

Date of meeting: 21 November 2022

Title of Report: **Constitutional Amendments**

Lead Member: Cllr James Stoneman (Cabinet Member for Climate Change)

Lead Strategic Director: Giles Perritt (Assistant Chief Executive)

Author: Giles Perritt (Assistant Chief Executive)

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Your Reference:

Key Decision: No

Confidentiality: Part I - Official

## Purpose of Report

To seek to two amendments to the Constitution.

## Recommendations and Reasons

That Council Approve:

1. The amendment to the Licensing Committee Terms of Reference as set out in Appendix 1 to this report to delegate to the responsibility to approve Animal Licensing Policy;  
*Reason: The requirements of an animal of policy accords closely with legislation and closely relates to the setting of fees and conditions which are a function of the Committee. As such it is appropriate it sets the policy under which it will operate.*
2. The amendment to the Appointment of Proper Officers Table as set out in Appendix 2 to this report  
*Reason: to reflect a change in national bodies with responsibilities in relation to the reporting and functions concerning the Control of Infectious diseases.*

## Alternative options considered and rejected

Not to make the amendments as set out in the report which would mean:

Recommendation 1- that the Animal Licensing function is not properly delegated, remaining an issue which would require full Council decisions, hindering the speed of decision making. It also properly aligns the responsibilities to a Committee already skilled in dealing with similar functions.

Recommendation 2 - that the constitution does not accurately reflect what we are required to do in practice

## Relevance to the Corporate Plan and/or the Plymouth Plan

Effective decision and good governance impacts upon all aspects of the Corporate Plan. Proposed changes to the constitution ensure clarity of committee and officer roles.

### Implications for the Medium Term Financial Plan and Resource Implications:

There are none arising from this report.

### Carbon Footprint (Environmental) Implications:

Subject to the decision of Council in June 2022, the consultation will take place largely on-line, reducing reliance on printed media, although paper copies will be available where necessary.

### Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

None.

### Appendices

*\*Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Amendment to the Licensing Terms of Reference							
B	Amendment to the table of Proper Officer appointments							

### Background papers:

*\*Add rows as required to box below*

*Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.*

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

Sign off:

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Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 11/11/2022											

**APPENDIX I**

**Amendment to the Licensing Terms of Reference:**

At the end of paragraph 2.1 of the Terms of Reference the following text will be inserted:

“(h) to set policy in relation to the Animal Licensing Functions of the Council to the extent they do not fall within the Budget and Policy Framework”

**APPENDIX 2****Amendment to the table of Proper Officer Appointments:**

To agree the amendments to the Constitution table of Proper Officer Appointments (Section 5 – Roles and Responsibilities) as follows:

Public Health Act 1936	Section 84	Cleansing of filthy and verminous articles	<p>Strategic Director of Public Health</p> <p>Consultant in Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit</del></p>
Public Health Act 1936	Section 85(2)	Cleansing of filthy and verminous persons and their clothing	<p>Director of Public Health</p> <p>Consultant in Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public</del></p>

			<del>Health England Centre or by any successor agency or unit</del>
Public Health Act 1961	Section 37	Controlling verminous things	<div>Strategic Director of Public Health</div> <div><del>Consultant in Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</del></div> <div><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit</del></div>
Public Health (Aircraft) Regulations 1979	Regulation 5 and including all subsequent reference to medical officers		<div>Strategic Director of Public Health</div> <div><del>Consultant in Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</del></div> <div><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any</del></div>

			<del>successor agency or unit-</del>
Public Health (Ships) Regulations 1979	Regulation 5 and including all subsequent reference to medical officers		<p>Strategic Director of Public Health</p> <p>Consultant in Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit-</del></p>
Public Health (Control of Disease Act) 1984 as amended	Section 61 and 62	Powers to enter premises for health protection purposes, and supplementary powers of entry	<p>Strategic Director of Public Health</p> <p>Consultant in Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit-</del> Consultant in</p>

		<p>Health Protection, as designated by the UKHSA South West Region Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit-</del> Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit-</del> Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently</del></p>
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		<p><del>medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the</del></p>
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		<p>UKHSA South West Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated</del></p>
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		<p><del>by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any</del></p>
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			<p>successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon,</del></p>
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			<p><del>Cornwall and Somerset Public Health England Centre or by any successor agency or unit- Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit-</del></p>
Public Health (Control of Disease Act) 1984 as amended	Section 48	Certification for removal of bodies to mortuary or for burial.	<p>Strategic Director of Public Health</p> <p><del>Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</del></p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically-qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit-</del></p>

Health Protection (Local Authority Powers) Regulations 2010	Regulations 8 (1) and 8 (2)		<p>Strategic Director of Public Health</p> <p>Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit</del></p>
Health Protection (Notification Regulations) 2010	Regulations 2, 3, and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	<p>Strategic Director of Public Health</p> <p>Consultant in Health Protection, as designated by the UKHSA South West Region or by any successor agency or unit</p> <p><del>Consultant in Communicable Disease Control (CCDC), and any equivalently medically qualified officer as designated by the Devon, Cornwall and Somerset Public Health England Centre or by any successor agency or unit</del></p>