

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



- 1) SUBJECT: Pavement Licensing (Fee)
- 2) REQUESTED DECISION: To approve a fee of £100 for a Pavement Licence application
- 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.

Whilst the matter of an appropriate fee for a Pavement Licence has been through Licensing and Community Safety Committee on the 14 July and a £100 fee is their recommendation, there is insufficient time for this to then go to a further committee meeting for approval.

The Council is unable to administer a fee which has not been appropriately approved by the Council, and doing so would create a risk of legal challenge or repayment of the fees concerned.

- 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).

The Bill cites a maximum cap of £100.

It is proposed that the fee be set at the maximum of £100.

The full cost of managing the application process and enforcing the provisions has yet to be determined, however this will cost significantly more than this fee taking into estimated account officer hours with on-costs.

Time taken to produce a website, template forms and notices, delegations, reports, to bring in a software system, administer the process, undertake consultation, determine and produce licences, and in some instances undertake enforcement can all be included.

Whilst not a direct comparison and the officer costs and associated on-costs will be different, it is noted that Devon County Council in administering this process at present have set a fee of £200 and therefore this provides some reflection of the costs of running the administration and enforcement of the Pavement Licence regime, for which this new process is not dissimilar. Moreover, considering this process is new to the District Council many of the costs associated with the set-up of the regime will not be currently encountered by the County Council.

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) <i>(or Vice-Chair)</i>	Cllr Tucker Chair of Community Safety and Licensing Committee was present during the meeting of the Licensing and Community Safety Committee which considered this matter.	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

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 fee recommended by the Committee

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.