



Report to Regulatory Panel

Meeting Date:

Portfolio: Finance Governance and Resources

Key Decision: No

Policy and Budget Framework No

Public / Private Private – *This report is not for publication by virtue of Paragraph 1 of Schedule 12A to Local Government Act 1972*

Title: To carry out a review of a Dog Breeders Licence.

Report of: Corporate Director of Governance & Regulatory Services

Report Number: GD.14/23

Purpose / Summary: After an allegation of dog beating of a dog in the care and control of the licence holder, it was decided by Officers of Carlisle City Council to bring the incident to the attention of the Panel for a decision on suspension, variation or revocation of the licence.

Recommendations: To consider the content of the report and any representations made by the Licence Holder and come to a decision in line with the options proposed in paragraph 4.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

1.1 Mr Atkinson applied for a breeder's licence with Carlisle City Council. A 2-year licence rated 4 stars was granted which is due to expire on 13th April 2023. The licence permitted Mr Atkinson to breed from 5 bitches with 2 litters at any one time from Carlisle Road, Dalston.

2. CURRENT ISSUE.

2.1. Mr Atkinson also runs a professional dog training business aside to the dog breeders' licence and this is called Dakota Gun Dog Training. This has a vast reputation whereby Mr Atkinson has trained dogs for a life with members of the Royal Family previously.

2.2 The UK Animal Cruelty Files (UKACF) is a database which shares information on animal cruelty and prosecutions, convictions and appeals for information.

2.3 In December 2022, a video was shared by this database which showed a man aggressively shouting and using expletive language at a young black spaniel type dog and in addition to this, this same person then proceeded to kick the dog on more than one occasion.

2.4 The person named in the video footage was Mr Jason Atkinson of Dakota Gun Dog Training and this was later confirmed by himself during the interview.

2.5 A letter was sent to Mr Atkinson whereby he was invited to an interview, under PACE (Police and Criminal Evidence Act) conditions at Carlisle Civic Centre. Mr Atkinson accepted the invite and arrangements were made.

2.6 During this time, the RSPCA also investigated this incident and advised that no further proceedings would be taken as the video evidence available was not clear enough for a veterinary surgeon to certify a level of suffering caused or a definitive time frame as the dog in question had not visited a vet for examination post the incident to check for injury. A verbal warning was issued.

2.7 On Monday 16th January 2023, an interview was conducted whereby Mr Atkinson showed remorse for his actions and indeed was aware of the requirement for positive reward based training.

2.8 The competence of Mr Atkinson for ensuring the needs of the animals are met and the ability to recognise signs of fear, pain, suffering or distress are evidenced.

2.9 Mr Atkinson forwarded by way of email a series of videos and photographs which evidence his set up for the housing of the dogs and his usual training methods.

2.10. During the investigation into this incident, Mr Atkinson was co-operative throughout, and remained polite and calm.

Mr Atkinson did show remorse for his actions and was tearful during the interview. Subsequent videos and photographs were forwarded by Mr Atkinson to demonstrate his typical way of dog training and socialisation which were on the contrary to that of the video footage. Mr Atkinson also informed the Council of his level of expertise in which he works with dogs trained for a life living with members of the Royal Family – an indicator of the quality of his work and reputation.

The Council have not received any reports of concerns with regard to Mr Atkinson previously.

2.11 The Council issue the dog breeders licences to persons considered competent in recognising animal welfare needs, with positive human handling techniques and also uses a positive reward based training method.

2.12 This dog was in Mr Atkinson's care in relation to the Professional Dog Training Business he runs, and although whilst not breaching the licence conditions for the activity of dog breeding, it is believed that the actions carried out by Mr Atkinson are subject to The Animal Welfare Act, Section 4 Unnecessary Suffering, whereby a person commits an offence if:

- (a) An act of his, or a failure of his to act, causes an animal to suffer*
- (b) He knew, or ought reasonable to have known, that the act, or failure to act, would have that effect or be likely to do so*
- (c) The animal is a protected animal as defined by Section 1 of the Act*
- (d) The suffering is unnecessary.*

Whilst Mr Atkinson has not breached his licensing conditions directly, Part 3, Regulation 15 of The Licensing of Activities Involving Animals (England) Regulations 2018 states:

'A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,*
- (b) there has been a breach of these Regulations,*
- (c) information supplied by the licence holder is false or misleading, or*
- (d) it is necessary to protect the welfare of an animal.'*

In light of this, the incident is brought to the attention of the Panel for a decision to be made on the dog breeding licence activity and whether it is suitable for this activity to continue.

3. LEGAL COMMENTS.

Please see Schedules 1, 2 and 6 of The Animal Welfare (Licensing of Activities Involving Animals (England) Regulations 2018 which are appended to this report.

Mr Atkinson meets the business test as set out in **Schedule 1, (2.1)** of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and is required to be licensed to breed and sell dogs in the District of Carlisle.

Schedule 2, Condition 8.1. 'All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.'

Whilst the dog in question is not subject to the activity of dog breeding, licenced by Carlisle City Council, the incident in the video is subject to The Licensing of Activities Involving Animals (England)Regulations 2018, Regulation 15, Part 3 which states:

'A local authority may, without any requirement for the licence holders' consent, decide to suspend, vary or revoke a licence at any time on being satisfied that-

- (a) The licence conditions are not being complied with,
- (b) There has been a breach of these Regulations,
- (c) Information provided by the licence holder is false or misleading,
- (d) Or it is necessary to protect the welfare of an animal.**

Members need to consider whether Mr Atkinson is, in light of this evidence, a fit and proper person to continue to hold this licence. If not, it should be revoked. If the Panel feel that revocation is not necessary, it may consider whether a suspension, or lesser sanction is appropriate.

4. OPTIONS.

Members are asked to consider the report and after hearing the evidence and any representations from Mr Jason Atkinson, reach a decision in line with the options available.

- Allow the continuation of the dog breeders licence.
- Vary the Dog Breeders licence conditions.
- Suspend the dog breeding licence, for a period of time, with the knowledge that the licence is due for renewal on the 13th April 2023.
- Revoke the dog breeding licence.

Contact Officer: Sam Morris Ext: 7173

Appendices attached to report:

- 1. witness statement**
- 2. witness statement.**
- 3. Video Footage - to be shown at meeting.**

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL – contained in report
PROPERTY SERVICES -
FINANCE –
EQUALITY –
INFORMATION GOVERNANCE –

CARLISLE CITY COUNCIL

WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

Statement of

Age **over 18 years**

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This statement consisting of 1 page each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

My name is _____ and I am employed by Carlisle City Council as a Technical Officer.

I was at work when I became aware of an incident posted to a social media group named 'UK Animal Cruelty Files with regards to a man licenced under Carlisle City Council for the activity of breeding and selling dogs, now known to me as Mr Jason Atkinson.

The video was circulated on or around the approximate date of December 31st 2022, whereby a man in the video is walking two spaniel type dogs in a woodland area. (Exhibit SM/1). One dog, described as a brown and white spaniel type is loose off the lead and is seen to be running the woodland. The second dog is a smaller black spaniel which appears to be quite young. This dog is on a lead held by the man in the video.

Some seconds into the video, the man is seen to kick the young black dog and shout aggressively at the dog using expletive language. A second kick to the dog occurs where it appears that the dog is kicked with enough force for the dog to lift off the ground. The dog yelps.

Mr Atkinson is a 5 star licenced dog breeder with the Council and as such, this behaviour is a breach of the conditions to which he is subjected to. Any dog trained must be done so using positive reward based training and to promote positive animal welfare.

I contacted Mr Atkinson by way of email and invited him to attend Carlisle Civic Centre for an interview under PACE conditions.

Mr Atkinson responded verbally by way of a phone call to accept the invite.

On Monday 16th January 2022, both myself and a colleague, _____ interviewed Mr Atkinson with regards to the incident recorded and shared online. _____ This commenced at 10.45am and concluded at 11.14am. Questions were asked of myself and _____ (Exhibit SM/2).

Mr Atkinson has been compliant throughout and showed remorse during the interview for the actions seen in the video footage. He became tearful and explained that his level of expertise in dog training was quite significant as he had previously trained dogs for life with members of the Royal Family. The interview confirmed Mr Atkinson was indeed the man in the video footage and he demonstrated his knowledge around positive reward based training. The reason given for the actions seen in the video were that a change in personal circumstances led to the outburst, which is not typical of Mr Atkinson's behaviour, and behaviour for which he regretted.

At approximately 11.30, I left the interview room along with my colleague. Later this same day, Mr Atkinson forwarded by email, further video's which show his training methods and his positive interaction with his dogs.

On Friday 20th January 2022, I contacted Mr Atkinson by way of email to advise that the matter would be referred to the panel for review of his licence. I have received no further communication since.

The facts in this statement are written from notes made at the time, and the original are kept in my possession, and copies are available upon request. STATEMENT ENDS.

Signature

Signature witnessed by.....

Print Name

Address...

.....

Home/Mobile telephone..

Female

CARLISLE CITY COUNCIL
WITNESS STATEMENT

(CJ Act 1967, s.9 MC Act 1980, ss 5A (3a) and 5B, MC Rules 1981, r.70)

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My name is and I am employed by Carlisle City Council as a Technical Officer.

I was contacted by my colleague, and asked to assist in an interview under PACE conditions for an incident which involved a video of a man kicking and shouting aggressively at a dog.

On Monday 16th January 2022, along with , I assisted in interviewing Mr Atkinson about this video footage which had been circulated on social media as I was informed that he is a licenced dog breeder with Carlisle City Council.

At 10.45am the interview commenced and then later concluded at approximately 11.14am. Questions were asked of Mr Atkinson from both myself and my colleague. Then, at approximately 11.30, I left the interview room along with my colleague.

I noted Mr Atkinson's polite and calm demeanour throughout, and I have had no further interaction with Mr Atkinson.

STATEMENT ENDS.

Signature

Signature witnessed by.

Print Name

Address..

Home/Mobile telephone...

Female