

WYRE FOREST DISTRICT COUNCIL

COUNCIL

TO BE HELD REMOTELY, REMOTELY

28TH JULY 2020 (6PM)

Present:

Councillors: S Miah (Chairman), P W M Young (Vice-Chairman), J Aston, G W Ballinger, C J Barnett, J F Byng, V Caulfield, S J Chambers, A Coleman, R H Coleman, N J Desmond, H E Dyke, P Dyke, C Edginton-White, N Gale, S Griffiths, I Hardiman, P Harrison, K Henderson, L J Jones, A L L'Huillier, N Martin, F M Oborski MBE, M Rayner, C Rogers, S E N Rook, J W R Thomas, A Totty and L Whitehouse.

C.28 Apologies for Absence

Apologies for absence were received from Councillors: M J Hart, T L Onslow, and D R Sheppard.

C.29 Declarations of Interests by Members

No declarations of interest were made.

C.30 Business and Planning Act 2020 – Delegation of Functions

Council considered a report from the Chief Executive which sought to delegate the Council's functions in sections 1 to 10 of the Business and Planning Act 2020 to Bromsgrove District Council for exercise by Worcestershire Regulatory Services, in order to enable them to consider and process any applications received within the tight timescales set by the Act.

The Cabinet Member for Culture, Leisure and Community Protection presented the report and formally moved the recommendations for approval. She said the Government announced what is now the Business and Planning Act 2020 on 25th June. It passed all its stages in the House of Commons on 29th June but took longer to pass through the House of Lords, receiving Royal Assent on 22nd July.

She explained that a Government amendment tabled on 15th July was the first time that it became clear that the functions about pavement licences would not be executive functions. This change to the Bill came too late for the full Council meeting on 15th July and this is why it had been necessary to organise a special meeting of Council to deal with the 2020 Act.

The Cabinet Member for Culture, Leisure and Community Protection added

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that it was important that the authority considered the Act rapidly after Royal Assent as businesses in Wyre Forest can already submit

applications. She said, as of last night, no applications had been received and it was understood only two applications have been made elsewhere in Worcestershire.

The Cabinet Member for Culture, Leisure and Community Protection further explained that the Act sets out very tight timescales for public consultation and then decision-making. If the authority did not make appropriate arrangements for handling any applications that come forward in Wyre Forest, the licence is deemed to be granted for a period of 12 months.

She said the report sought Council's approval of the policy set out in appendix 1 to the report. The policy includes in paragraph 6.3 that the fee will be £100 and in paragraph 12.1 that licences will be for 6 months. She added that these are only temporary licences under a regime which will come to an end in September 2021. She suspected that there would be very few applications outside pedestrianised areas of Kidderminster Town Centre, as pavements were generally not wide enough to accommodate furniture and leave enough space for pedestrians, wheelchair users and others.

The Chairman of the Licensing and Environmental Committee, Councillor P Dyke, seconded the proposals.

Upon a show of hands, the vote was carried unanimously.

Decision: Council:

- (a) DELEGATED the Council's functions in sections 1 to 10 of the Business and Planning Act 2020 to Bromsgrove District Council for exercise by Worcestershire Regulatory Services;**
- (b) AGREED the Wyre Forest District Council Policy on Pavement Licences;**
- (c) AUTHORISED the Solicitor to the Council in consultation with the Corporate Director: Economic Prosperity and Place and Corporate Director: Resources to make any necessary amendments to the service level agreement and other documents governing the Council's relationship with Worcestershire Regulatory Services and to the Council's Fees and Charges.**

There being no further business, the meeting ended at 6.14pm.