

By: Mike Harrison: Chairman, Regulation Committee
To: County Council – 19 June 2008
Subject: Request for amendment to the Constitution – Gating Orders.
Classification: Unrestricted

Summary: To request that the County Council amends the constitution to enable the making, variation or revocation of gating orders to be considered by a Regulation Committee Member Panel.

FOR DECISION

Introduction

(1) On 1 April 2006 the Highways Act 1980 (Gating Orders) (England) Regulations 2006 came into force. These Regulations brought into effect additional powers for the Highway Authority to make and revoke Gating Orders for a highway in order to prevent crime or anti-social behaviour on or adjacent to a highway. In order for the powers to be used the following amendments were made to the Constitution in May 2007.

(2) Appendix 2 Part 3 was amended by delegating to the Managing Director for Environment and Regeneration the power to make, vary or revoke Gating Orders.

(3) The Regulation Committee's terms of reference were amended by the addition of the following as function (f):

“the making, variation or revocation of Gating Orders in circumstances where substantive objections have been received.”

(4) The Regulation Committee currently considers a number of functions through the mechanism of a sub-committee or Member Panel. This enables the matter in question to be considered at length and in detail. I believe that the same benefits would arise from permitting Gating Orders to be considered in the same manner.

RECOMMENDATION

(5) I recommend that the County Council agrees to amend the Constitution so that Regulation Committee function (f) can be delegated to sub-committees or Panels.

Mike Harrison, Chairman, Regulation Committee
Background Information: *None*