

Proposed Change to the Constitution

Title: *(Short title for ease of reference)*

Amendments to deal with updated legislation relating to animal licensing regimes

Relevant section of the Constitution (including page/paragraph number):

Part 3 – as detailed below

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

Part 3 (Changes to Page 15)

Chapter 5 (Licensing Committee)

Table at 5.5 (Sub-Committee Delegations)

1. Delete “the Licensing Sub Committee has the power to revoke any of the licences listed below” as it is duplicate wording and is in the incorrect place. Note: This is directly below the table at 5.5 on page 15.
2. Delete paragraph number 32 in the table and add a new paragraph which reads “32: Power to licence zoos on first application”. This change will mean that Licensing Sub Committees deal with initial applications for zoo licences only and not renewal applications.
3. Add in new paragraph delegating the power to revoke animal licences to the licensing sub committee which reads “70. Power to revoke licences issued under The Zoo Licensing Act 1981” and “The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018” (save where immediate welfare issues require the licence to be revoked immediately, in which case delegation is made to the Head of Environment and Street Scene).”

Reason, including referenced documents/acts, for proposed change:

Using the numbering above:

1. This is in the wrong place.
2. Renewal applications are more suitable to be determined by an officer as most simple applications do not have a great deal of discretion and officers can deal with the application based on the report put together by the inspector. Unless there are any complicating factors in which case it would be referred to a licensing sub committee, in accordance with the current Animal Licensing Policy.
3. Revocation, given the impact, should be dealt with by the licensing sub committee rather than an officer delegation – in accordance with the current animal licensing policy.

Appendix A

Timescale:

To be considered by Constitution review working party on 21 November 2023.

Proposer:

Name:	Helen Ward
Title:	Lawyer (Contentious)
Date:	17.7.2023

Approval *(to be completed by Legal Services)*

***Changes approved by the Monitoring Officer under delegated authority**
***Proposed major changes to be submitted to Audit and Governance Committee for approval**
*(*delete as appropriate)*

Signature of Monitoring Officer:

Date:

Amendment No:

Date incorporated:

Summary of Changes (Marked up)

5.5. Sub-Committee Delegations

The Council's functions in connection with the following matters are delegated to the Licensing Sub-Committee.

Function	Provision of Act or Statutory Instrument
14CA Power to make order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises.	Section 284 of the Gambling Act 2005.
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2 and Schedule 3.
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii).
32. Power to license zoos	Section 1 of the Zoo Licensing Act 1981 (c. 37).
Power to consider any applications for a site licence or a collectors licence that have been refused by the authority where the applicant wishes to make representations	Scrap Metal Act 2013
32. Power to licence zoos on first application.	Zoo Licensing Act 1981
70. Power to revoke licences issued under The Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (save where immediate welfare issues require the licence to be revoked immediately, in which case delegation is made to the Head of Environment and Street Scene).	The Zoo Licensing Act 1981 and The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

~~The Sub-Committee has authority to revoke any of the licences listed below.~~