

REGISTER OF URGENT  
DECISIONS OF THE EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION  
– Part 4 Overview and Scrutiny Committee  
Procedure Rules and Budget and Policy  
Framework Procedure Rules



Reference No: 2018/05

1) SUBJECT: The Animal Welfare (Licensing Of Activities Involving Animals)  
(England) Regulations 2018

2) REQUESTED DECISION:

- (a) That Executive note the legislative changes brought into effect by way of the Regulations.
- (b) Recommend to Full Council that the Council's Constitution be amended at Part 3 by inserting new paragraphs 5.14 and 5.15 to 'Appointments and Authorisations' under relevant environmental health and housing legislation for the Head of Environmental Health and Housing Services. This will facilitate administration and enforcement in respect of those licences issued under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The following paragraphs are suggested for inclusion:
  - 2.2.1 'Power under the Animal Welfare Act 2006 to inspect in connection with licences, and to inspect records required to be kept by the holder of a licence.'
  - 2.2.2 'Power under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 for the grant, renewal, variation, suspension, and revocation of licences; to impose licence conditions; and to take samples from any animals on premises occupied by an operator. Power to undertake risk ratings of premises and allocate star ratings. Power to determine appeals in respect of risk ratings and associated star ratings of premises, and to refer any matter to the Council's Licensing Sub-Committee for determination.'
- 2.3 Recommend to Full Council the adoption of fees contained in **Appendix One** for animal licensing with effect of 1 October 2018. In doing so, Members should note the substantial increases from those fees imposed under the current regime, that will better enable cost recovery. Members should further note that due to the position with DEFRA only recently having issued its Procedural Guidance Notes for Local Authorities under the new provisions, it has not been feasible given the time constraints to undertake any consultation with the licensed community or members of the public. Given that the figures provided in respect of the necessary tasks required and officer rates with on-costs are fixed,

this is not highly relevant. Albeit, that a possible suggestion from the licensed community had consultation been undertaken is that Members consider some level of fee subsidy whilst fees are increased more incrementally over a set period.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

The Regulations are effective from the 1 October 2018 and therefore there can be no delay in setting fees. It is unfortunate that this authority and others have been privy to DEFRA's Procedural Guidance for only a short period, leaving the Full Council meeting scheduled on 26 September the only meeting available in the required time-frame.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

Considering that there will be an increased workload associated with the introduction of the new animal licensing regime, there will be inadequate staff resources to sufficiently cover this area of work and other licensing regimes. There are currently only two officers employed in the Licensing Team who are in a position to be able to undertake inspections of animal establishments. As such the intention is to utilise additional income that will be generated from licence fees, to either gain additional resource to undertake animal inspections etc., or that existing staff undertake animal related work and other fee income from alternative licence regimes is used to secure additional resource for those areas, for example hackney carriage/private hire or Licensing Act 2003 enforcement.

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Nil.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

Nil.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable.

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON:

17<sup>th</sup> September 2018

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

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Report by Public Protection Manager.

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member	Yes	10/9/18
Ward Member(s)	Not applicable	
Chief Executive		
Head of Service (name)	Yes	10/9/18
Legal	Yes	10/9/18
Finance	Yes	10/9/18

11) APPROVED BY DECISION TAKER



Councillor Des Brailey MBE, Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN:

17<sup>th</sup> September 2018



# GUIDANCE NOTES

## NOTE:

### PROCEDURE FOR URGENT DECISIONS:

1. The Chief Executive must notify the Leader/Deputy Leader.
2. The Leader/Deputy Leader must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent, the Chief Executive shall advise the Leader/Deputy Leader that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

### PROCEDURE FOR URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

1. The Executive, a committee of the Executive, an individual member of the Executive or officers or joint arrangements discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (a) if it is not practical to convene a quorate meeting of the full Council; and
  - (b) if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
2. The Chief Executive must notify the Leader/Deputy Leader.
3. The Leader/Deputy Leader must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
4. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-

Chairman to seek his determination that it is not practical to convene a quorate meeting of full Council and to it being treated as a matter of urgency.

5. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent, the Chief Executive shall advise the Leader/Deputy Leader that the decision may be taken by a person or body possessing a relevant power to make such a decision.
6. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
7. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.