

BUSINESS AND PLANNING ACT 2020: Chief Executive's Urgent Decision

PORTFOLIO HOLDER:	Cllr Andy Pratt, Environment, Place and Inclusive Communities.
LEAD OFFICER:	Pat Graham, Chief Executive
REPORT AUTHOR:	Michaela Peet, Assistant Solicitor

Why has this report come to the Council?

To advise Council of an urgent action decision taken by the Chief Executive on 24th July 2020

Recommendation:

That Council notes the urgent action decision to implement matters arising from the Business and Planning Act 2020, which received Royal Assent on the 22nd July 2020 and coming into force, in respect of certain provisions, immediately.

1. Background information

- 1.1 An urgent action decision to implement matters arising from the Business and Planning Act 2020, which received Royal Assent on the 22nd July 2020 and coming into force, in respect of certain provisions, immediately was taken by the Chief Executive on the 24th July 2020.
- 1.2 The urgent action was needed as the Act received Royal Assent on the 22nd July. The matter was considered by the Council's Executive on the 21st July 2020. However a late amendment by the Lords on that date switching the function of pavement licences from being an executive to a non-executive function (such amendment being passed and confirmed by the Commons late on the 21st July) means that the Executive decision is of no effect. Recommendation (e) of the report to the Executive contemplated this happening and stated that the Chief Executive would endorse any decisions made by the Executive
- 1.3 The Act, coming into force, does not coincide with meetings of the Council. The Bill went through Parliament as an executive function until the eleventh hour when it switched to being a non-executive function. Even if this had not happened the speed with which the Bill became law would have meant that the Executive decision, even if an executive function, would not have been

timely due to call-in period delays. Unusually, for an Act, many of its provisions are with immediate effect. Applications for pavement licences in particular could be received tomorrow, consulted upon and processed within 14 days otherwise they would be deemed granted. The matter therefore requires an immediate decision.

- 1.4 A copy of the urgent action decision along with the required approvals is attached for information and the Council is asked to note the action taken. Comments of the statutory officers are included within that action.

Statutory Officer Comments:

MO and S151 Comments: Both the Monitoring Officer and Solicitor have agreed the action taken.

APPENDICES:

Appendix A – Copy of Officer Decision Record.