

## URGENT DECISIONS

<b>Head of Service:</b>	Andrew Bircher, Interim Director of Corporate Services
<b>Report Author:</b>	Andrew Bircher
<b>Wards affected:</b>	(All Wards);
<b>Appendices (attached):</b>	None

### Summary

To report to the Council a decision taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

### Recommendation (s)

#### The Council is asked to:

- (1) To note the urgent decision taken and the reasons for that decision.

## 1 Reason for Recommendation

- 1.1 To report to the Council a decision taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution

## 2 Background

- 2.1 The scheme of delegation sets out that the Chief Executive and Directors are authorised to take decisions on grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision-making body in sufficient time to take the decision.

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- 2.2 A request for an urgent decision was received in respect of a public hypnotism act to be held at Epsom Playhouse. This is not set out in the scheme of delegation for any committee to approve, although the Chair of LPPC committee was consulted. The decision was taken by Andrew Bircher, Acting Director of Customer Services. As the matter is not expressly within the Terms of Reference for LPPC committee, notification of the urgent item is being brought to Full Council.
- 2.3 In a future update of the Constitution this matter will be addressed for any future requests.

### **URGENT DECISION, NUMBER 116,**

- 2.4 We have received an application for consent of a performance of hypnotism on 7<sup>th</sup> March 2024 at Epsom Playhouse. Unfortunately, the current scheme of delegations does not allow officers to provide this consent, and there is not time to arrange a committee to consider the application.

#### **Proposed action/decision:**

- 2.5 To consent to the performance of hypnotism by Robert Temple at the Epsom Playhouse on 7<sup>th</sup> March, subject to the standard conditions.
- 2.6 Delegate to Licensing Officer the authority to issue consent to the exhibition, demonstration or performance of hypnotism in future, so that the officer delegation can be added to the Live Register of Delegations once approved.
- 2.7 In the decades since the Hypnotism Act 1952 became law the public concerns on the effects of performances of hypnotism have greatly diminished. Within the timescales available it is not possible to determine for certain that all risks have been removed completely, and so it is proposed to proceed with option b and attach standard conditions to the consent, as recommended within the last review of the Hypnotism Act by the Home Office, to the consent.
- 2.8 In relation to the officer delegation: Given the minimal risk to the Council it is proposed that authorisation be delegated to officers so that future decisions relating to the performance of hypnotism can be made more efficiently by reducing the administrative burden on the Council. The alternative would be for future application to be considered by the LPPC – this would appear unduly burdensome on the applicant given the risks, and difficult to justify as a cost to the taxpayer.
- 2.9 The Acting Director of Corporate Services approved the urgent decision on the 5<sup>th</sup> March 2024.

### **3 Risk Assessment**

Legal or other duties

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- 3.1 Equality Impact Assessment
  - 3.1.1 None arising from this report.
- 3.2 Crime & Disorder
  - 3.2.1 None arising from this report.
- 3.3 Safeguarding
  - 3.3.1 None arising from this report.
- 3.4 Dependencies
  - 3.4.1 None arising from this report.
- 3.5 Other
  - 3.5.1 None arising from this report.

### 4 Financial Implications

- 4.1 Financial implications are included within each decision form.
- 4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

### 5 Legal Implications

- 5.1 Legal implications are included within each decision form.
- 5.2 **Legal Officer's comments:** None arising from the contents of this report

### 6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
  - Effective Council
  - Cultural & Creative
  - Safe & Well
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None arising from this report.
- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from this report.

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6.5 **Partnerships:** Not applicable to this report.

## 7 **Background papers**

7.1 The Urgent decision has already been published on Members News.