

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 1 July 2021.

PRESENT: Mr S C Manion (Chairman) Mr M Baldock, Mr I S Chittenden, Mr P Cole, Mr M C Dance, Mr D Jeffrey, Mr B H Lewis, Mr R C Love, OBE, Mr R A Marsh, Mr J M Ozog, Mrs L Parfitt-Reid, Mr H Rayner (Substitute for Mrs S Hudson) and Mr T L Shonk

IN ATTENDANCE: Mr A Ballard (Principal Democratic Services Officer), Ms M McLauchlan (Definition Officer), Mr R Gregory (Team Leader - Planning Enforcement) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

8. Election of Vice-Chairman

(Item 3)

(1) Mr D Jeffrey moved seconded by Mr R Love that Mrs S Hudson be elected Vice-Chairman of the Committee.

Carried

(2) RESOLVED that Mrs S Hudson be elected as Vice-Chairman of the Committee.

9. Terms of Reference of the Committee

(Item 4)

The Committee noted its Terms of Reference.

10. Minutes

(Item 5)

RESOLVED that the Minutes of the Committee meetings held on 28 January 2021 and 27 May 2021 and of the Regulation Committee Member Panel on 24 February 2021 are correctly recorded and that they be signed by the Chairman.

11. Introduction to Education Transport Appeals: Presentation

(Item 6)

(1) The Principal Democratic Service Officer briefly explained the role of the Committee's Transport Appeals Panels. He said that parents whose children attended Primary, Secondary or Special Schools could appeal against the Authority's decision not to provide free transport to the school they were attending. The Panel had to assess whether the Authority's School Transport Policy had been correctly applied but that it could not consider the Policy's merits. The Panel then had to

consider whether the case presented by the parents was sufficiently strong for it to make an exception in this instance.

(2) The Principal Democratic Services Officer then informed the Committee that a Panel had to meet physically but that the parents could choose whether they wished to attend physically, virtually or to rely on a paper-based appeal.

(3) The Principal Democratic Services Officer said that a full virtual training session would be held on 28 July 2021 after which all those who had attended would be eligible to sit on the Panels.

(4) The Chairman strongly recommended that all Committee Members should attend the training session.

(5) RESOLVED that the report be noted.

12. Update from the Public Rights of Way and Access Service

(Item 7)

(1) The Definition Officer gave an oral report in which she said that 5 new village green applications had been received since the January meeting of the Committee. 17 applications relating to Public Rights of Way had been received in 2021, a significant proportion of which were proposed diversions which had been prompted by greater public footpath use during the pandemic.

(2) The Definition Officer said that the Public Rights and Access Service had been able to adapt successfully during the lockdown, although those cases which had been referred to Public Inquiries had experienced delays.

(3) The Definition Officer then said that training for Members in respect of Village Green and Public Rights of Way cases was in the process of being arranged.

(4) The Definition Officer informed the Committee of the Supreme Court judgement in the *T W Logistics Ltd (Appellant) v Essex County Council* and said that this judgement would be circulated separately to Members of the Committee.

(5) RESOLVED that the report be noted.

13. Update on Planning Enforcement Issues

(Item 8)

(1) The Team Leader Planning Enforcement introduced the report, explaining the work of the Planning Enforcement Team and highlighting the strengthening of partnership working arrangements with other enforcement agencies which had developed in response to the covid-19 pandemic. He said that this was an essential aspect of meeting the challenges posed by the organised criminal nature of many of the cases identified.

(2) In response to a question from Mr Chittenden, the Team Leader Planning Enforcement agreed to inform Members of the Committee of the composition and purpose of the cross-party group on Environmental Waste Crime referred to in paragraph 23 of the report.

(3) RESOLVED that the report be noted.

EXEMPT ITEMS **(Open Access to Minutes)**

(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded 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)

14. Update on Planning Enforcement cases

(Item 11)

(1) The Team Leader-Planning Enforcement gave an update on unauthorised planning enforcement matters setting out actions taken or contemplated at Raspberry Hill Park Farm, Iwade; Warden Point, Eastchurch; Surf Crescent, Eastchurch; Foxdene, Stockbury; Chetney Marshes, Iwade; Springhill Farm, Fordcombe; Water Lane, Thurnham; Hoads Wood Farm, Bethersden; Ringwould Alpine Nursery; Double Quick Farm, Lenham; Woodside East, Nickley Wood Road, Shadoxhurst; Chapel Lane, Sissinghurst; Worth Centre, Jubilee Road, Worth; East Kent Recycling, Oare Creek, Faversham; Blaise Farm Quarry, Kings Hill; Dungeness Borrow Pit, Dungeness; Cobbs Wood Industrial Estate, Ashford; Courts Lodge Farm, Stack Road, Horton Kirby; R S Skipps, Apex Business Park, Shorne; Flisher Energy, Fernfield Lane, Hawkinge; Sall Haulage Ltd, Unit 2, Katrina Wharf, Wharf Road, Gravesend; Cube Metals, Unit A, Highfield Industrial Estate, Folkestone; and Wrotham Quarry (Addington Sandpit), Addington, West Malling.

(2) The Team Leader Planning Enforcement drew the Committee's attention to the practice of operators applying to the Environment Agency for an Exemption from their controls for recycling purposes, or for the seeking of a Permit to allow the carrying out of waste-related activities). He said that this was encouraging the establishment and escalation of activities which the County Council (as waste planning authority) was forced to seek to correct under extremely difficult circumstances. He informed the Committee that the LGA was requesting Local Authorities to contribute to its lobbying in respect of the nationwide problem of slow response to planning enforcement cases.

(3) Mr H Rayner moved, seconded by Mr R Love that the Team Leader Planning Enforcement in consultation with the Chairman write a response on behalf of the Committee to the LGA with the aim of stopping the Environment Agency from issuing Permits on sites which do not have the benefit of planning permission.

Carried Unanimously

(4) RESOLVED that:-

- (a) the enforcement strategies outlined in paragraphs 5 to 130 of the report be noted and endorsed; and
- (b) the Team Leader Planning Enforcement in consultation with the Chairman write a response on behalf of the Committee to the LGA with

the aim of stopping the Environment Agency from issuing Permits on sites which do not have the benefit of planning permission.