

HIGHWAYS COMMITTEE PROCEDURAL PROTOCOL

1. Introduction

- (a) The Highways Committee is a Committee of the Executive comprising executive members
- (b) The purpose of this Protocol is to set out in writing the procedure for the conduct of meetings of the Highways Committee (“the Committee”).
- (c) This Protocol reflects the current practice of the Committee and seeks to provide guidance on other related issues under the decision making arrangements.

2. Interpretation

References to the Chair shall include the Vice Chair (or any other member selected by a meeting of the Committee to chair a meeting of the Committee).

3. Quorum

The Quorum of meetings of the Committee shall be 3.

4. Speaking Rights At Highways Committee

- (a) Subject to this paragraph, any member of the public may address the Committee for a maximum of two minutes (or such longer period as may be allowed at the discretion of the Chair).
- (b) Where more than one person wishes to address the Committee on the same item of business the Chair shall have the discretion to determine the number of speakers and in doing so will seek to strike a balance between those who oppose the recommendations in the report before the Committee and those who support them, if there are both. Usually not more than one person will be able to address the meeting.
- (c) The Chair and members of the Committee may ask members of the public questions after they have spoken.
- (d) Persons wishing to address the Committee shall give notice to the Democratic Services Manager or his or her representative prior to the commencement of the meeting. Normally, such notice shall be given 24 hours before the commencement of the meeting. The giving of notice does not confer an entitlement to speak.

5. Speaking Rights of Ward Members

- (a) Any member of the Council who is not a member of the Committee but who is a member for a ward affected by the recommendations in a report before the Committee or a member for an adjoining ward which is so affected will usually

be permitted to address a meeting of the Committee but the number of members so speaking shall be limited to one member for each ward or adjoining ward. Before speaking, the member shall disclose whether or not he or she has been in contact with any interested party and the reason for wishing to speak.

- (b) Any member addressing the Committee must confine their address to the item on the agenda in which they have been permitted to speak.

6. Members May Attend Meetings

- (a) Except in accordance with paragraph 5 above (Speaking Rights of Ward Members), members of the Council who are not members of the Committee shall not be entitled to speak at meetings of the Committee. A member who is not a member of the Committee shall not be entitled to vote.
- (b) A member who is not a member of the Committee shall not be entitled to take part in any debate on any item on the agenda.

7. Decisions of the Highways Committee

- (a) Members of the Committee shall determine all matters before the Committee in accordance with all current legislation, the Standing Orders and Access to Information Rules set out in the Constitution and any other applicable rules contained in the Constitution.
- (b) All decisions of the Committee shall be taken following consideration of a written report and after having taken into account all legal, financial and other relevant implications, the responses to any consultation, any comments by members of the public or other members of the Council who addressed the Committee in accordance with this Protocol and any comments received from the Overview Committee or the Scrutiny Committee.

8. Requirement To Be Present for Entire Item

No member of the Committee shall be entitled to participate in or vote on any item being considered by the Committee unless the member is present for the entire consideration of that item.

9. Duration of Meetings

- (a) Subject to paragraphs (b) and (c) below, transaction of business at every meeting of the Committee shall end no later than 10.30pm provided that if at 10.30pm there is business not yet dealt with which the Committee considers would be more conveniently dealt with on that day rather than on a subsequent day, the meeting may continue until no later than 11pm in accordance with the following procedure (which shall be known as “the guillotine procedure”):
 - (i) The Committee shall identify those items of business to be transacted;

- (ii) Unless the meeting decides otherwise, the items of business so identified will be taken in the order determined by the last procedural resolution establishing the order of business or, in the absence of such a procedural resolution, in the order set out in the agenda accompanying the summons for the meeting; and
 - (iii) Members will be permitted to ask questions of officers but will not be allowed to make speeches unless the meeting decides otherwise.
- (b) Any items not dealt with at the time a meeting closes shall be considered at the next meeting of the Committee or at such earlier meeting of the Committee as the Chair shall determine.
 - (c) Where a meeting is adjourned to a subsequent day to transact the remaining business the Committee shall, notwithstanding that adjournment, have power to deal with the business in question at any earlier meeting on the summons or agenda for which the relevant business is specified.

10. Minutes of the Committee

Minutes of the meeting shall be taken by an officer and shall be agreed by the Committee at the next meeting, such minutes to reflect the requirements contained in the Access to Information Rules for a record of Key Decisions to be maintained.

11. Deputations

- (a) The first 20 minutes of every Committee meeting (or such shorter time as is required) shall be allocated to receive deputations under this rule which shall be permitted where the following are met:
 - (i) the Committee has voted by a simple majority to receive such deputation;
 - (ii) the subject of the deputation is one which is on the agenda of the meeting concerned; and
 - (iii) notice of the deputation has been given to the Democratic Services Manager or his or her representative at least 24 hours before the start of the relevant meeting.
- (b) In respect of each deputation received, one person representing the deputation may address the meeting for up to 5 minutes.

12. Petitions

- (a) The Committee will follow, in principle, the procedure for petitions set out at Standing Order 69, at Part 3 of the Constitution.
- (b) As Standing Order 69 does not specifically refer to this Committee the procedure which it will follow in the case of petitions is set out in subparagraphs (c) to (e) below.
- (c) Petitions with between **5 and 50** valid signatures:

- (i) Any such petition shall be referred to the Director of Environment who will be responsible for ensuring that the petition is responded to and taken into account in the decision making process as appropriate;
 - (ii) In the case of any such petitions which relate to a matter which is, or could be, the responsibility of the Committee the signatures may count as an objection to a matter to be determined by the Committee in which case the petition will be considered by the Committee when it considers the matter in question unless power to consider objections has been delegated to officers. The Director of Environment shall decide whether the signatures count as an objection.
- (d) Any petition with **50** or more valid signatures:
- (i) Any such petition shall be notified to the Chairs of the Overview Committee and the Scrutiny Committee and to the Director of Environment;
 - (ii) Petitions concerning specific decisions planned to be made shall be referred to the decision maker. If the decision maker is the Committee rather than an officer acting under his or her delegated powers then one person representing the petitioners will be entitled to address the planned meeting of the Committee for up to 5 minutes concerning the petition.
 - (iii) Petitions not concerning specific decisions planned to be made shall be referred to the Committee if within its terms of reference as determined by the Borough Solicitor or Democratic Services Manger. If it concerns a decision that may be taken at a meeting on some future date then it shall be considered at that future meeting. In all other cases it shall be considered at the next convenient meeting. The right of a Petitioner to address the Committee only applies to the Committee at which the decision is to be taken.
- (e) Where the Committee considers a petition it may:
- (i) make a decision concerning the matter if it has sufficient information before it to do so. This will normally mean an officer's report.
 - (ii) refer it to the Overview Committee or the Scrutiny Committee for consideration;
 - (iii) call for an officers report to be brought to a future meeting; or
 - (iv) note the petition and refer it to the relevant officer for a formal response

13. Disorderly Conduct

- (a) If at any meeting of any part of the Committee any member is in the opinion of the Chair guilty of misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, then the Chair or any other member may move "that (Councillor X) not be heard further" and the motion shall be put and determined without discussion.
- (b) If the member named is guilty of further misconduct after a motion under the foregoing sub paragraph has been carried the Chair shall:

- (i) move "that (Councillor X) shall now leave the meeting" and the motion shall be put and determined without discussion. If the Chair's motion is carried and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action as he/she deems appropriate in the circumstances to bring the member(s) concerned to order; or
- (ii) adjourn the meeting for such period as the Chair shall consider expedient
- (c) In the event of general disturbance which, in the opinion of the Chair, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.
- (d) Members shall not at any time make improper remarks nor use unseemly language nor make offensive gestures nor make personal attacks on any person.
- (e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.
- (f) If a member of the public interrupts the proceedings at any meeting of the Committee the Chair shall warn them that if they continue to interrupt the proceedings in the meeting he or she may be removed from the meeting room. If they continue the interruption the Chair shall order their removal from the meeting room. In the case of general disturbance in the part of the meeting room open to the public the Chair shall order that part to be cleared.