

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, 24 January 2017.

PRESENT: Mr A H T Bowles (Chairman) Mr S C Manion (Vice-Chairman)
Mr H Birkby, Mr L Burgess, Mr G Cowan, Mr A D Crowther, Mrs V J Dagger,
Mr J A Davies, Mr P M Harman, Mr M J Harrison, Mr P J Homewood, Mr J M Ozog,
Mr C Simkins and Mr J N Wedgbury

ALSO PRESENT: Mr A Terry and Mrs J Whittle

IN ATTENDANCE: Mr S Bagshaw (Head of Fair Access), Mr A Ballard (Principal Democratic Services Officer), Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Team Leader - Planning Enforcement) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Membership

(Item 1)

(1) The Committee noted that Mr C W Caller was no longer a Member of the Committee.

2. Minutes - 13 September 2016

(Item 4)

RESOLVED that the Minutes of the meeting held on 13 September 2017 are correctly recorded and that they be signed by the Chairman.

3. Home to School Transport Appeals Update

(Item 5)

(1) The Committee considered a report which gave an overview of Home to School Transport appeal statistics for the period between 1 January 2016 and 31 December 2016 with a brief comparison with the statistics for the years 2010 to 2015.

(2) The Head of Fair Access agreed to reply to a question from Mr Wedgbury. The Committee asked for the response to be minuted. This response is set out below:-

Dear Mr Wedgbury,

Further to your question at the Regulation Committee meeting in regard to whether KCC applies the legal position in regard to transport assessments for children with SEN or whether a more lenient approach is taken, I can confirm that each child is assessed based on their individual needs and this is in line with our legal responsibilities.

You will appreciate that it is not an exact science as every child is different. In making any assessment in relation to eligibility, in exactly the same way as for mainstream learners, in the first instance it is established whether the child is attending their nearest appropriate school and whether they live beyond the statutory distance from that school.

In some instances a child may be placed in a school that is not their nearest appropriate due to this being full and outside of the parents' control. In such circumstances the LA retains responsibility for enabling the child to access school. In other instances a parent may request an alternative school to the one SEN Officers consider the nearest appropriate. If there is no additional cost associated with this educational placement, parental preference must be satisfied where possible. However in choosing a school further away from their nearest appropriate, the family forgoes any eligibility for transport assistance and the family must make the necessary arrangements for their child to access school.

Unlike with mainstream pupils, there may be instances where the disability or SEN condition makes it unsafe to expect the child to walk accompanied as necessary, even where they live inside the statutory distance to the school. If this can be demonstrated through professional assessment there may be a requirement on the LA to provide assistance even though the child might appear to be within a reasonable walking distance.

If you have specific examples where you or your constituents consider that there has been some error in the way that transport has been assessed or indeed that there may be children accessing transport where it appears that they should not be eligible for assistance, I would be happy to investigate such occasions thoroughly even where names are provided anonymously. We endeavour to apply the policy consistently and in an open and transparent way. If a family's circumstances change they are required to inform the LA and we will undertake a review of eligibility based on the new circumstances.

(3) RESOLVED that the report be noted.

4. Update on Planning Enforcement Issues *(Item 6)*

(1) The Head of Planning Applications Group gave an update on planning enforcement matters since the last meeting of the Committee. She informed the Committee that the number of cases involving the Enforcement Team had increased, particularly in the Boroughs of Maidstone and Swale.

(2) RESOLVED that the actions taken or contemplated in the report be endorsed.

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.)

5. Update on Planning Enforcement cases

(Item 9)

(1) Mrs J Whittle and Mr A Terry were present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) Correspondence from Ms Carol Willett in respect of the issues at Downs Road, Studdal was tabled at the meeting.

(3) The Team Leader - Planning Enforcement gave an update on unauthorised planning enforcement matters, setting out actions taken or contemplated at Ashford Waste Water Treatment Works; Larkey Wood, Chartham; Dartford Technology College; Long Hill Playing Field, Dover; Aylesham Road, Dover; Downs Road, Studdal; Apex Business Park, Gravesend; Malling Wood, Boxley; Longton Woods, Stockbury; Water Lane, Headcorn; Crockenhill, Sevenoaks; Willow Farm Equestrian Centre, Faversham; White Leaf Riding Stables, Teynham; Homestall Road, Newnham; Spratling Court Farm, Ramsgate; and Stone Bay School, Broadstairs.

(4) RESOLVED that:-

(a) endorsement be given to the enforcement strategies set out in paragraphs 3 to 15 of the report and its appended schedule; and

(b) the Committee's appreciation of the work undertaken over many years by the Enforcement Team in respect of Larkey Wood, Chartham be recorded.

6. Update on Planning Enforcement issues at Land adjoining Pit Stop Cafe, Dargate

(Item 10)

(1) The Team Leader – Planning Enforcement updated the Committee on planning enforcement issues at Pit Stop Cafe, Dargate. He explained that Swale BC had retrospectively granted permission for the retention of the materials on site for the development of a lorry park and set out the enforcement implications of that decision.

(2) RESOLVED that endorsement be given to the enforcement strategy outlined in paragraphs 5 to 9 of the report.

7. Update on Planning Enforcement issues at Thirwell Farm, Hernhill

(Item 11)

(1) The Team Leader - Planning Enforcement updated the Committee on planning enforcement issues at Thirwell Farm, Hernhill.

- (2) RESOLVED that the enforcement strategy set out in paragraphs 5 to 12 of the report be endorsed; and