

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	BREEDING OF DOGS - SCHEME OF DELEGATION		
DATE OF DECISION:	26 AUGUST 2009		
REPORT OF:	HEAD OF ENVIRONMENTAL HEALTH AND CONSUMER PROTECTION DIVISION		
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STATEMENT OF CONFIDENTIALITY

None

SUMMARY

The Officer Scheme of Delegation describes those decisions delegated to officers. One area of delegation relates to animal licensing and in particular, the breeding of dogs. A recent review of those delegated powers revealed that two pieces of dog breeding legislation are not listed. This report is to request that the Committee grant officer's delegated powers under the legislation not listed.

RECOMMENDATIONS:

- (i) That Licensing Committee delegate all powers and duties under the Breeding of Dogs Act 1973 relating to licensing but not restricted to grant and revocation to the Head of Environmental Health and Consumer Protection Division;
- (ii) That Licensing Committee delegate all powers and duties under the Breeding and Sale of Dogs (Welfare) Act 1999 relating to licensing but not restricted to grant and revocation to the Head of Environmental Health and Consumer Protection Division

REASONS FOR REPORT RECOMMENDATIONS

1. The Officer Scheme of Delegation is a cornerstone in the effective and efficient working of the Council providing suitably qualified officers the ability to make routine, day-to-day decisions within their sphere of competence. One such sphere of competence is in the breeding of dogs.
2. Currently the Scheme only lists the Breeding of Dogs Act 1991, which extends the powers of inspection for the purposes of the Breeding of Dogs Act 1973, which remains on the statute books, and is the basis of the local authority's power and responsibility in this field of activity.
3. Similarly, the Breeding and Sale of Dogs (Welfare) Act 1999 amends and extends the 1973 Act but is not listed.

CONSULTATION

4. Legal Services has been consulted

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. The only other option available was that the powers under the two pieces of legislation remain with the Licensing Committee. This was rejected on the grounds that officer's on occasion are required to respond to situations to ensure an effective and efficient service provision. In addition, all other aspects of animal legislation enforced by the division are listed in the Scheme of Delegation.

DETAIL

6. The officer Scheme of Delegation is fundamental to the promotion of the efficient, effective and economic running of services.
7. Within 'Part 4 – Environment Directorate – Animal Legislation' of the scheme the following have been delegated to officer's – "All powers and duties under the Animal Boarding Establishments Act 1963 and Breeding of Dogs Act 1991 relating to licensing including but not restricted to grant and revocation". No other reference is made to the breeding of dogs.
8. However, the substantive piece of legislation for the licensing and inspection of breeding establishments for dogs is the Breeding of Dogs Act 1973 and is not currently in listed in powers delegated to officers.
9. The Breeding and Sale of Dogs (Welfare) Act 1999 builds on the 1973 Act to amend and extend the Act relating to the commercial breeding and sale of dogs is also not listed in the powers delegated to officers.
10. This report requests that the two unlisted pieces of legislation are delegated by Licensing Committee to officers under the general terms of reference for Licensing Committee.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

11. There are no capital implications associated with the recommendations contained within this report.

Revenue

12. There are no revenue implications associated with the recommendations contained within this report.

Property

13. No implications

Other

14. No other implications

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

15. All powers and duties under the Breeding of Dogs Act 1973 relating to licensing including but not restricted to grant and revocation.

16. All powers and duties under the Breeding and Sale of Dogs (Welfare) Act 1999 relating to licensing including but not restricted to grant and revocation.

Other Legal Implications:

17. None

POLICY FRAMEWORK IMPLICATIONS

18. No implications

SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at: N/A

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	All
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