

Report from: Business Support Manager

Report to: Director Environment & Housing

Date: 20th January 2015

Subject: Record of Decisions – Environmental Action – December 2014

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): All		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The Openness of Local Government Bodies Regulations 2014 which came into force on the 5th August require local authorities to record decisions made by officers in relation to the granting of a permission or licence.
2. The regulations are specific as to the information that must be recorded. This is provided in Appendix 1.

Recommendations

3. That the Director of Environments & Housing, under delegated powers, publish the attached record of decisions made in December 2014.

1 Purpose of this report

- 1.1 The purpose of this report is to present a written record of any decision which would otherwise have been taken by the local authority, but has been delegated to an officer.

2 Background Information

- 2.1 Paragraph 7 of the Openness of Local Government Bodies Regulations 2014 states that:

- (1) The decision-making officer must produce a written record of any decision which falls within paragraph (2).
- (2) A decision falls within this paragraph if it would otherwise have been taken by the relevant local government body, or committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either—
 - (a) under specific express authorisation; or
 - (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.
- (3) The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information—
 - (a) the date the decision was taken;
 - (b) a record of the decision along with the reasons for the decision;
 - (c) details of alternative options, if any, considered and rejected; and
 - (d) where the decision falls under paragraph (2)(a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.
- (4) The duty imposed by paragraph (1) is satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of paragraph (3) is already required to be produced in accordance with any other statutory requirement.

3 Main issues

- 3.1 Environmental Action has two main areas where officer delegated decisions are made in relation to Council functions and fall within the remit of this legislation—Health and Safety and Animal Welfare. For example decisions are made around the licensing of premises for acupuncture, tattooing and ear piercing. Or in the case of animal welfare the issuing of pet shop licences etc.

- 3.2 The majority of decisions are made under delegated authority by officers following policies adopted by the council. A list of decisions for the current month are attached at **Appendix 1**.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Where required by the legislation licence applications are subject to consultation periods.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Specific Equality, Diversity, Cohesion and Integration Impact Assessments and Screenings have been undertaken by the respective sections relating to the licensing processes and are published on the council website.

4.3 Council policies and City Priorities

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

- 4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

4.4 Resources and value for money

- 4.4.1 The cost of licensing, in general and where the legislation permits, is recovered on an at cost basis.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Openness of Local Government Bodies Regulations 2014 requires local government bodies to record and publish decisions as stated in 2.1 of this report. It is an offence to obstruct any person from inspecting written records and background papers, or to refuse a request for these documents. The offence is liable on summary conviction to a fine not exceeding level 1 on the standard scale (currently £200).

4.6 Risk Management

- 4.6.1 This report is advisory, to record the decisions made as required by the regulations and as such there is no risk associated with this report.

5 Conclusions

- 5.1 This report records the decisions made under delegated powers by officers of Environmental Action.

6 Recommendations

- 6.1 That the Director of Environments & Housing, under delegated powers, publish the attached record of decisions made in December 2014.

- 7 Background documents¹** None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.