

**Proposed Change to the Constitution**

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

Amendment to include new legislation to allow the Authority to issue Penalty Notices for offences under animal welfare and licensing legislation.

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

Part 3 – Responsibility for Functions

**Description of proposed change:**

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

Part 3 (Page 52)

Amendments to Appendix 1 to Table 4 (DELEGATIONS TO THE HEAD OF HOUSING, HEALTH AND ENVIRONMENT)

- Page 52: Add in a new line “Animals (Penalty Notices) Act 2022”

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

The Animals (Penalty Notices) Act 2022 is a new piece of legislation that commenced on 1 January 2024. The Act allows a Local Authority to issue penalty notices for certain offences relating to animals and animal products.

Currently, the Local Authority can deal with offences relating to animal licensing and welfare by way of informal and formal action including warnings, cautions and prosecution, in accordance with the enforcement policy.

The new Act allows penalty notices to be issued in the amount of up to £5,000 or the maximum fine for the particular offence (whichever is the lesser). Payment of the penalty notice (or a proportion of it, in accordance with the rules set out in the Act) discharges criminal liability for an offence. If the penalty is not paid, the Local Authority can continue to prosecute for the offence.

The Local Authority is able to recover enforcement costs from payment of a penalty notice, with any additional sums being sent to the Consolidated Fund, the government's general bank account at the Bank of England.

Where used, the Local Authority must consider certain factors in order to establish both whether a penalty notice is appropriate and to set the level of the fine. Statutory Guidance has been issued which sets out those factors to consider and it is proposed that the Local Authority will update its Animal Licensing Policy and Enforcement Policy accordingly.

It is proposed that implementing and enforcing the legislation is delegated to the Head of Housing, Health and Environment, who also has delegated responsibility for other animal welfare and licensing matters.

**Timescale:**

To be considered by Constitution review working party on 28 February 2024.

To be considered by Audit & Government Committee on 12 March 2024

To be considered by Full Council on 3 April 2024.

**Proposer:**

Name:	Helen Ward
Title:	Lawyer (Contentious)
Date:	14.2.24

**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**

Acquisition of Land Act 1981  
Administration of Justice Act 1970  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Agricultural Produce (Grading and Marking) Acts 1928 and 1931  
Animal Health Act 1981  
**Animals (Penalty Notices) Act 2022**  
Animal Welfare Act 2006  
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
Anti-Social Behaviour Act 2003  
Anti-Social Behaviour, Crime and Policing Act 2014  
Building Act 1984  
Business Names Act 1985  
Business and Planning Act 2020  
Burial Act 1853 and 1857  
Caravan Sites and Control of Development Act 1960  
Caravan Sites Act 1968  
Children and Young Persons (Protection from Tobacco) Acts 1933 and 1991  
Civic Amenities Act 1967  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Contaminants in Food (England) Regulations 2003  
Commons Act 1876 and 2006  
Companies Act 1985  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Pollution (Amendment) Act 1989  
Control of Pollution Act 1974  
Countryside and Rights of Way Act 2000  
Copyright, Design and Patents Act 1988  
Criminal Damage Act 1971  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1994  
Crime and Disorder Act 1998  
Courts and Legal Services Act 1990  
Dangerous Dogs Act 1991  
Dangerous Wild Animals Act 1976  
Development of Tourism Act 1969  
Directives and Regulations Dogs (Fouling of Land) Act 1996  
Dogs (Fouling of Land) Act 1996  
Education Reform Act 1988  
Electricity at Work Act 1989  
Employment of Women, Young Persons and Children Act 1920  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Environmental Protection Act 1990 and all associated EU Directives and Regulations Environment Act 1995  
Estate Agents Act 1979

## Appendix A

European Communities Act 1972  
European Communities Act 1972  
Explosives Acts 1975 to 1976  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Food Act 1984  
Food Hygiene (England) Regulations 2006 2013  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Gambling Act 2005  
Gas Safety (Installation and Use) Regulations 1998  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc. Act 1974  
Highways Act 1980  
Home Energy Conservation Act 1997  
Home Safety Act 1961  
Household Waste and Recycling Act 2003  
House to House Collections Act 1939  
Inclosure Act 1857  
Insurance Brokers (Registration) Act 1977  
International Health Regulations 2005  
Intoxicating Substances (Supply) Act 1985  
Imported Food Regulations 1997  
Land Drainage Act 1976  
Land Drainage Act 1991  
Land Drainage Act 1994  
Licensing Act 2003  
Litter Act 1983  
Local Authorities Cemeteries Order 1977  
Local Government Act 1972 and 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Transport Act 2008  
Localism Act 2011  
Medicines Act 1968  
Micro Chipping of Dogs (England) Regulations 2015  
Mock Auctions Act 1961  
Motor Vehicle Salvage Operators Regulations 2002  
National Assistance Act 1948  
New Roads and Street Works Act 1991  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Open Spaces Act 1906  
Parochial Registers and Records Measure 1978  
Pesticides Act 1995  
Pesticides (Fees and Enforcement) Act 1989  
Poisons Act 1972  
Police, Factories, etc. (Miscellaneous Provisions) Act 1916  
Police Reform Act 2002  
Police Reform and Social Responsibility Act 2011  
Pollution Prevention and Control Act 1999  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974 and 1975  
Products of Animal Origin (Import and Export) Regulations 1996, as amended  
Property Misdescriptions Act 1991  
Protection of Animals Act 1911 (as amended)

Public Health Act 1925 – Street Naming and Numbering Functions  
Public Health Act 1936  
Public Health Act 1961

## Appendix A

Public Health (Control of Diseases) Act 1984  
Public Health (Ships) Regulations 1979  
Public Health (Ships)(Amendment)(England) Regulations 2007  
Railway Clauses Consolidation Act 1985  
Refuse Disposal (Amenity) Act 1978  
Registration of Burials Act 1864  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Acts 1988 and 1991  
Road Traffic Offenders Act 1988  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic Regulation Act 1984  
Rights of Way Act 1991  
Scrap Metal Dealers Act 1964 and 2013  
Shops (early Closing Day) Act 1995  
Slaughter of Poultry Act 1967  
Slaughter of Poultry (Licences and Specified Qualifications) Regulations 1991  
Slaughterhouse Licence (Forms and Records) Regulations 1959  
Slaughterhouse Act 1974  
Solicitors Act 1974  
Sunbeds (Regulations) Act 2010  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Theft Act 1968  
Timeshare Act 1992  
Tobacco Advertising and Promotions Act 2002  
Town and Country Planning Act 1990  
Town Improvement Clauses Act 1847 – Street Naming and Numbering Functions  
Town Police Clauses Act 1847  
Trade Descriptions Acts 1968 and 1972  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Act 1958 and 1972  
Trading Stamps Act 1964  
Traffic Management Act 2004  
Transport Act 1985, 2000 and 2006  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Acts 1984 and 1993  
Warm Houses and Energy Conservation Act 2003  
Waste Minimisation Act 1998  
Water Industries Act 1991  
Weights and Measures Act 1985  
Wildlife and Countryside Act 1981  
Young Persons (Employment) Acts 1938 and 1964  
Zoo Licensing Act 1981