

Title of meeting: LICENSING COMMITTEE

Date of meeting: 13 JANUARY 2015

Subject: Schedule 5, Local Government (Miscellaneous Provisions) Act 1982 and sections 115A - 115K Highways Act 1980 - Provision of Highway Amenities - Determination of Delegation Powers and other Associated Matters

Report by: LICENSING MANAGER (in consultation with Legal Services)

Wards affected: ALL

Key decision: No

Full Council decision: No

1. Purpose of report

To seek committee approval to rescind Licensing Committee minute 9/2014 and to substitute that decision with the recommendations shown below so far as this relates to the proposed delegation of powers to both the Licensing Committee and appropriate Head of Service and in respect of highway amenity matters.

2. Recommendations

That Licensing Committee minute 9/2014 be rescinded forthwith and substituted with:

(1) That the Licensing Committee formally adopts the highway amenity policy and recommends to full Council the delegation of this function to the Licensing Committee together with:

- **Delegation to the Head of Health, Safety & Licensing to carry out the administration of all highway amenity matters pursuant to sections 115A - 115K of the Highways Act 1980. To include the power to grant, vary, transfer and renew (but not to refuse or revoke) any individual highway amenity permission for a period of not more than 12 months and subject to such standard and special conditions as considered appropriate**
- **Delegation to the Head of Health, Safety & Licensing to recommend to the Licensing Committee, from time to time, such fees and/or other reasonable expenses/charges as may be appropriate to recover the costs of administration and compliance with highway amenity permissions**

- **Delegation to the Head of Health, Safety & Licensing to refund such fee(s) for unsuccessful applications as considered appropriate on individual merit**
- **Delegation to the Head of Health, Safety & Licensing to give notice of intended refusal/revocation or non-renewal of any amenity permission on individual merit.**
- **Delegation to the Head of Health, Safety & Licensing to establish, amend, vary and/or substitute any hearing procedures, application forms, notes of guidance and other documentation commensurate with these proposals.**

(2) That the Licensing Committee establishes a panel (drawn from not less than 3 members of the Licensing Committee) to determine and adjudicate on any contested highway amenity applications (where permission is likely to be refused, revoked or not renewed) and whose decision will be final.

3. Background

On 21 November 2014 the committee received a report recommending the adoption of an all-embracing policy for the licensing and administration of "highway amenity" permissions pursuant to provisions contained in the Highways Act 1980.

The committee approved and adopted the policy subject to minor amendments relating to barrier sizes, the temporary nature of A boards on the highway and permitting the use of attractive handwritten "chalk board" signage.

The report also recommended to Council both the delegation of this function and associated matters to the committee and Head of Service as appropriate and asked Council to also approve and adopt the amenity policy. Minute 9/2014 refers.

The City Solicitor has advised that the policy (which had been subject to wide internal and external consultation prior to approval) does NOT need to be referred to Council for further approval and therefore minute 9/2014 is defective in this respect. All other matters relating to the delegation of this function do however need full Council approval.

4. Reasons for recommendations

To respond to advice from the City Solicitor and to clarify the proposed delegation powers to both the Licensing Committee and Head of Service.

5. Legal Implications

The legal implications are embodied in this report.

6. Finance Comments

None applicable to this report.

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Signed by: Licensing Manager

Appendices: None applicable to this report

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	Nil