



LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

18 MARCH 2020

REPORT TITLE	DELEGATED AUTHORITY
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is to request that due to the current unprecedented circumstances surrounding the COVID-19 outbreak the Committee grant delegated authority to the Director of Governance and Assurance to undertake all functions within the Committee's terms of reference where it is deemed necessary and appropriate to do so until such time as emergency legislation is passed which will allow for meetings to be held and decisions to be taken remotely by Members.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

That the Committee delegate authority to the Director of Governance and Assurance to undertake all functions within the Committees terms of reference where it is deemed necessary and appropriate to do so until such time as emergency legislation is passed which will allow for meetings to be held and decisions to be taken remotely by Members.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 Due to the current restrictions placed on individuals and organisations as a consequence of coronavirus (COVID-19) it is necessary to delegate decision making authority to an officer in order to provide continuity of service within the confines of the current situation.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Authority is not delegated to an officer. This would prevent the Council from providing continuity of service within the confines of the current restrictions placed upon individuals and services.

3.0 BACKGROUND INFORMATION

- 3.1 The Licensing Authority is seeking to provide a continuity of service within the confines of the current restrictions placed upon individuals and services as a consequence of the coronavirus (COVID-19).
- 3.2 Measures have been put in place to enable officers to process the renewal applications from home. Individuals who are seeking to renew their licences are being advised to submit applications and documentation electronically.
- 3.3 It has been recognised that due to the current circumstances individuals may not be able to obtain all the necessary documentation to enable them to comply with the current Council Policies relating to the renewal of Hackney Carriage and Private Hire Licences.
- 3.4 In order to provide a continuity of service within the confines of the current restrictions placed upon individuals and services as a consequence of the coronavirus (COVID-19) it is necessary to delegate to the Director of Governance and Assurance authority to undertake all functions within the Committees terms of reference where it is deemed necessary and appropriate to do so until such time as emergency legislation is passed which will allow for meetings to be held and decisions to be made remotely by Members.

4.0 FINANCIAL IMPLICATIONS

- 4.1 Should officers be unable to renew Private Hire and Hackney Carriage Licences individuals will be prevented from working which will have a financial impact upon them. There will also be a financial impact on the Council as licence fees will not be paid.

5.0 LEGAL IMPLICATIONS

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 provides the Council with a discretion in respect of the policies to be applied to the issuing of Hackney Carriage and Private Hire Licences.
- 5.2 The Local Government Act 1972 requires members to be physically present in order for a meeting to take place and for decisions to be made. The Government has indicated that in the current circumstances it intends to pass emergency legislation in order to allow remote meetings to take place. Until this legislation is passed it is proposed that any decisions, that would otherwise have been on the agenda for a committee, are now made by an officer, but wherever it is reasonably practicable to do so that the officer is advised in their decision-making by the views of members of the committee.

6.0 RESOURCE IMPLICATONS: ICT, STAFFING AND ASSETS

- 6.1 Processes are in place to enable officers to process licences at home. The spread of the coronavirus may have an impact on the ability to maintain this service should individual officers be affected.

7.0 RELEVANT RISKS

- 7.1 There is a risk that licences may be renewed in circumstances where such a licence should not have been renewed, however if there is any doubt a licence will not be renewed. This risk will be mitigated by the referral of any applications that raise a concern to the Licensing Manager for a decision to be made as to whether the licence should be renewed. New applications will not be processed under this delegated authority.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Due to the urgent need to act outside of the Council's current policies it has not been possible to undertake consultation.

9.0 EQUALITY IMPLICATIONS

- 9.1 There are no equality implications directly related to this report, although there may be equality implications as a result of actions which may be taken in implementing the policy or decisions recommended in the report. These will be subject to an EIA at the relevant time.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The issuing of Hackney Carriage and Private Hire Licences can have a negative impact on the environment due to emission of harmful pollutants from licensed vehicles

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APPENDICES

BACKGROUND PAPERS

The Council's policies in relation to:

- Premises Licences (pubs, clubs, restaurants),
- Gambling Premises (casinos, betting shops),
- Scrap Metal Dealers,
- Street Trading,
- House to House collections,
- Marriage and Civil Partnership Premises,
- Sex Establishments,
- Street Collections,
- Private Hire and Hackney Carriages (drivers, vehicles and operators),
- Small society lotteries

SUBJECT HISTORY (last 3 years)

Council Meeting	Date