

Committee:	Date:
Licensing Streets and Walkways Sub	6 th May 2015 18 th May 2015
Subject: Local Government (Review of Decisions) Act 2015	Public
Report of: Remembrancer	For Information

Summary

This Report advises the Committee of the provisions of the Local Government (Review of Decisions) Act 2015. The Act requires local authorities to put in place a formal review procedure for any decisions which stop or restrict a proposed event on grounds of health or safety, and enables the introduction of a fast-track procedure for such decisions to be reviewed by the Local Government Ombudsman.

Recommendation

The Committee is invited to receive this Report.

Main Report

1. The Local Government (Review of Decisions) Act started life as a Private Member's Bill introduced in the House of Commons by Mark Spencer, then Conservative Member for Sherwood. Most such Bills make little progress, and indeed a similar Bill introduced in the previous session of Parliament failed to make any headway. On this occasion, however, a favourable allocation of time, coupled with support from both the Government and the Opposition, meant that the Bill passed into law ahead of the dissolution of Parliament in March.
2. The Act is intended to counteract what is perceived, in the words of Mr. Spencer, to be an "over-zealous" and "risk-averse" application of health-and-safety laws by local authorities. It will apply to decisions taken by local authorities (including the Common Council) which have the effect of stopping the holding of an event, or imposing restrictions or conditions on an event, for reasons relating to the health or safety of any person. The Act is confined to decisions taken in the exercise of "administrative functions," a term which is understood to include the activities of the Common Council only in its capacity as a local authority, police authority and port health authority.
3. The principal change made by the Act is to require a formal procedure to be put in place for internally reviewing decisions to which the Act applies. The first step in this procedure is to give written notification of the decision (and the reasons for it) to the applicant or organiser. This must be done on the day

the decision is taken or, if that is not reasonably practicable, the next working day. The applicant or organiser will then be entitled to request an internal review of the decision. If such a request is made, a review will have to be carried out as soon as reasonably practicable, and in any event within fifteen days of the request. The outcome of the review will then have to be notified in writing to the applicant or organiser. The Act does not specify by whom within the local authority the review should be undertaken.

4. A further change will enable the Local Government Ombudsman to introduce different procedures for different sorts of investigation. The intention is that the Ombudsman will set up a “fast-track” procedure for dealing with complaints against decisions to which the Act applies. The substantive powers of the Ombudsman will not, however, be changed. Therefore the Ombudsman will be able to recommend the reversal of a decision, or the payment of compensation, but will not be able to enforce such a recommendation.
5. It is anticipated that decisions to which the Act applies will most often relate to events proposed to take place in the street or in licensed premises. Examples might include temporary road restrictions under the Road Traffic Regulation Act 1984, counter-notices to temporary events notices under the Licensing Act 2003, and refusals of (or the imposition of terms and conditions on) temporary street trading licences under the City of London (Various Powers) Act 2013.
6. The Act will come into force on the 26th May 2015. The appropriate officers were informed as soon as it became apparent that the Bill was likely to pass into law, in order to ensure that the necessary arrangements could be put in place in time.

Appendices:

(None.)

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