



**Council**

**12 November 2018**

**Subject: Amendments to the Constitution**

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

To agree a number of minor amendments to the Constitution.

These relate to the introduction of the New Animal Welfare Regulations and also amendments to permit consideration being given to cancelling meetings during significant National Events or Emergencies

**RECOMMENDATION(S):**

Members are asked to: -

- 1) approve the amendments to the Constitution as set out in Appendices A and B

## IMPLICATIONS

**Legal:**

**Financial : FIN/140/19**

There are no financial implications arising from this report.

**Staffing :**

No Implications

**Equality and Diversity including Human Rights :**

No Implications

**Risk Assessment :**

No Implications

**Climate Related Risks and Opportunities :**

No Implications

**Title and Location of any Background Papers used in the preparation of this report:**

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

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**No**

**x**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**x**

**No**

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## **1 Introduction**

- 1.1 A number of minor amendments are required to the Constitution.
- 1.2 These relate to the introduction of the New Animal Welfare Regulations and also amendments to permit consideration being given to cancelling meetings during periods of national mourning/emergencies.

## **2. Animal Welfare Regulations**

- 2.1 The Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 (to be referred to as 'the Regulations' from this point on) came into effect on 1<sup>st</sup> October 2018.
- 2.2 The Regulations will be the primary legislation for the licensing of the following animal activities;
  - Animal Boarding (Catteries and Kennels)
  - Home Boarding of Dogs
  - Dog day care
  - Dog breeding
  - Riding establishments
  - Sales of animals (formerly pet shops)
  - Performing animals (formerly a registration administered by LCC)
- 2.3 The regulations will amend or repeal the following legislation:
  - The Breeding of Dogs Act 1973 – Repealed
  - The Breeding of Dogs Act 1991(b) - Repealed
  - The Pet Animals Act 1951 - Amended
  - Breeding and Selling of Dogs (Welfare) Act 1999 - Repealed
  - Riding Establishments Acts 1964 & 1970 - Amended
  - Performing Animals (Regulation) Act 1925 – Amended
  - Animal Boarding Establishments Act 1963 – Amended
  - Local Government Act 1974 – Amended
  - Dangerous Wild Animals Act 1976 – Amended
  - Zoo Licensing Act 1981 – Amended
- 2.4 All animal activities, as set out in 1.2 above will be subject to the same regime. Conditions are nationally set for each defined activity as contained within the Regulations and any Appeals of the Council's decisions in relation to these activities will be heard by First Tier Tribunal.
- 2.5 In order for Officers to be able to operate under the new regulations a number of minor amendments are required to the Constitution.
- 2.6 The amended affected pages are set out at Appendix A

- 2.7 In summary these amendments will permit the Executive Director of Operations (and any other Officer he chooses to sub-delegate this function to) to Grant, Renew, Vary, Suspend, Refuse, or Revoke a Licence applied for under the Animal Welfare Regulations 2018.
- 2.8 The Executive Director of Operations will also have delegated powers to deal with any appeals made against “star ratings” in relation to Animal establishments.
- 3. **The Effect of Significant National Events or Emergencies on Council and Committee meetings.**
  - 3.1 Teams across the Council are often asked to prepare protocols to be followed in the event of a significant national event or emergency, in doing so consideration has had to be given to the effect on Council and Committee meetings during such periods.
  - 3.2 The Head of Paid Service currently has delegations to cancel meetings in the event of extreme inclement weather, insufficient business to warrant a meeting or other unforeseen circumstances.
  - 3.3 It is considered prudent and a “belt and braces approach” to extend this delegation to cover periods of national mourning/emergencies.
  - 3.4 The amended affected page is attached at Appendix B

#### **4 Recommendations**

- 4.1 Members are asked to approve the amendments to the Constitution as set out in Appendices A and B