

By: Mike Harrison – Chairman of Regulation Committee  
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To: Regulation Committee - 5 September 2012

Subject: Proposed Amendments to Regulation Committee Member Panel procedures

Classification: Unrestricted

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Summary: The Committee is invited to agree to make minor amendments to its Member Panel procedures to clarify that it is the local County Member who is invited to address Panel meetings.

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## **1. Introduction**

(1.1) The Regulation Committee determines a number of applications by reference to a Member Panel. Each of type of application has its own set of procedures.

## **2. The Local County Member**

(2.1) The procedures for Town/Village Green applications; Public Rights of Way applications; Gating Order applications; and applications for the Registration of a Premises for the Solemnization of Marriages all specify that the Local Member has the opportunity to make representations.

(2.2) Following consideration of a recent application, a local District Councillor referred to the relevant procedure and submitted a complaint to the Chairman that she had not been given the automatic right to address the Panel.

(2.3) This complaint strongly suggested that the term “Local Member” is capable of being misinterpreted as automatically permitting representations by any local representative from any authority.

## **3. The proposed amendment**

(3.1) In order to clarify that it is only the “local Member” from Kent County Council who has this automatic right it is proposed that the words “Kent County Council” are inserted between “local” and “Member” on each occasion that the term is used. The four procedures are set out in the **Appendix** to this report with the proposed additional wording inserted in bold.

#### **4. Recommendations**

(4.1) Members are invited to agree to the amendments to the procedures as described in paragraph 3.1 above and set out in the Appendix to the report.

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# APPENDIX

## KENT COUNTY COUNCIL

### REGULATION COMMITTEE

#### *PROCEDURE FOR CONSIDERING APPLICATIONS FOR THE REGISTRATION OF A PREMISES FOR THE SOLEMNIZATION OF MARRIAGES AND THE REGISTRATION OF CIVIL PARTNERSHIPS*

- 1) Normally, the decision as to whether to approve an application for the registration of a premise for the solemnization of marriages and the registration of civil partnerships is taken by the Director of Community Safety and Regulatory Services and/or the Proper Officer for the Registration Service, exercising powers delegated by the County Council.
- 2) If, however, the local elected **Kent County Council** Member (s) objects to a proposed officer recommendation, it will be referred to a Panel of Members of the Regulation Committee. At any such meeting the Council will permit members of the public and other interested parties to speak to the Panel Members.
- 3) The purpose of allowing people to speak is to enable them to add any information that they feel may be missing from the report, or which they feel has been insufficiently emphasized in it. They will not normally be allowed representation by solicitors or other professional agents.
- 4) If a Panel of Members needs to consider an application, the following procedure applies:-
  - (a) A Panel of Members is selected, consisting of 4 Conservative and 1 Liberal Democrat Member of the Regulation Committee (this conforms proportionally to the overall number of political Group Members in the Council as a whole). The Chairman of the Panel will normally be the Chairman or Vice-Chairman of the Regulation Committee.
  - (b) The Clerk of the Panel writes to all parties who have previously corresponded on the application 5 clear working days before the meeting, enclosing the report which the Panel will be considering and advising them that if they wish to speak about the application they **MUST** contact the clerk as follows:

<b>DAY OF PANEL MEETING</b>	<b>Contact Clerk by 12.00 Noon on the preceding</b>
Monday	Thursday
Tuesday	Friday
Wednesday	Monday
Thursday	Tuesday
Friday	Wednesday

(c) Normally, the Panel will listen to representations from up to four parties. These WILL include:-

- one local Parish or Town Council representative;
- two individuals or group representatives; and
- the applicant, who has the right of reply to any of the points made.

Where there are more than four parties who wish to speak, the Clerk will encourage them to agree amongst themselves as to who can best represent their point of view. If no such agreement proves possible, the Chairman of the Panel will decide which members of the public may speak.

(d) The Panel will normally meet in public unless the Panel resolves to exclude the press and public under the provisions set out in Section 100A of the Local Government Act 1972. At the Panel meeting, the Chairman will explain the procedure for the meeting and then ask the Director of Community Safety and Regulatory Services and/or the Proper Officer for the Registration Service to introduce the report and explain the reasons for its recommendations.

(e) Each speaker will be allowed up to five minutes to address the Panel about the application. Speakers should bear in mind the following:-

- (i) The Committee will listen to what each speaker says but will not debate the merits of their opinions with them;
- (ii) The Chairman will inform the speakers when they have one minute left to speak and when their time is over;
- (iii) The speakers should concentrate on explaining the points they have already made in writing. They should not attempt to surprise the Panel with new information. Any such information should already have been given to the Proper Officer for the Registration Service in time for it to have been evaluated professionally.

(e) The applicant has the right to be the last of the public speakers. There is no further right for the public to speak during the remainder of the meeting.

- (f) The Panel will then discuss the report and its recommendations and will also offer the local **Kent County Council** Member the opportunity to make representations. The application will then be determined.
- 5. In the event that the decision is to refuse the application or to attach conditions to an approval, the applicant has the right to seek a review of that decision by another Panel (comprising five different Members of the Regulation Committee and meeting on a separate date). There is a separate procedure for any such review.

# KENT COUNTY COUNCIL

## REGULATION COMMITTEE

*PROCEDURE FOR CONSIDERING APPLICATIONS FOR THE CREATION, STOPPING UP OR DIVERSION OF ANY FOOTPATH OR BRIDLEWAY OR THE RECLASSIFICATION OF ANY PUBLIC PATH WHERE SUBSTANTIVE OBJECTION HAS BEEN RAISED OR A POLITICAL PARTY OR THE LOCAL MEMBER REQUESTS*

- 1) The decision as to whether or not to approve an application for the creation, stopping up or diversion of any footpath or bridleway or the reclassification of any public path is taken by Members of a Panel of the Regulation Committee.
- 2) At any such meeting the Council will permit members of the public and other interested parties to speak to the Panel Members.
- 3) The purpose of allowing people to speak is to enable them to add any information that they feel may be missing from the report of the Head of Regeneration, or which they feel has been insufficiently emphasized in it. They will not normally be allowed representation by solicitors or other professional agents.
- 4) If a Panel of Members needs to consider an application, the following procedure applies:-
  - (a) A Panel of Members is selected, consisting of 4 Conservative and 1 Liberal Democrat Member of the Regulation Committee (this confirms proportionally to the overall number of political Group Members in the Council as a whole). The Chairman of the Panel will normally be the Chairman or Vice-Chairman of the Regulation Committee.
  - (b) The Clerk of the Panel writes to all parties who have previously corresponded on the application 5 clear working days before the meeting, enclosing the report which the Panel will be considering and advising them that if they wish to speak about the application they MUST contact as follows:

<b>DAY OF PANEL MEETING</b>	<b>Contact Clerk by 12.00 Noon on the preceding</b>
Monday	Thursday
Tuesday	Friday
Wednesday	Monday
Thursday	Tuesday
Friday	Wednesday

- (c) The Panel will normally meet in public unless the Panel resolves to exclude the press and public under the provisions set out in Section 100A of the Local Government Act 1972. Normally, the Panel will listen to representations from up to four parties. These WILL include:-

- one local Parish or Town Council representative;
- two individuals or group representatives;
- the applicant; and
- the landowner, who has the right of reply to any of the points made.

Where there are more than four parties who wish to speak, the Clerk will encourage them to agree amongst themselves as to who can best represent their point of view. If no such agreement proves possible, the Chairman of the Panel will decide which members of the public may speak.

- (d) At the Panel meeting, the Chairman will explain the procedure for the meeting and then ask the Head of Regeneration or her representative to introduce the report and explain the reasons for its recommendations.
- (e) Each speaker will be allowed up to five minutes to address the Panel about the application. Speakers should bear in mind the following:-
  - (i) The Panel will listen to what each speaker says but will not debate the merits of their opinions with them;
  - (ii) The Chairman will inform the speakers when they have one minute left to speak and when their time is over;
  - (iii) The speakers should concentrate on explaining the points they have already made in writing. They should not attempt to surprise the Panel with new information. Any such information should already have been given to the Head of Regeneration in time for it to have been evaluated professionally.
- (f) The landowner has the right to be the last of the public speakers. There is no further right for the public to speak during the remainder of the meeting.
- (g) The Panel will then discuss the report and its recommendations and will also offer the local **Kent County Council** Member the opportunity to make representations. The application will then be determined.

# KENT COUNTY COUNCIL

## REGULATION COMMITTEE

### *PROCEDURE FOR CONSIDERING APPLICATIONS TO MAKE, VARY OR REVOKE GATING ORDERS WHERE SUBSTANTIVE OBJECTION HAS BEEN RAISED OR A POLITICAL PARTY OR THE LOCAL MEMBER REQUESTS*

- 1) The decision as to whether or not to make, vary or revoke a gating order on or adjacent to a highway in order to prevent crime or antisocial behaviour is taken by Members of a Panel of the Regulation Committee.
- 2) At any such meeting the Council will permit members of the public and other interested parties to speak to the Panel Members.
- 3) The purpose of allowing people to speak is to enable them to add any information that they feel may be missing from the Director of Environment and Waste's report, or which they feel has been insufficiently emphasized in it. They will not normally be allowed representation by solicitors or other professional agents.
- 4) If a Panel of Members needs to consider an application, the following procedure applies:-
  - (a) A Panel of Members is selected, consisting of 4 Conservative, and 1 Liberal Democrat Member of the Regulation Committee (this confirms proportionally to the overall number of political Group Members in the Council as a whole). The Chairman of the Panel will normally be the Chairman or Vice-Chairman of the Regulation Committee.
  - (b) The Clerk of the Panel writes to all parties who have previously corresponded on the application 5 clear working days before the meeting, enclosing the report which the Panel will be considering and advising them that if they wish to speak about the application they MUST contact as follows:

<b>DAY OF PANEL MEETING</b>	<b>Contact Clerk by 12.00 Noon on the preceding</b>
Monday	Thursday
Tuesday	Friday
Wednesday	Monday
Thursday	Tuesday
Friday	Wednesday

- (c) The Panel will normally meet in public unless the Panel resolves to exclude the press and public under the provisions set out in Section 100A of the Local Government Act 1972. Normally, the Panel will listen to representations from up to four parties. These WILL include:-
  - one local Parish or Town Council representative;



- three individuals or group representatives;

Where there are more than four parties who wish to speak, the Clerk will encourage them to agree amongst themselves as to who can best represent their point of view. If no such agreement proves possible, the Chairman of the Panel will decide which members of the public may speak.

- (d) At the Panel meeting, the Chairman will explain the procedure for the meeting and then ask the Director of Environment and Waste or her representative to introduce the report and explain the reasons for its recommendations.
- (e) Each speaker will be allowed up to five minutes to address the Panel about the application. Speakers should bear in mind the following:-
  - (i) The Panel will listen to what each speaker says but will not debate the merits of their opinions with them;
  - (ii) The Chairman will inform the speakers when they have one minute left to speak and when their time is over;
  - (iii) The speakers should concentrate on explaining the points they have already made in writing. They should not attempt to surprise the Panel with new information. Any such information should already have been given to the Director of Environment and Waste in time for it to have been evaluated professionally.
- (f) The Panel will then discuss the report and its recommendations and will also offer the local **Kent County Council** Member the opportunity to make representations. The application will then be determined.

# KENT COUNTY COUNCIL

## REGULATION COMMITTEE

### *PROCEDURE FOR CONSIDERING APPLICATIONS FOR THE REGISTRATION OF A TOWN OR VILLAGE GREEN*

- 1) The decision as to whether or not to approve an application for the registration of a town or village green is taken by Members of a Panel of the Regulation Committee.
- 2) At any such meeting the Council will permit members of the public and other interested parties to speak to the Panel Members.
- 3) The purpose of allowing people to speak is to enable them to add any information that they feel may be missing from the report, or which they feel has been insufficiently emphasized in it. They will not normally be allowed representation by solicitors or other professional agents.
- 4) If a Panel of Members needs to consider an application, the following procedure applies:-
  - (a) A Panel of Members is selected, consisting of 4 Conservative and 1 Liberal Democrat Member of the Regulation Committee (this confirms proportionally to the overall number of political Group Members in the Council as a whole). The Chairman of the Panel will normally be the Chairman or Vice-Chairman of the Regulation Committee.
  - (b) The Clerk of the Panel writes to all parties who have previously corresponded on the application 5 clear working days before the meeting, enclosing the report which the Panel will be considering and advising them that if they wish to speak about the application they MUST contact as follows:

<b>DAY OF PANEL MEETING</b>	<b>Contact Clerk by 12.00 Noon on the preceding</b>
Monday	Thursday
Tuesday	Friday
Wednesday	Monday
Thursday	Tuesday
Friday	Wednesday

- (c) Normally, the Panel will listen to representations from up to four parties. These WILL include:-
  - one local Parish or Town Council representative;
  - two individuals or group representatives;
  - the applicant; and

- the landowner, who has the right of reply to any of the points made.

Where there are more than four parties who wish to speak, the Clerk will encourage them to agree amongst themselves as to who can best represent their point of view. If no such agreement proves possible, the Chairman of the Panel will decide which members of the public may speak.

- (d) The Panel will normally meet in public unless the Panel resolves to exclude the press and public under the provisions set out in Section 100A of the Local Government Act 1972. At the Panel meeting, the Chairman will explain the procedure for the meeting and then ask the Head of Regeneration al Manager to introduce the report and explain the reasons for its recommendations.
- (e) Each speaker will be allowed a reasonable time at the discretion of the Chairman to address the Panel about the application. Speakers should bear in mind the following:-
  - (i) The Panel will listen to what each speaker says but will not debate the merits of their opinions with them;
  - (ii) The speakers should concentrate on explaining the points they have already made in writing. They should not attempt to surprise the Panel with new information. Any such information should already have been given to the Head of Regeneration al Manager in time for it to have been evaluated professionally.
- (f) The landowner has the right to be the last of the public speakers. There is no further right for the public to speak during the remainder of the meeting.
- (g) The Panel will then discuss the report and its recommendations and will also offer the local **Kent County Council** Member the opportunity to make representations. The application will then be determined.