

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, 17 May 2011.

PRESENT: Mr M J Harrison (Chairman) Mr A D Crowther (Vice-Chairman)
Mr R Brookbank, Mr C J Capon, Mr H J Craske, Mr J M Cubitt, Mr J A Davies,
Mr K A Ferrin, MBE (Substitute for Mr A H T Bowles), Mr T Gates,
Mr S J G Koowaree, Mr R J Lees, Mr S Manion, Mr R F Manning, Mr J M Ozog,
Mr J N Wedgbury Mr M J Whiting

ALSO PRESENT: Mr P J Homewood

IN ATTENDANCE: Mr G Rudd (Assistant Democratic Services Manager),
Mr C Wade (Countryside Access Principal Case Officer), Miss M McNeir (Public
Rights Of Way and Commons Registration Officer), Mrs S Thompson (Head of
Planning Applications Group), Mr R Gregory (Principal Planning Officer -
Enforcement) Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

10. Terms of Reference

(Item 3)

The Committee noted its new Term of Reference (b):

“all Commons Registration functions under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.”

11. Minutes

(Item 4)

RESOLVED that the Minutes of the Committee meeting held on 25 January 2011, the Member Panel meetings held on 8 February 2011 and 22 February 2011 and the Mental Health Guardianship Panel meeting held on 21 January 2011 are correctly recorded and that they be signed by the Chairman.

12. Update on Home to School Transport Appeals (Oral Report)

(Item 5)

(1) Mr S C Manion and Mr J N Wedgbury made declarations of Personal Interest as their children were or were about to receive transport assistance.

(2) The Assistant Democratic Services Manager tabled a brief report setting out the number of Home to School Transport Appeals heard between 1 January and 30 April 2011. He also tabled a response from the Director of Governance and Law on a question of the legal basis for Transport appeals.

(3) The Committee noted that any review of Home to School Transport policy would be commissioned by the Education, Learning and Skills Policy Overview and Scrutiny Committee.

(4) RESOLVED that the report be noted.

13. Update from the Commons Registration Team

(Item 6)

(1) The Public Rights of Way and Commons Registration Officer informed the Committee that a half day seminar for District Councils was being arranged on the topic of Village Greens. She would inform all Members of the Committee of the details once they were finalised.

(2) RESOLVED that:-

(a) the report be received; and

(b) a proposal be initiated under section 19 of the Commons Act 2006 to correct an error in the Register of Village Greens in relation to VG235 at Wittersham.

14. Update on recent Public Rights of Way cases

(Item 7)

(1) The Public Rights of Way Principal Case Officer updated the Committee on the cases of the Claimed Public Footpaths on the former Bayham Estate in Tunbridge Wells and on the proposed diversion of Public Footpath SD284 at West Kingsdown.

(2) RESOLVED that the report be received

15. Update on Planning Enforcement Issues

(Item 8)

(1) Mr P J Homewood was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) The Head of Planning Applications Group reported the receipt of a letter of response from the Minister for Decentralisation, The Rt Hon Greg Clark MP to representations made by the County Council seeking improved planning enforcement powers in the context of the Localism Bill. The Chairman offered to provide each Member of the Committee with a copy of the letter.

(3) The Committee agreed to endorse the Head of Planning Applications Group's draft Policy 1 (set out in Paragraph 13 of the report) for inclusion within the Emerging Minerals and Waste Development Framework.

(4) RESOLVED that:-

- (a) the Head of Planning Applications Group's draft Policy 1 (set out in Paragraph 13 of the report) be endorsed for inclusion within the Emerging Minerals and Waste Development Framework; and
- (b) the actions taken or contemplated on the respective cases set out in paragraphs 5 to 26 of the report be endorsed, together with those contained within Schedules 1, 2 and 3 as set out in Appendices 1, 2 and 3 of the report.

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.)

16. Enforcement Strategy for Four Gun Field, Otterham Quay Lane, Upchurch
(Item 11)

- (1) The Head of Planning Applications Group reported the latest enforcement strategy concerning the Four Gun Field site in Otterham Quay Lane, Upchurch.
- (2) RESOLVED that the enforcement strategy outlined in paragraphs 7 to 20 of the report be endorsed, with particular emphasis on the aspects set out in paragraphs 18 and 19.