LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT DECISIONS TAKEN BY THE CHIEF EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION – Part 3 Annexe 2: Officer Delegations – Chief Executive

Reference No: L/03

1) SUBJECT:

Proposed derogation to the Council's Hackney Carriage and Private Hire Licensing Policy 2016 concerning maximum age of hackney carriage vehicles.

2) REQUESTED DECISION:

The Council's Hackney Carriage and Private Hire Licensing Policy 2016 cites:

> *'Officers are not empowered to refuse an application for a licence. Accordingly where an application for the grant of a hackney carriage licence is made when the vehicle in question is more than 5 years old, the application must be referred to the Licensing Sub-Committee for consideration.*
> *The presumption is that licences will not be granted for vehicles over 5 years old, but each application will be considered on its own merits. Factors such as the condition of the vehicle, and the mileage will be relevant.'*

Vehicle proprietors have requested to surrender vehicle licences in light of lack of trade due to Covid-19, however are concerned by the above and whether they will be able to licence their hackney carriage vehicles again if they are in excess of 5 years old.

In terms of a derogation it is suggested that the Council should provide assurance to vehicle proprietors that if a licence is surrendered, and provided an application is received for a further grant of the same vehicle in 2020/21, then this Policy requirement will be waived.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

Covid-19 is impacting the UK at an unprecedented rate, and the usual systems available to implement policy changes via Licensing and Community Safety Committee, Strategy and Resources Committee and Full Council are not expedient. Given the circumstances many of these meetings are compromised due to social distancing precautions being now in place.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

None.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

None.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable.

8) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

North Devon Council's Hackney Carriage and Private Hire Licensing Policy 2016.

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (*or Deputy Leader*)	No	27.3.20
Chair of Committee (with the Authority to take the decision) *(or Vice-Chair)*	No	
Lead Member	No	
Ward Member(s)	No	
Head of Service (Jeremy Mann)	Yes	27.03.20
Finance	Yes	27.03.20
Legal	No	

11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Jeremy Mann via SMT.

12) APPROVED BY CHIEF EXECUTIVE: YES

13) DATE OF DECISION:

27/03/20

14) CHIEF EXECUTIVE'S COMMENTS:
The changes are necessary as a result of the current crisis

15) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

To be confirmed.

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.

2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:

3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and

3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and

3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.