

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



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1) SUBJECT: Pavement Licensing (Constitution)

2) REQUESTED DECISION: To amend the Council's Constitution (Part 3, Section 5) to delegate authority to the Head of Environmental Health and Housing Service to administer and enforce the new Pavement Licence regime to be brought into effect by way of the Business and Planning Bill 2020.

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

In order to support the economic recovery of businesses following Covid-19, proposed new legislation 'The Business and Planning Bill 2020' has quickly gone through the House of Commons and Lords. The Bill is expected to have its final reading on the 20 July. The Bill comes into effect on the date it receives Royal Assent.

The Bill does not include any consequential amendments to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 meaning that the grant of pavement licences is an Executive function and not the responsibility of the Licensing Committee

This means that authorities must consider their schemes of delegation to ensure that officers have delegated authority to make decisions on the issue and enforcement of pavement licences

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).

If authority is not appropriately delegated to Officers to provide the ability for the Council to administer and enforce the Pavement Licence regime, the Council is open to legal challenge which may have financial implications.

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:

None.

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):

The Business and Planning Bill 2020

Draft guidance to the Pavement Licence process available at:  
<https://www.gov.uk/government/publications/pavement-licences-draft-guidance>

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (or Deputy Leader)	No	
Chair of Committee (with the Authority to take the decision) (or Vice-Chair)	Cllr Tucker Chair of Community Safety and Licensing Committee was present during the meeting of the Licensing and Community Safety Committee during which this item was considered.	14/07/2020
Lead Member	No	
Ward Member(s)	No	
Head of Service (name)	Jeremy Mann	13/07/2020
Finance	No	

Legal	Damian Hunter was present at Licensing and Community Safety Committee during which the recommendation for an urgent decision of the Chief Executive was made.	14/07/2020
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11) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Recommendation of Licensing and Community Safety Licensing Committee

12) APPROVED BY CHIEF EXECUTIVE: YES



13) DATE OF DECISION: 20/07/2020

14) CHIEF EXECUTIVE'S COMMENTS:

*I agree with the charges set out above.*

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

## 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.