

Selection & Constitutional Review Committee

19th May 2011

Additional Papers

Agenda Item 6 – Background and Principles of Political Balance and Administrative Structure

- (i) Please see attached a revised Appendix B reflecting Committee Membership and the proposal to change the name of the existing Local Development Framework Task Group to the Planning Policy Task Group.
- (ii) Please also see attached Appendix C to the report which was unfortunately omitted from the previously printed Agenda.

Change of Scheme of Delegation to the Development Control Manager/ Strategic Sites and Design Manager **Explanatory Note:**

The government has introduced a new procedure that allows applications for non material amendments to planning permissions to be made. These applications are for small changes such as moving doors and windows in an approved scheme.

The current delegation agreement allows the Development Control Manager and Strategic Sites and Design Manager to determine these applications except those submitted by the Council. Where the council wants to amend an approved scheme, even in a very small way, the application currently has to be determined by the Planning Committee. This seems a disproportionate approach to the scale of the issue and not a beneficial use of the committee.

The change to the delegation agreement suggested would allow all applications for non material amendments to be determined by officers.

If the change proposed to an application was any bigger i.e. it made a material change to the approved scheme, then a fresh planning application would be required, the current limitations on officer delegation in the Constitution would apply and all such council applications would still have to come to committee.

The changes to the scheme also seek to formalise the practice of many previous years where officers are authorised to determine applications to discharge conditions that have been imposed on permissions. Examples of such applications are the submission of bricks and tiles for new dwellings and planting details for small schemes.

Martin Vink

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APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

19TH MAY 2011

MEMBERSHIP OF COMMITTEES, GROUPS AND FORUMS, INCLUDING CHAIRMEN AND VICE-CHAIRMEN

On the basis of the Political Balance Calculation agreed with Group Leaders, the entitlement to seats is set out below.

The Committee may wish to propose the identity of the Chairman and Vice-Chairman of each Committee, for appointment, in accordance with the Constitution, by the Full Council.

Overview and Scrutiny Committee (19 members)

(Members of the Executive may not be appointed to this Committee)

Conservative (13)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (1)
Apps	Davison	Chilton	Davidson	Smith
Bell	Mortimer	Yeo		
Mrs Bell				
Bennett				
Feacey				
Galpin				
Goddard				
Mrs Heyes				
Hodgkinson				
Mrs Martin				
Robey				
Shorter				
Wright				

Audit Committee (8 Members)

Conservative (5*)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (1*)
Clokie (CH)	Sims	Yeo		Smith
Link (VCh)				
Marriott				
Taylor				
Wright				

* The Conservative Group have gifted one of their seats on this Committee to the Independent Member.

Planning Committee (14 Members) (plus 1 ex officio)

Planning Committee training will be held on the 24th May 2011 at 7.00 p.m. All Members of the Council are invited to attend, however, Group Leaders are asked to ensure that their nominees for the Planning Committee and any Members wishing to substitute, who have not already attended a session, do so. **Training is compulsory for anyone sitting on the Planning Committee.**

Conservative (10)	Ashford Independent (2)	Labour (1)	Liberal Democrat (1)	Independent (0)
Bell (CH)	Davison	Clark	Davidson	
Bennett	Michael			
Burgess				
Clarkson				
Clokie				
Mrs Dyer				
Heyes				
Mrs Heyes				
Robey				
Wedgbury (VCh)				
Wood (EO)				

Selection & Constitutional Review Committee (12 Members)

Conservative (9)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (1)
Bennett	Davison	Chilton		Smith
Clarkson (VCh)				
Mrs Dyer				
Galpin				
Goddard				
Mrs Heyes				
Howard				
Mrs Martin				
Wood (CH)				

Licensing and Health and Safety Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Licensing Sub-Committee.

Licensing training will be arranged and Group Leaders are asked to ensure that their nominees for this Committee attend if they have not attended a session on the past as this training is compulsory for anyone sitting on the Licensing and Health and Safety Committee.

Conservative (9)	Ashford Independent (1)	Labour (2)	Liberal Democrat (1)	Independent (0)
Mrs Bell	Davey	Adley	Adby	
Buchanan		Chilton		
Feacey (VCh)				
French				
Goddard (Ch)				
Hodgkinson				
Marriott				
Mrs Martin				
Shorter				

Appointments Committee (5 members)

Conservative (3)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0*)	Independent (0*)
Mrs Blanford	Michael	Adley	Davidson (invited non-voting Member)	Smith (invited non-voting Member)
Clarkson (VCh)				
Wood (CH)				

Appeals (15 Members – 3 members to be drawn per meeting)

Members should not be a Member of the Executive. Group Leaders are reminded of the importance of nominating Members who are available to attend day-time meetings.

Conservative (10)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (0)
Apps	Davey	Chilton	Adby	
Bell	Sims	Yeo		
Mrs Bell				
Bennett				
Buchanan				
Hodgkinson				
Link				
Wedgbury				
Wright				

Standards Committee (5 members)

The Leader of the Council may not be a Member of this Committee. One Member must be a Member of the Executive but that Member cannot be the Committee's Chairman.

Conservative (3)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Mrs Blanford	Mortimer	Chilton (VC)		
Galpin				
Taylor				

Policy Advisory Group (19 Members)

Conservative (13)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (1)
Mrs Blanford	Mortimer	Adley	Davidson	Smith
Bennett (CH)	Sims	Chilton		
Buchanan				
Burgess (VCh)				
Cloughton				
Clokie				
Mrs Dyer				
French				
Hicks				
Howard				
Link				
Marriott				
Wedgbury				

Joint Transportation Board (7 members plus Portfolio Holder for Environmental Services (non-voting) and the Chairman of the Transport Forum (ex-officio))

Conservative (5)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Mrs Bell	Davey	Yeo		
Burgess (CH)				
Cloughton				
Heyes				
Robey				
Mrs Blanford (PH) (Non Voting)				
Feacey Chairman of Transport Forum (EO)				

Grants Gateway Panel (5 members including the Portfolio Holder for Community)

Conservative (3)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Cloughton (PH)	Sims	Adley		
Howard (CH)				
Link				

Joint Consultative Committee (6 members) – One from each Group - two from the administration.

Membership is to include the Leader or appropriate Portfolio Holder.

Conservative (2)	Ashford Independent (1)	Labour (1)	Liberal Democrat (1)	Independent (1)
Taylor (CH)	Mortimer	Adley	Davidson	Smith
Wood				

Nature Conservation Forum (6 members including Portfolio Holder for Environmental Services)

Conservative (4)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Hicks	Michael	Adley		
Mrs Martin				
Wedgbury (CH)				
Mrs Blanford (PH)				

Community Partnership Group (15 Members)

Conservative (10)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (0)
Bell (CH)	Davey	Adley	Adby	
Mrs Bell	Michael	Clark		
Burgess				
Mrs Dyer				
Feacey				
Hicks (VCh)				
Hodgkinson				
Howard				
Mrs Martin				
Shorter				

Parish Forum (6 members)

Membership to include the Leader of the Council and the Leaders of Groups

Conservative (2)	Ashford Independent (1)	Labour (1)	Liberal Democrat (1)	Independent (1)
Clarkson (VCh)	Davison	Yeo	Davidson	Smith
Wood (CH)				

Transport Forum (7 members including the Portfolio Holder for Environmental Services)

Conservative (5)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Mrs Blanford (PH)	Davey	Yeo		
Cloughton				
Feacey (CH)				
Heyes				
Wedgbury				

Member Training Panel (8 Members)

Conservative (2)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (1)
Cloughton		Chilton	Davidson	Smith
Hicks		Yeo		

Planning Policy Task Group (7 Members)

Conservative (5)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Bell	Davison	Adley		
Burgess (CH)				
Clarkson				
Galpin				
Heyes (VCh)				

Parish Council Review and Polling District Review Task Group (10 Members)

Conservative (7)	Ashford Independent (1)	Labour (1)	Liberal Democrat (1)	Independent (0)
Apps	Mortimer	Chilton	Abdy	
Mrs Bell				
Mrs Blanford				
Clarkson (VCh)				
Link				
Taylor				
Wood (CH)				

APPENDIX C

Development Control Manager/Strategic Sites and Design Manager

Executive Functions

Nil

Non-Executive Functions

17.1 To determine applications for lawful use or development certificates save that the Portfolio Holder may request in writing that the determination of an application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to determine the application shall be suspended in relation to that application, unless the Portfolio Holder revokes his request in writing.

17.2 The determination of all applications and/or notifications (including applications for non material amendments and the discharge of conditions) made under the Town and Country Planning Act 1990 (as amended), the Listed Buildings and Conservation Areas Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended) or any Orders or Regulations made thereunder with the exception of:-

- (a) the provisions of dwellinghouses where:
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (a) (i).
- (b) the provision of a building or buildings where the floor space to be created by the development is 1000sq metres or more (Revised (a) & (b) Minute No 112/6/06 refers).
- (c) applications submitted by or on behalf of a Member of the Council or Member of staff or his or her partner.

- (d) applications which, in the opinion of the Development Control Manager/Strategic Sites and Design Manager, are sensitive and should be determined by the Planning Committee.
- (e) applications submitted, promoted or sponsored by or on behalf of the Borough Council be submitted to the Planning Committee and be not subject to the Scheme of Delegation.

The exceptions listed above shall not include applications for non material amendments to permissions or consents and all applications to discharge conditions imposed on any permission or consent (see paragraph 17.2A below).

17.2A To determine all applications for non material amendments to permissions or consents and all applications to discharge conditions imposed on any permission or consent made under the Town and Country Planning Act 1990 (as amended), the Listed Buildings and Conservation Areas Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 or any Orders or Regulations made thereunder.

- NB:**
- (i) In parished areas, if the Parish Council and the Ward Member together or the Ward Member acting alone consider that the application raises issues of significant local importance they or he/she may request in writing that determination of any application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to determine the application be suspended in relation to that application.
 - (ii) In unparished areas, if the Ward Member considers the application raises issues of significant local importance he/she may request in writing that the determination of an application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to determine the application be

suspended in relation to that application. (Minute No. 123/7/05 refers).

(iii) Irrespective of the area, the Portfolio Holder may request in writing that the determination of the application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/ Strategic Sites and Design Manager to determine the application shall be suspended in relation to that application unless the Portfolio Holder revokes his request in writing.

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17.2B To make minor amendments or corrections (of a clerical, grammatical or editorial nature only) to the wording of conditions, obligations, reasons, informatives, etc in order to give effect to the decisions of the Planning Committee.

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17.3 To determine any request for approval or respond to any consultation submitted by the Concessionaires or Railtrack pursuant to the provisions of the Channel Tunnel Act 1987 where such request or consultation falls within the Terms of Reference of the Planning Committee and:

- (a) the application concerned attracts no objection as a result of neighbour/Parish Council or other consultation and
- (b) is one which the Development Control Manager/Strategic Sites and Design Manager considers should be approved and
- (c) is one which the appropriate Ward Member has not asked to be referred to the Planning Committee for determination.

17.4 To determine any request or application for approval under Schedule 6 of the Channel Tunnel Rail Link Act 1990.

17.5 To make all decisions pursuant to the Heritage Agreements entered into for the purpose of the Channel Tunnel Rail Link Act 1990, except in relation to the approval of sites for the relocation of listed buildings.

- 17.6 To make decisions or respond to consultations in relation to restoration schemes submitted for approval under the provisions of the Channel Tunnel Rail Link Act 1990.
- 17.7 To respond on the Council's behalf to consultations by the Kent County Council on any application or request for approval or other matter under the Channel Tunnel Rail Link Act 1990.
- 17.8 To agree any other scheme, plan or code submitted for approval under the Channel Tunnel Rail Link planning regime or to respond to consultations on the Council's behalf in respect thereof and to take any other action on the Council's behalf in relation to planning or heritage matters under the Channel Tunnel Rail Link Act 1990.
- 17.9 To exercise all functions of the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended):
- 17.10 To respond to any application for a Goods Vehicle Operators' Licence.
- 17.11 To exercise all functions of the Local Planning Authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- 17.12 To decline to determine applications in accordance with the powers in Section 70A of the Town and Country Planning Act 1990 (as amended) and Section 43 of the Planning and Compulsory Purchase Act 2004 (as amended).
- 17.13 To determine whether to take, or not to take:
- (a) enforcement or other action under Part 7 of the Town and Country Planning Act 1990 (as amended).
 - (ii) action under Section 215 to 219 of the Town and Country Planning Act 1990 (as amended) and
 - (iii) action under Chapter 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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Save that the Portfolio Holder may request in writing that the determination in respect of a particular matter be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to make the determination shall be suspended in relation to that matter, unless the Portfolio Holder revokes his request in writing.

- 17.14 To take all such emergency action as in his opinion may be required to deal with any dangerous tree.
- 17.15 To determine whether to serve a Hedgerow Retention Notice in response to the service upon the Council of a Hedgerow Removal Notice and in circumstances where a hedgerow is removed in contravention of the Hedgerow Regulations 1997 (as amended) to determine whether a Hedgerow Replanting Notice should be served upon the landowner concerned.
- 17.16 To determine whether injunction or criminal proceedings should be taken against any landowner for contravention of the Hedgerow Regulations 1997 (as amended).
- 17.17 To respond to consultation or notifications by the Forestry Authority.
- 17.18 To determine all matters relating to Tree Preservation Orders, trees in Conservation Areas and other landscape matters both for approval or refusal with or without third party representations.
- 17.19 Make and serve a Tree Preservation Order pursuant to the powers contained in Sections 198 and 201 of the Town and Country Planning Act 1990 (as amended).
- 17.20 To confirm any Tree Preservation Order where no objections have been received.
- 17.21 To undertake all matters associated with the High Hedge Legislation (Part 8 of the Anti-Social Behaviour Act) (as amended). Any cases considered to be exceptional be referred to the Planning Committee for decision. (Minute No. 71/6/05 refers).

17.22 Subject to the Portfolio Holder not having requested in writing that the response be made by the Planning Committee, to respond on the Council's behalf to:

(i) Kent County Council on any consultation made under The Town and Country Planning (Development Management Procedure) (England) Order 2010, and directions made thereunder, and

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(ii) All other consultations of a planning nature and including those relating to planning applications and listed building consent applications in neighbouring authorities and those arising under the Planning Act 2008 (as amended) (for example national policy statements and applications for development consent).

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17.23 Power to decline to determine applications submitted under the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Buildings and Conservation Areas) Act 1990. (as amended)

Powers Relating to Functions that can be Executive, Non-Executive, Incidental to Either or Administrative

Nil