

---

## PETITION TO COUNCIL – LIVE ANIMAL EXPORTS

To: **Council – 25 February 2016**

By: **Tim Howes – Director of Corporate Governance**

Classification: **Unrestricted**

Wards: **All**

---

**Summary:** **A petition to the Council has been received in relation to the exportation of live animals for slaughter.**

### **For decision**

---

#### **1.0 Introduction**

1.1 Under the Council's petitions scheme, if a petition contains more than 1,000 signatures, the petition organiser will be offered five minutes to present the petition at a meeting of Council; and, at the meeting at which the presentation of the petition takes place, Council will debate the petition and decide how to respond.

#### **2.0 Current Situation**

2.1 A petition organised by Mr Reginald Bell has been validly signed by 1,440 persons. The petition prayer reads:

"We the undersigned, petition the Council to:

1. Reaffirm their opposition to the live export of animals for slaughter.
2. Lobby Parliament and Thanet MP's to introduce an amendment to the 1847 Piers and Harbour Clauses Act so that Ports can legally refuse live export trade.
3. Designate a TDC Cabinet Member to be a permanent point of contact between the Council and Thanet Against Live Animal Exports."

2.2 In addition to the 1,440 persons who have validly signed the petition, 131 signatures were disallowed as they were deemed invalid in accordance with the Council's petition scheme. Of the 1,440 valid signatures 533 were from outside the Thanet District.

2.3 The petition organiser is entitled to present their petition to Council, and in accordance with the Council's petition scheme has five minutes to present the petition.

2.4 Mr Bell has informed the Council that he would like to accept the opportunity to present the petition.

### **3.0 Corporate Implications**

#### **3.1 Financial**

3.1.1 There are no identified financial implications from this report.

3.1.2 However, to date Thanet District Council has incurred settlement payments of £4.2m in relation to the court findings detailed below in paragraph 3.2.1.

#### **3.2 Legal**

3.2.1 The petition seeks that the Council should:-

1. Reaffirm their opposition to the live export of animals for slaughter.
2. Lobby Parliament and Thanet MP's to introduce an amendment to the 1847 Piers and Harbour Clauses Act so that Ports can legally refuse live export trade
3. Designate a TDC Cabinet Member to be a permanent point of contact between the Council and Thanet Against Live Animal Exports".

In reference to points 1 and 3 above, it is a political, not a legal question, regarding any position the Council should adopt generally towards the live export of animals and as to how it engages with particular political or moral groups.

However, it must be stressed that if the Council were to adopt either of these suggestions, the law would still constrain the manner in which the Council could give effect to that opposition and/or the views of any particular group.

In 2014, the Council was found to have acted unlawfully, in breach of Article 35 of the Treaty on the Functioning of the European Union, by refusing to permit live animals to transit the Port of Ramsgate. Further, the Court relied upon its finding that the ban was motivated by political and moral considerations as a factor justifying the award of damages.

As to point 2 specifically, it should be noted that amending the Harbours, Docks and Piers Clauses Act 1847 would not be sufficient to render it lawful for the operators of open ports to refuse the live export trade on the grounds of a general opposition to that trade.

As noted above, the legal basis on which exporters successfully challenged the Council's decision to exclude the live export trade from the Port of Thanet was Article 35 of the Treaty on the Functioning of the European Union.

#### **3.3 Corporate**

3.3.1 In accordance with the Council's petitions scheme, if a petition contains more than 1,000 signatures, Council can debate the petition and decide how to respond.

#### **3.4 Equity and Equalities**

3.4.1 There are no specific equity and equalities issues arising from this report.

### **4.0 Recommendations**

4.1 It is recommended that the Council take no action on the petition.

Contact Officer:	Ciara Feeney, Head of Legal Services & Deputy Monitoring Officer
Reporting to:	Tim Howes, Director of Corporate Governance & Monitoring Officer

**Annex List**

None	
------	--

**Corporate Consultation Undertaken**

Finance	Nicola Walker, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer