

Decision under Delegated Powers

Officer Making the Decision

Chief Executive

Recommendation

That the additions to the delegation of Council functions to officers as attached in the appendix to this decision be made.

Reason


To take action in relation to a matter which would otherwise have been submitted to Full Council.

Authority for Decision

Section 8.2 of the Constitution states that the Chief Executive, Strategic Directors and Heads of Service can take such action as is required in the case of an emergency or urgency subject to:

- (i) consultation with the Mayor, the Chair of the relevant committee, or, in the Chair's absence, the Vice-Chair;
- (ii) consultation with the Chief Executive and relevant Strategic Directors in each case; and
- (iii) a report on the action taken being made to the next meeting of the Council or relevant committee, as appropriate.

Decision and Date



Approved 23/07/20

Background

The Business and Planning Act received Royal Assent on 22 July 2020. The Act introduces a streamlined fast-tracked and cheaper route to apply for a Pavement Licence granted by the local authority for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will help support them to operate safely whilst social distancing measures remain in place.

Pavement licences have previously been granted under Part 7A of the Highways Act 1980 by Leicestershire County Council with a 28 day consultation period. This temporary streamlined process has a 7 day consultation period and a fee capped at £100.00, and is a district council responsibility.

1. Part 1, Section 2 of the Act states ;
“An application for a pavement licence must be made to a local authority must–
 - (a) Be made in writing and in such form as the authority may specify,
 - (b) Be sent to the authority using electronic communication in such manner as the authority may specify, and
 - (c) Be accompanied by such fee not exceeding £100.00 as the local authority may require.

2. Part 4 of the Act states that a pavement licence may be granted by a local authority for such period as the local authority may specify (not less than 3 months) or with no limit on its duration, in which case it expires at the end of 30th September 2021. Any licence which is in force at the end of the 30th September 2021 expires at that time.

This matter is determined to be an ‘Council Function’ and this decision is to provide the Head of Regulatory Services and the Head of Leisure & Culture ‘Delegated Authority’ from the Council to grant a pavement licence on behalf of Charnwood Borough Council:

- (a) for such period as the local authority may specify in the licence,
- (b) with no limit on its duration, in which case it expires at the end of the 30th September 2021.

An urgent decision is required to delegate the new powers to the relevant officers prior to the next full Council meeting in September 2020. This decision will be reported to that meeting.

Proposals

Chapter 8.2 of the Constitution sets out the delegations of Council functions to officers, and it is proposed that the delegations as set out in the appendix are added to those.

Comments from HR

There are no HR implications.

Financial Implications

It is not known how many applications the Council may receive as this is only a temporary measure to assist premises while social distancing measures stay in force. Additionally, Leicestershire County Council can continue to issue permanent street pavement licences.

Processing licence applications will use officer time, and a fee of up to £100 may be set.

Consultation with the Mayor

The Mayor has been consulted and has agreed that this is an urgent decision that cannot wait until the next full Council meeting.

Consultation with Chief Executive and Strategic Directors

Strategic Directors have been consulted and support the proposals.

Risk Management

No specific risks have been identified with this decision.

Key Decision: No

Background Papers: None

Addition to Chapter 8.2 Delegation of Council Functions

Delegations to the Head of Regulatory Services and to the Head of Leisure & Culture:

Pavement Licences

- To determine fees up to the statutory maximum
- To determine applications for a Pavement Licence
- To determine to vary a Pavement Licence
- To determine to serve a Notice
- To determine to revoke a Pavement Licence
- To determine to apply or vary conditions of a Pavement Licence
- To determine requests for review in relation to any aspect
- To take enforcement or other actions to exercise relevant powers under the Business & Planning Act