

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT
DECISIONS TAKEN BY THE
CHIEF EXECUTIVE**

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



1) SUBJECT:

Fees for Temporary Event Notices (TENs).

2) REQUESTED DECISION:

Queries have arisen as to whether persons having given notice of a Temporary Event are able to receive a refund if their event is cancelled due to the impact of Covid-19. Some other local authorities have processed refunds in this way.

The fee for a TEN fee is prescribed under the Licensing Act 2003 (£21). It is suggested that it would not be appropriate to refund applicants this fee, and moreover the legality surrounding refunds of fees under the Licensing Act 2003 is questioned.

The Council has never paid out in this manner previously when an event has been cancelled. In light of the fact that the administration of the TEN costs more than the fee imposed, the suggestion is that the Council solely allow the withdrawal of the notice to avoid TEN numbers being taken up, and request a new application for a future date if the event is postponed.

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 make policy decisions via the 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, it is believed that the most appropriate way forward is for an urgent decision to be made.

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).

There are 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):

None.

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (<i>or Deputy Leader</i>)	No	27.3.20
Chair of Committee (with the Authority to take the decision) (<i>or Vice-Chair</i>)	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 change is needed in the light 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.