



Democratic Renewal Panel 19 June 2008

Amendments to the Constitution

1. Background

- 1.1 The Democratic Renewal Panel has as part of its Terms of Reference, to 'recommend amendments to the Council's Constitution to full Council'.

2. Proposed Amendments

2.1 Licensing Functions

- 2.1.1 The Head of Environmental Health and Housing and Licensing Services Manager have been reviewing the delegations associated with the Licensing Function and have requested the amendments to the Constitution as detailed in Appendix A.
- 2.1.2 Most of the amendments/new delegations to the Licensing Services Manager will formalise the existing sub-delegations that have been in practice since June 2005.

2.2 Other

- 2.2.1 Appendix B details two further amendments to the Constitution.

3. Recommendations

- 3.1 The Panel is **RECOMMENDED** to approve the amendments proposed in Appendices A and B of Report Z50.

For further information please contact:
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PART 3: RESPONSIBILITY FOR FUNCTIONS

D. Community Directorate

D3 (a) Head of Environmental Health and Housing

Paragraph 51: Amended

Be authorised to, where appropriate, **suspend**, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence (**deleted: following an unfit vehicle notice**) in accordance with s.68 and/or s.60(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

D3 (b) Specified Officers

Paragraph 24: Amend

The Licensing Services Manager, Senior Licensing Officer, Senior Licensing Enforcement Officer, and Licensing Officers (**deleted: and Licensing Assistants**) to carry out inspections and take appropriate enforcement action (**deleted: prior to formal proceedings**) in accordance with the Council's Enforcement Concordat in respect of the following Acts:-

Paragraph 27: New

The Licensing Services Manager pursuant to Sections 115 A-K of the Highways Act 1980 and in accordance with the Council's policy for trading and displays on the highways to determine applications and take other action under these provisions.

Paragraph 28: New

The Licensing Services Manager to issue licences, registrations, exemption, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents pursuant to the following statutes:-

**Town Police Clauses Act 1847 and 89;
Police, Factories and C (Miscellaneous Provisions) Act 1916;
Public Health Act 1936;
House to House Collections Act 1939;
Pet Animals Act 1951;
Caravan Sites and Control of Development Act 1960;
Animal Boarding Establishment Act 1963;
Scrap Metal Dealers Act 1964;
Riding Establishments Acts 1964 and 1970;
Breeding of Dogs Act 1991;**

**Dangerous Wild Animals Act 1976;
Zoo Licensing Act 1981;
Local Government (Miscellaneous Provisions) Act 1982;
Local Government (Miscellaneous Provisions) Act 1976;
Highways Act 1980;
Vehicles (Crime) Act 2001;
Licensing Act 2003;
Housing Act 2004;
Gambling Act 2005; and
Any subsequent legislation arising from the Animal Welfare Bill.**

Paragraph 29: New

The Licensing Services Manager to authorise the making/issue of, and to serve, Notices and Counter Notices and Orders, pursuant to the following statutes:-

**Local Government (Miscellaneous Provisions) Act 1976;
Local Government (Miscellaneous Provisions) Act 1982;
Licensing Act 2003; and
Gambling Act 2005.**

Paragraph 30: New

The Licensing Services Manager and the Senior Licensing Enforcement Officer be authorised to, where appropriate, suspend a Hackney Carriage or Private Hire vehicle licence in accordance with s.68 and/or s.60(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Paragraph 31: New

In respect of Hackney Carriage/Private Hire Driver licences for private hire vehicles and hackney carriages, the Licensing Services Manager to suspend licensed drivers with immediate effect on the grounds of Public Safety under s.61 Local Government (Miscellaneous Provisions) Act 1976 as amended by the Road Safety Act 2006.

Paragraph 32: New

The Licensing Services Manager, Senior Licensing Officer, Senior Licensing Enforcement Officer, Licensing Officers to carry out inspections for the purpose of determining an application under:-

**Breeding of Dogs Act 1991;
Breeding of Dogs Act 1973;
Animal Boarding Establishment Act 1963;
Riding Establishment Act 1964;
Dangerous Wild Animals Act 1976;
Zoo Licensing Act 1981;
Pet Animals Act 1951; and
Prevention of Damage by Pests Act 1949.**

PART 4: RULES OF PROCEDURE

(A) Financial Procedure Rules: Contracts

Paragraph 7.9: Amend

In all cases, where the final cost of any work carried out under a works contract which exceeds £25,000, varies from the approved contract sum, an explanation by way of a report by the appropriate Head of Service of such cost, shall be submitted to the **(deleted: Cabinet) Performance and Audit Scrutiny Committee**.

(B) Officer Employment Procedure Rules

Section 4: Appointment of Chief Officers

- (a) The Officer Appointments Committee will appoint all Chief Officers **except the Head of Paid Service**. That Committee must include at least one Member of the Cabinet.