bodies Regulations 2014*.

(3) The Head of Planning Applications Group reported that Mr Alan Goodison, the Planning Contraventions Officer had retired. His unique skills set meant that it would be impossible in practice to duplicate the contribution he had been able to make. Careful consideration was therefore being given to the best way to replace him.

(4) The Chairman paid tribute to Mr Goodison's contribution to Planning Enforcement and, on behalf of the Committee, wished him well in his retirement.

(5) The Head of the Gypsy and Traveller Unit was also present in order to explain the complexities of dealing with fly tipping at Gypsy and Traveller sites and to answer Members' questions.

(6) The Committee agreed that the Nt Rix Scaffolding Ltd case should not be removed from the Schedules set out in Appendix 1 to the report.

(7) Some Members of the Committee expressed concern that individual enforcement cases were being discussed as open business. The Committee therefore agreed that the conflicting demands of health and safety and open government in respect of enforcement cases should be considered informally by Members and officers in order to identify the best way forward.

(8) RESOLVED that:-

(a) subject to (2) above, endorsement be given to the actions taken or contemplated in the respective cases set out in paragraphs 5 to 21 of the report and those contained within Schedules 1, 2 and 3 as appended to the report; and

(b) consideration be given to the most appropriate mechanism for reporting enforcement cases to the Committee in the light of (4) above.

22. Home to School Transport Appeals Update *(Item 8)*

(1) The Primary Admissions and Transport Manager and the Senior Democratic Services Officer gave an overview of Home to School Transport statistics for the period between 1 January and 20 August 2014.

(2) The Committee agreed that a training session on Home to School Transport would be held during the Autumn and that all Members would be invited.

(3) The Committee noted the non-attendance of SEN Officers for Home to School Transport appeals for SEN Children and agreed that they needed to be available at all such appeals.

(4) RESOLVED that:-

(a) the report be noted;

(b) a training session on Home to School Transport be held during the Autumn to which all Members of the Council will be invited; and

(c) an SEN officer be available to answer Panel Members' questions for each Home to School Transport appeal for an SEN child.

EXEMPT ITEMS

(Open Access to Minutes)

(Members resolved under Section 100A of the Local government Act 1972 that the public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.)

23. Update on Planning Enforcement issues at Larkey Wood Farm, Chartham *(Item 11)*

(1) The Principal Planning Officer reported on developments at the Larkey Wood Farm site in Chartham, including progress on restoration as well as legal and logistical developments. He recommended an enforcement strategy which was agreed.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 5 to 19 of the report.