

By: Head of Democratic Services
To: Regulation Committee – 18 September 2008
Subject: DRAFT PROCEDURES FOR MEMBER PANELS TO
CONSIDER GATING ORDERS
Classification: Unrestricted

Summary: To propose draft procedures for use in the consideration by Member Panels for the making, variation or revocation of Gating Orders.

1. Introduction

The County Council agreed on 19 June 2008 that Sub-Committees (Member Panels) of the Regulation Committee could consider the making, variation or revocation of Gating Orders. In line with its usual practice in relation to Village Green, Public Rights of Way and Marriage Premises applications, the Committee needs to agree procedures for use by these Member Panels.

2. The Purpose of the Procedures

(2.1) The principal purpose of the procedures for Member Panel meetings is to enable members of the public to address the meetings whilst agreeing rules which govern the process. These rules need to have regard to the principles of decision-making in the County Council's Constitution; namely:

- (a) action proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from the officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) the explanation of the options considered and the giving of reasons for decisions.

3. The Draft Procedures

(3.1) The proposed draft Procedures are attached at Appendix 1. They are modelled on and are broadly similar to those agreed for the other functions of the Committee where the use of Panels is permitted.

4. Recommendations

(4.1) Members are recommended to agree the draft Procedures set out in Appendix 1 for use by Member Panels in determining Gating Order applications.

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Background Papers: *None*

KENT COUNTY COUNCIL
REGULATION COMMITTEE

DRAFT 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 3 Conservative, 1 Labour 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:

DAY OF PANEL MEETING	Contact Clerk by 12.00 Noon on the preceding
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 Member the opportunity to make representations. The application will then be determined.