

AGENDA

Regulatory Panel

Wednesday, 15 March 2023 AT 16:00
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

APOLOGIES FOR ABSENCE

To receive apologies for absence and notification of substitutions

DECLARATIONS OF INTEREST

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any items on the agenda at this stage.

PUBLIC AND PRESS

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

MINUTES OF THE PREVIOUS MEETING

To note that Council, at its meeting on 28 February 2023, received and adopted the minutes of the meetings held on 4 January 2023 and 15 March 2023.

The Chair will sign the minutes
[Copy minutes in Minute Book Vol 49(5)].

PART A

To be considered when the Public and Press are present

A.1 APPLICATION FOR A NEW HACKNEY CARRIAGE VEHICLE LICENSE 5 - 16

The Licensing Manager to submit a report regarding applications for Private Hire Vehicles Licenses for two Mercedes vehicles with tinted windows darker than the Council's required specification.

(Copy report GD.13/23)

A.2 PRIVATE HIRE OPERATOR 17 - 38

The Corporate Director of Governance and Regulatory Services to submit a report regarding a Private Hire Operator Licence.

(Copy Report GD.12/23 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 REVIEW OF DOG BREEDER LICENCE 39 - 46

****This report is not for publication by virtue of Paragraph 1 of Schedule 12A to the Local Government Act 1972 as it contains information relating to any individual.***

**THE REGULATORY PANEL, AT ITS MEETING ON 15 MARCH 2023,
RESOLVED TO CONSIDER THIS ITEM IN PUBLIC.**

The Corporate Director of Government and Regulatory Services to submit a report regarding the review of a Dog Breeder Licence.

(Copy Report GD.14/23 herewith)

Members of the Regulatory Panel:

Conservative – Mrs Bowman, Ms Ellis-Williams (Chair), Mrs Mitchell, Meller, Morton, Shepherd, Bainbridge (sub), Mrs Mallinson (sub), J Mallinson (sub)

Labour – Alcroft, Sunter, Dr Tickner, Miss Whalen (Vice Chair), Birks (sub) Patrick (sub), Miss Sherriff (sub)

Independent and Liberal Democrat - Pickstone, Allison (sub)
Independent Member for Stanwix and Houghton - Nedved

Enquiries, requests for reports, background papers etc to:
democraticservices@carlisle.gov.uk

Meeting Date: 15 Mar 23
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework: No
 Public / Private: Public

Title: Application for a new Hackney Carriage Vehicle Licence
 Report of: Corporate Director of Governance and Regulatory Services
 Report Number: GD.13/23

Purpose / Summary: Purpose / Summary

Mr Brett Page has applied to Carlisle City Council for a Hackney Carriage Vehicle Licence in relation to a Suzuki Swace Estate car. The vehicle has tinted rear windows darker than the Councils required specification of visual light transmission. Members are asked to consider whether the application should be granted outside of policy.

Recommendations:

To reach a decision to determine the Hackney Carriage Vehicle Licence application.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

- 1.1. Mr Page is considering the purchase of the vehicle in question (Photographs at **Appendix 1**). He currently has a Hackney Carriage vehicle licence as is applying to change the vehicle under this licence (**Appendix 2**).
- 1.2. Mr Page attended the Civic Centre on 22 Feb 23 as he knew that the tinted windows may be in the proscribed category, and wanted to check this. Licensing Assistant Karen Blain applied the approved testing device.
- 1.3. Carlisle City Council's Private Hire and Hackney Carriage Licensing Policy 2022-2027 ('the policy') states that rear windows should have a 70% shade that vehicles presented for their first licence with need to comply with this public safety requirement prior to the licence being issued.
- 1.4. The car was found to have tinted rear windows in the proscribed category the glass being darker than the policy allows but he has requested that we accept the application and that the Regulatory Panel consider granting the licence outside Council policy.

2. APPLICATIONS

- 2.1. Mr Page's application relates to a Suzuki Swace Estate which he is considering buying in order to apply for a Hackney Carriage Licence. The car has factory fitted rear tinted windows.
- 2.2. Mr Page is a current Hackney Carriage Driver/Licence holder with eight years experience.
- 2.3. Window tints are measured by the percentage of how much light can pass through the windows. This is called Visible Light Transmission or VLT. The lower the percentage VLT is the darker the tint.
- 2.4. The rear windows showed a consistent reading of 25.1% visible light transmission. The front windscreen and driver and adjacent passenger windows are clear.
- 2.5. The Council's policy of a requirement of 70% shade/30% VLT has been explained to the applicant, however he wishes to proceed with the application and requests that the Regulatory Panel consider licencing the vehicle outside the Council's policy.
- 2.6. The Policy exists under a Safeguard concern: broadly – could a member of the public see into the car in the event that anything untoward was happening inside the vehicle?
- 2.7. Mr Page has submitted an application (**Appendix 2**) and an e-mail which can be found at **Appendix 3** with the text as follows:

'I am writing with regards to me purchasing a new vehicle to use as a taxi , Suzuki Swace 1.8 petrol, hybrid 5 star safety rating. I popped to the Civic Centre on the 22nd Feb 2023 where Karen tested the rear window tint visibility testing confirmation that the rear windows are 25.1 tint which is darker than the council Recommends (but the windows come as standard with the vehicle from new, I would like to appeal to the panel on the matter, that a small issue like this, as the vehicle offers more benefits like hybrid, better for the economy and also a 5-star safety rating for passengers. A quick response would be appreciated as the vehicle is still for sale in Suzuki Carlisle Sincerely, Mr B Page.'

3. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY 2022-2027

- 3.1. Carlisle City Council first adopted a policy on tinted windows for licensed vehicles in 2004 and this was carried forward when the Private Hire and Hackney Carriage Licensing Policy was consolidated in April 2022 following wide consultation.
- 3.2. The Policy states in Section 2.36:

Tinted Windows

The front windscreen, front driver's side window and front passenger's side window must ordinarily be clear glass. Exemption from this requirement may be given for original manufacturer's specification 'light tint' glass that does not prevent the identification of the driver and passengers from outside the vehicle.

The rear passenger windows should allow 30% visual light transmission (70% shade) (with the exception of the glass to the luggage compartment).

Vehicles presented for their first licence will need to comply with this public safety requirement prior to the licence being issued. Licensing Officers have a calibrated standard tint meter that can be used to check rear passenger windows.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

4. GUIDANCE, LEGISLATION AND LEGAL COMMENTS

- 4.1. As members are aware Officers do not have the delegated powers to permit any deviation from the Council's Policy which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Carlisle City Council are, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences. It is however acknowledged that a 'blanket' policy cannot be applied in every

circumstance and there needs to be a process in place for any departure from the Policy to be considered on a case-by-case basis. While the policy binds officers in their decision making it is not binding for Members. Members should consider if it is appropriate to depart from the Policy without compromising public safety.

4.2. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, Licensing of Hackney Carriage vehicles, states:

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Hackney Carriage vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that the vehicle is—

(i) suitable in type, size and design for use as a Hackney Carriage vehicle;

(ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe; and

(v) comfortable;

3.1 Members should consider that the impact on a person's family of losing or not obtaining a licence is not a relative consideration and cannot be taken into account. Leeds City Council v Hussain [2003] RTR 13 DC & Cherwell DC v Anwar [2012] RTR Admin Crt

4, OPTIONS

Members should reach a decision in line with the following options

- To authorise officers to grant a Hackney Carriage Vehicle Licence
- To refuse the application
- If the application is granted Members should consider whether to delegate power to the Licensing Manager to amend the VLT in the Hackney Carriage and Private Hire Vehicle Policy.

Contact Officer: Mark.singleton@carlisle.gov.uk

**Appendices
attached to report:**

1. 1A, 1B & 1C Photographs of the car in question (the actual car).
2. Application form
3. E-mail from Mr Page to Licensing.

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Carlisle City Council Hackney Carriage and Hackney Carriage Licensing Policy 2022-2027

CORPORATE IMPLICATIONS:

LEGAL – contained within report

FINANCE – None

EQUALITY – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

INFORMATION GOVERNANCE – No Information Governance implications







CITY OF CARLISLE
APPLICATION FOR A HACKNEY
CARRIAGE LICENCE

Lalpac Log	032477
Fee Paid	50-
Receipt No	010591
FUND 31 HA	
Lic. issued	

Before completing this form you should read the notes overleaf.

1. Full Name and Address of Applicant **BRETT PAGE**
 (Including Postcode)
33 ARTHUR Street
CA2 4AN
2. Tel No: **07710 557273**
 Email address: **BRETT.PAGE78@GMAIL.COM**
3. Under which company's radio circuit do you intend to work? **N/A**
4. Type of application (Tick appropriate box)

a) New	<input type="checkbox"/>
b) Renewal	<input type="checkbox"/>
c) Vehicle Change/Transfer	<input checked="" type="checkbox"/>

DETAILS OF VEHICLE

5. Make, model and colour **SUZUKI SWACE SZ-T HEV CVT**
6. Registration No. **KW 70 VXG**
7. Date of first registration **23/12/2020**
8. Engine capacity **1.8**
9. Seating capacity (Passengers) **4**
10. ~~*Wheelchair~~/Non Wheelchair *Delete as appropriate
11. Hackney Carriage Vehicle Licence No. (if applicable) **H458**

DECLARATION

In accordance with the provisions of the Public Health Act 1875, the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act, 1976, I hereby make application for a licence for the above vehicle to be used as a Hackney Carriage.

Will the Hackney Carriage be used primarily within Carlisle City Council area? Yes/No

I have read and understood the conditions under which the licence will be issued. The information above is true to the best of my knowledge and belief.

I CONSENT TO THE INFORMATION SUPPLIED ON THIS APPLICATION FORM TO BE DIVULGED TO THE POLICE AND OTHER AGENCIES INVOLVED IN THE PREVENTION OF FRAUD

DATE: 2/3/2023

SIGNATURE: 

Notes

1. You should enclose with your completed application form:
 - a) A remittance of £ licence fee and £ test fee
 - b) Evidence of insurance cover relating to the public use of the vehicle
 - c) The vehicle registration document (V5)
 - d) Remittances by cheque should be made payable to 'The City of Carlisle'
2. This application must be signed by all persons shown at question 1. If it is on behalf of a limited company the application must state in what capacity you sign.
3. The completed form and fee should be returned to the Licensing Manager, Carlisle City Council, Civic Centre, Carlisle CA3 8QG.

Hackney Carriage Specification

4. The vehicle must be:
 - a) of the London type FX4 or later design as laid down by the Metropolitan Police Public Carriage Office or;
 - b) be a wheelchair accessible vehicle of a type approved by the council or;
 - c) be a saloon, hatchback, estate or people carrier (but not a mini-bus) and be white in colour.
5. The City Council will not license a vehicle in category 4c) above unless:
 - a) under 3 years old upon first licensing as a Hackney Carriage with this authority;
 - b) a manufacturer's stated width of not less than 5ft 7ins (1.701m) excluding door mirrors;
 - c) a manufacturer's stated length of not less than 14ft (4.266m)
 - d) an engine with a minimum power output of 90bhp or 66KW
 - e) at least 3 passenger doors;
 - f) seat belts fitted to all forward facing seats;
 - g) licences will not be renewed once the vehicle reaches the age of 5 years, save for exceptional condition.
6. With effect from 1st August 2007, the City Council will only issue new Hackney Carriage licences to wheelchair accessible vehicles which, in addition to 4a) & b) above, meet the following specification:
 - a) are under 3 years old upon first licensing as a Hackney Carriage with this authority;
 - b) licences for wheelchair accessible Hackney Carriages will not be renewed once the vehicle reaches the age of 10 years, save for exceptional condition.
7. Be equipped with an illuminated roof sign and "For Hire" light of a type specified by the council.
8. The window glass fitted to the vehicle is not tinted darker than 32% +/- 2%;
9. The Council regulates advertising on Hackney Carriage vehicles and application **must** be made through the Licensing Office at the Civic Centre before any advertising is carried out.
9. There are penalties for knowingly giving false information in respect of this application.
10. You are strongly advised to consult with a Licensing Officer on the suitability of a vehicle before purchase.

App ②

Karen Blain

From: brett page <brettpage789@gmail.com>
Sent: 22 February 2023 09:48
To: Licensing Team
Subject: Appeal

To whom this may concern

I am writing with regards to me purchasing a new vehicle to use as a taxi (suzuki swace) 1.8 petrol hybrid 5star saftey rateing. I popped down to civic centre on the 22,2,2023 where Karen tested the rear window tint visibility testing confirmation that the rear windows are 25.1 tint witch is darker then the council recommends (but the windows come standard with the vechile from new,I would like to appeal to the panel on the matter that a small issue like this as the vechile offers more benefits like hybrid better for the economy and also a 5star safety rateing for passengers.A quick response would be much appreciated as the vechile is still for sale in suzuki carlisle ..yours sincerely MR B Page

On Wed, 22 Feb 2023, 08:17 Licensing Team, <licensing@carlisle.gov.uk> wrote:

Good Morning Brett

The rules for tinted windows have not been relaxed, however you do have the right to take your application to the Committee Panel where it can be discussed further. On Looking at the picture you have attached the back passenger windows do look very dark, but without seeing it and testing the window tint for you we would be unable to ascertain the tint level. A hackney vehicle must be under 3 years old at the time of being licensed, therefore the age would be fine if the date of registration is as you say.

The phones were very quiet yesterday afternoon so cannot understand how you were unable to reach us.

If you wish to discuss this further we are in the office all day today.

Kind Regards

Karen

Karen Blain



Report to Regulatory Panel

Item
A.2

Meeting Date: 15th March 2023
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework NO
 Public / Private Public
 Title: Private Hire Operator
 Report of: Licensing Manger
 Report Number: GD. 12/23

Purpose / Summary:

A Private Hire Operator Licence was issued to Sallyanne Brady, trading as Border Private Hire on 15th February 2023. Information has been received that the application contained a false statement regarding the person(s) involved in the company. Members of the Panel are requested to consider the information within the report and take any action as appropriate.

Recommendation:-

That Members consider whether any to take any action on the Private Hire Operator Licence in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and detailed in the Options at Section 8.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. LICENSING BACKGROUND

- 1.1. Miss Sallyanne Brady holds a Hackney Carriage Driver Licence (HD249) and a Private Hire Driver Licence (PD096).
- 1.2. An application was received by the Licensing Authority on 6th February 2023 from Miss Sallyanne Brady (trading as Border Private Hire) for a 1 year Private Hire Operator Licence (**Appendix 1**).
- 1.3. On the basis of the information provided, the application was approved and the licence PO039 was issued on 15th February 2023 for a period of 1 year (**Appendix 2**).
- 1.4. Members should note that the Section 9 of the Application Forms requests that the applicant disclose person(s) who are or will be concerned in the operating of vehicles and bookings and the applicant states that only herself is involved in this capacity.
- 1.5. Evidence has been received that Mr Phil Taylor is involved with company and has been involved in the potential bookings of School Transport routes.
- 1.6. At the Regulatory Panel on 14th September 2022, Members resolved to revoke the Private Hire Operator Licence for Mr Philip Taylor for the 247365 as he was not a fit and proper person to hold the licence (Report GD 47/22).
- 1.7. Due to the involvement of Mr Taylor in Border Private Hire the licence has been referred to the Regulatory Panel for consideration.

2. PRIVATE HIRE OPERATORS

- 2.1. A private hire vehicle (PHV) can only be despatched by a private hire operator (PHO). That is, a person who holds an operator's licence under the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2. A PHV must be driven by a licensed Private Hire Driver (PHD) and all three licences (operator, vehicle and driver) must be issued by the same local authority.
- 2.3. A PHO licence is issued for a period of 5 years (or lesser period on request) and the Council determines whether the applicant is a fit and proper person to hold an operator's licence and in the case of an individual or partnership, that the person(s) is not disqualified by reasons of the applicant's immigration status.
- 2.4. The applicant is required to provide information on person(s) who are or will be concerned in the operating of vehicles and bookings (company directors, co-owners, secretary, receptionists) and must provide a basic criminal disclosure certificate for each person.
- 2.5. The Council have the power to suspend, revoke or refuse to renew any Operator's Licence for any reasonable cause including:

- a) The committing by the licensee of any offence under or non-compliance with any of the provisions of Part II of the Local Government (MP) Act 1976.
- b) Any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence
- c) Any material change since the licence was granted in any of the circumstances of the operator based on which the licence was granted.
- d) The operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty.
- e) Any other reasonable cause

3. With regard to the application for a PHO licence the LG(MP) Act Section 57 (3) states *If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.*

4. ISSUE TO BE CONSIDERED

- 4.1. As stated above Miss Brady (t/a Border Private Hire) was issued a Private Hire Operator Licence on 15th February 2023 for a period of one year. Her application form stated that she was the only person involved in the company.
- 4.2. On 28th February 2023 contact was made to the Licensing Manager from an officer in the School Transport Team at Cumbria County Council to state that information had been received that Mr Phillip Taylor was involved in the Private Hire Operation of Border Private Hire. He had sent a text message to an officer in the team stating "*Hiya Just letting you know I'm back on DPS with border private hire Cars and drivers available straight away if you need anything Thanks Phil*" (**Appendix 3**)
- 4.3. DPS is the tendering system used by the School Transport Team. The operators apply to be on it and agree to the Terms and Conditions one of which is that they agree to be licenced appropriately at all times, once the application for the DPS is approved they are permitted to tender for routes.
- 4.4. Mr Taylor then contacted the School Transport Team by telephone and stated that he was acting on behalf of Miss Brady. When officers refused to deal with him, he stated that he would get Miss Brady to give her permission for him to speak on her behalf with regard to the school contracts. Officers refused and he asked was there "anyway around this". Mr Taylor also stated to the School Transport Officer that **he** had "submitted several bids but had not yet heard anything". It was confirmed by the School Transport Team that some bids had been received from Border Private Hire.
- 4.5. It is therefore evident to officers that Mr Taylor has an involvement in the Company with regard to the bookings that this should have been disclosed on the application form for the Private Hire Operator Licence.

4.6. Miss Brady was contacted by telephone on several occasions on 1st March but did not answer her phone. An email was also sent to her that day. As no response was received from Miss Brady a letter was hand delivered to her home address that evening requesting that she attends an interview on 2nd March 2023. (**Appendix 4**)

4.7. An email was received from Miss Brady 1st March 2023 at 21:05 stating

Good afternoon Amanda,

I apologise sincerely for missing the phone call this morning. I was on my morning school run and my phone is in the glove compartment. I didn't see this email till just now.

Unfortunately, I can not make the appointment tomorrow, at short notice, as I have other commitments. I originally did apply for a 1-5 vehicle operators license, however I have only received 1-2. This was going to be a new venture for me, to apply for my own contracts.

However, I do not wish to peruse this service any further, I will be informing the County Council the same. In light of this, would it be possible for me to

Kind regards,

Miss Sallyanne Brady.

4.8. An email response was sent to Miss Brady stating that the Licensing Officer still needed to speak to her and requested that she contact the office to arrange an appointment.

4.9. Miss Brady called the office and stated that she did not want the licence any longer and had never been in trouble before. At this point no disclosure had been made to her about the nature of the interview, only that it involved her Private Hire Operator licence.

4.10. Miss Brady agreed to attend an interview on 3rd March 2023 and Mr Jason Barnes, her partner and a licensed driver was also in attendance to support her.

4.11. At the interview Miss Brady stated that Mr Taylor had no financial interest in the business and was only involved as a friend giving advice. She stated that Mr Taylor was contacting the School Transport Team on her behalf but added that he had "nothing to do with the contracts" and "he had only been trying to be helpful and show me the ropes".

4.12. Miss Brady stated that Mr Taylor had got "too involved" and she was aware that he was not allowed to be involved (due to the revocation of his own PHO licence).

5. Private Hire Operators Policy

5.1. The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976) states that a Council can grant a Private Hire Operator licence so long as they are satisfied

that the appliance is fit and proper and (if applicant is an individual) is not disqualified by way of their immigration status.

5.2. Section 4 of the Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 details the Authority's position for the licensing of Private Hire Operators (**Appendix 5**).

5.3. Paragraph 4.2 details the council's policy in determining the fitness and propriety of the applicant:

In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:

- *Criminal record including convictions, cautions, warnings and reprimands.*
- *Demeanour, general character, non-criminal behaviour, honesty and integrity.*
- *Previous conduct.*
- *Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc).*

5.4. Under the LGMPA 1976 the local authority is given wide-ranging powers to seek information about a prospective private hire operator. Section 57 (2)(b) and (c) specifically relates to private hire operators (**Appendix 6**)

5.5. Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may suspend or revoke an operator's licence on the following grounds:

(a) any offence under, or non-compliance with, the provisions of this Act;

(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;

(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;

(d) any other reasonable cause.

5.6. In this instance there has been a material change in that the involvement of Mr Taylor in the business, who has previously had his operators licence revoked by the Panel. Had this been disclosed as required the initial application would have come before the panel for consideration.

5.7. It is important to recognise that the local authority can ask for any information that is reasonably required to enable them to determine an application and the questions contained in LG(MP)A 1976 s 57(2) are not exclusive.

5.8. Each application is considered on its own merit.

6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – ENFORCEMENT & PENALTY POINTS

- 6.1. The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 6.2. Penalty points remain on the licensee's record for two years. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
- 6.3. Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Regulatory Panel for that Panel to decide whether the licensee remains a fit and proper person. The Regulatory Panel may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances.
- 6.4. Under the above policy, Miss Brady has committed the misdemeanor of Providing false or misleading information on licence application form / failing to provide relevant information which attracts 6 penalty points.

7. LEGISLATION AND LEGAL COMMENTS

- 7.1. Provided that a district council Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may suspend or revoke an operator's licence on the following grounds:
 - (a) any offence under, or non-compliance with, the provisions of this Act;
 - (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold and operator's licence;
 - (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - (d) any other reasonable cause.
- 7.2. Licensing authorities have a duty to ensure that any person (or persons) to whom they grant a private hire operator licence is a 'fit and proper' person to be a licensee.
- 7.3. The Council's Hackney Carriage and Private Hire Licensing Policy 2022-2027 notes that when assessing the fitness and propriety of an Operator the Council will have regard to the following
 - Criminal record including convictions, cautions, warnings and reprimands.
 - Demeanour, general character, non-criminal behaviour, honesty and integrity.
 - Previous conduct.

- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc).

7.4. It may be helpful for Members when considering whether an applicant or licensee is fit and proper to ask yourself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle **operated and despatched** by this person at any time of day or night?

7.5. If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a Private Hire Operator Licence.

7.6. Licensing authorities have to make difficult decisions; however, the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Committee or delegated officer are only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

7.7. While there is no statutory definition of 'fit and proper person', the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are "suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers" (*McCool –v- Rushcliffe Borough Council [1998]*).

7.8. Members should consider that the impact on a person's family of losing or not obtaining a licence is not a relative consideration and cannot be taken into account. *Leeds City Council v Hussain [2003] RTR 13 DC & Cherwell DC v Anwar [2012] RTR Admin Crt*

8. OPTIONS

- To revoke the PH Operator Licence PO039 (Border Private Hire) in accordance with Section 62(1) of the Local Government Miscellaneous Provisions Act 1976
- To suspend the PH Operator Licence PO039 (Border Private Hire) in accordance with Section 62(1) of the Local Government Miscellaneous Provisions Act 1976
- To issue 6 penalty points to Miss Brady under the Council's Hackney Carriage and Private Hire Enforcement Policy

- A combination of the above
- To take no further action

Contact Officer: Nicola Edwards

Ext: 7025

**Appendices
attached to report:**

1. Copy of Application Form
2. Copy of Licence PO039
3. Copy of Text Message
4. Letter to Miss Brady 1/3/23
5. Section 4 Hackney Carriage and Private Hire Licensing Policy 2022-2027
6. Local Government (MP) Act 1976 Section 57 (2)

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL – contained within report

FINANCE – None

EQUALITY – The public sector Equality Duty and Equality Policy has been considered by the service manager in preparing the recommendations

INFORMATION GOVERNANCE – None

CITY OF CARLISLE

Lalpac No.	032408
Fee Paid	232.00
Receipt	64767
FUND 31 HI	
Lic. Issued	15/2/23

P0039

Application for Licence to Operate Private Hire Vehicles

1. Applicant
 (Mr/Ms/Miss/Ms) SALLYANNE BRADY
 Address

CARLISLE CUMBRIA Postcode

Telephone No(s)

DOB

Operator's Name BORDER PRIVATE HIRE
 (this will be the name on the licence)

I hereby request you to grant a licence/renew licence no to operate private hire vehicles within Carlisle City Council District and declare that the following particulars are correct

2. Address from which it is intended to carry on business in connection with private hire vehicles	
3. Description of any trade or business carried on by the applicant before the date of this application	Taxi Driver
4. Details of any previous licence applications and results	Hearney + Private Hire Badge. GRANTED
5. Details of suspension or revocation of any licences	NONE.
6. Details of any convictions recorded against applicant(s)	NONE.
7. Number of vehicles operating under this licence	1-5.

I wish to apply for a 1 year Operators Licence due to the following reason(s):

Leaving few views and wanted to try on my own.

DECLARATION

I/We hereby apply for the grant of a private hire vehicle operator's licence. I/We have read and understood the conditions under which the licence will be issued. The above information is true to the best of my/our knowledge and belief.

Date: 6.2.23

Signature: _____

Date: _____

Signature: _____

Date: _____

Signature: _____

NOTES

1. In answering questions 4, 5 and 6 the information requested should be given in respect of each person who is an applicant. Additionally, if any person who is an applicant has been or is a Director or Secretary of a Company, information should also be given as to the business of, convictions against, previous licence application by, or suspension if the applicant is a Company, information must be given regarding these matters in respect of any person who is, or has been, a Director or Secretary of the Company.
2. You need not disclose matters that are exempted by the Rehabilitation of Offenders Act 1974.
3. All persons who are named in the answer to Question 1 must sign the application. If the applicant is a Limited Company, state capacity in which the application is signed.
4. Remittances should be made payable to the 'City of Carlisle'.
5. The completed application form, together with the correct remittance should be returned to the Licensing Manger, Carlisle City Council, Civic Centre, Carlisle CA3 8QG
6. There are penalties for knowingly giving false information in respect of this application.

City of



Carlisle

Private Hire Operator Licence

PO039

Operator:

Sallyanne BRADY

Licensed to operate up to **2** licensed private hire vehicles

Valid from: **15 Feb 2023** to **14 Feb 2024**

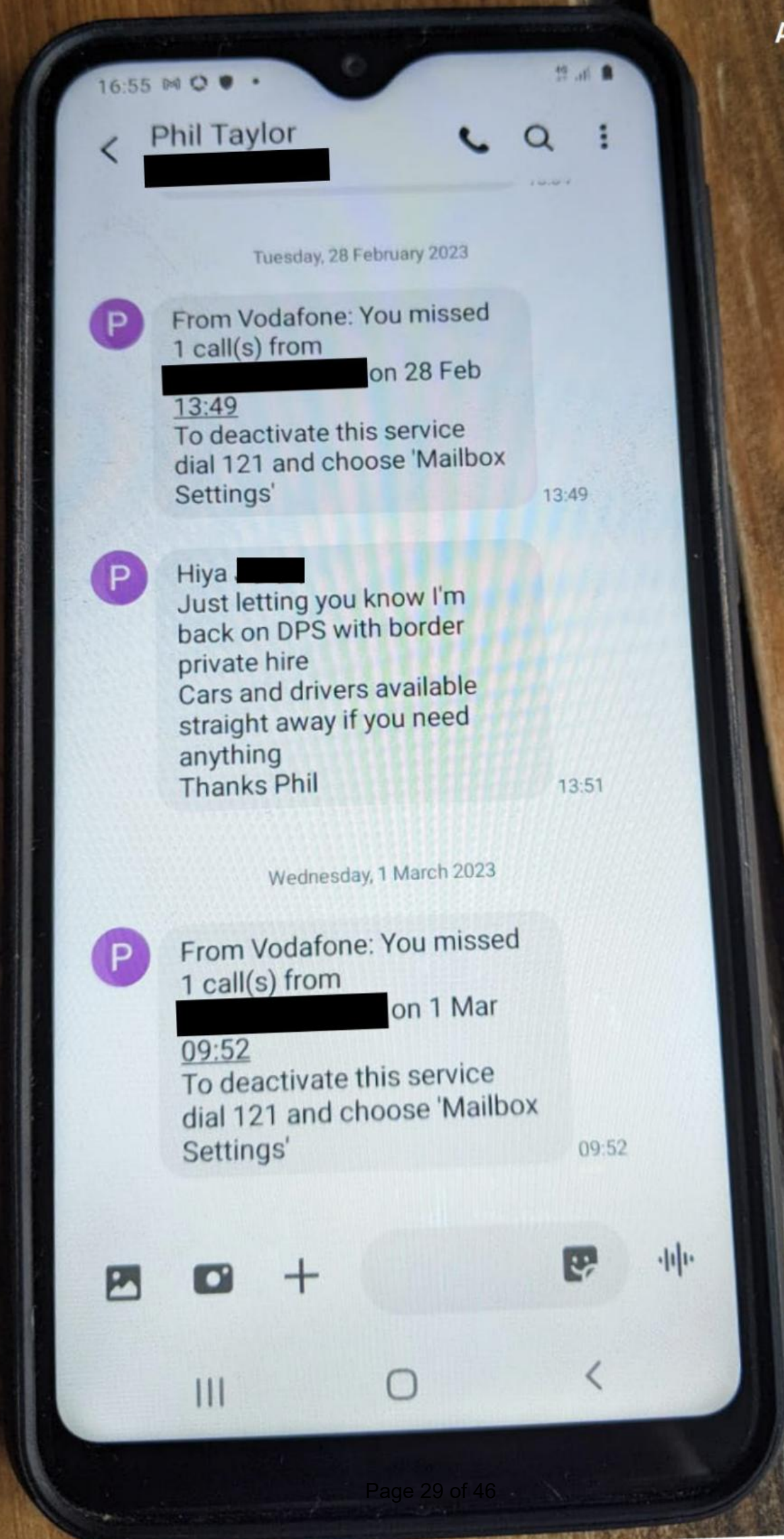
IMPORTANT NOTES

- **This licence is subject to** the provisions of the Town Police Clauses Act 1847, the bylaws made thereunder, the Local Government (Miscellaneous Provisions) Act 1976 and the Conditions attached to the licence made under it, the Transport Act 1985 and any other relevant Acts.
- **The possession of this document** does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- **This licence is not transferable**

Conditions applicable to this licence are attached.

Licensing Manager

Dated: **15 Feb 2023**



CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Governance and Regulatory Services

Licensing

Corporate Director of Governance and Regulatory Services:
M D Lambert LLB (Hons), MBA.

Civic Centre Carlisle CA3 8QG • Telephone (01228) 817200

Document Exchange DX 63037 Carlisle • Type talk 18001 01228 817200 •

Sallyanne Brady



Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Date:

Licensing

01228 817523

licensing@carlisle.gov.uk

AB

1st March 2023

Dear Sallyanne

Meeting at 1:30pm – Civic Centre 02nd March 2023

I have today called you on the telephone and your landline and also sent an e mail to your address, but we have been unable to speak with you.

We require you to attend a meeting at the Civic Centre with the Licensing Manager and Amanda Bailey regarding your Private Licence Operators Licence PO039 Border Private Hire on 2nd March 2023 at 1:30pm.

Please can you contact us to confirm the appointment.

It is very important that you attend.

Many thanks

Amanda Bailey
Licensing Officer

Carlisle City Council – Except from Hackney Carriage and Private Hire Licensing Policy 2022-2027

4. PRIVATE HIRE OPERATORS

4.1 Requirements and obligations

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence. All licences must be issued by the same local authority (Operator, Vehicle and Driver).

Applications for operator licences must be made on the form provided by the Council together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

The Council will grant a Private Hire Operator Licence for 5 years or for a lesser period on request.

4.2 Fitness and propriety

In assessing whether the applicant for an operator's licence is a fit and proper person, the Council will have regard to the following:

- Criminal record including convictions, cautions, warnings and reprimands.
- Demeanour, general character, non-criminal behaviour, honesty and integrity.
- Previous conduct.
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices, etc).

4.3 Disclosure & Barring Service (DBS) Disclosures

Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives.

Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

A private hire operator licence maybe applied for by a company or partnership. Each director or partner will be subject to the “fit and proper” test detailed above. The operator will be required to advise the Licensing Authority of any changes to directors or partners.

Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current hackney carriage or private hire driver licence with the Council will be exempt from this requirement.

4.4 Conditions

The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following conditions will be attached to all private hire operator licences issued by the Council:

- a) This licence is granted subject to compliance with the requirements of Part 4 of the Council’s Hackney Carriage and Private Hire Licensing Policy throughout the duration of the licence period.
- b) All private hire booking records as per section 4.11 must be kept for a minimum of 24 months.
- c) Any staff member working as a vehicle dispatcher on behalf of the licenced operator must have a valid Basic DBS Disclosure of Criminal Convictions check dated less than 3 months old from commencement of employment.

4.5 Public Liability Insurance

It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public. Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licenced or sign a declaration that their premises is not open to the public. Where necessary, operators must also hold employer’s liability insurance.

4.6 Licence Duration

The Council will issue a successful applicant for a private hire operator licence with a one or five-year licence from the date of grant, although we do encourage applying for a five-year licence.

4.7 Address from which an Operator may Operate

Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and dispatch vehicles. This address will ordinarily be the address stated on the application form.

The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises or sign a declaration that their new premises is not open to the public prior to the change being approved.

4.8 Operating Bases

A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the District of Carlisle.

4.9 Right to Work

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in **Appendix B**.

4.10 Sub-contracting of Private Hire Bookings

Legislation now allows for a licenced private hire operator to sub-contract a booking to another licenced private hire operator, whether in the same district or not. Both operators must be licenced within the area in which their operating base is located and should record details of the booking in the normal way.

All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licenced to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licenced in district B.

They can however sub-contract the booking to the operating base in district B using a vehicle and driver licenced in district B.

4.11 Standards of Service

The operator shall:

- a) provide a prompt, efficient and reliable service to members of the public,
- b) ensure that their office staff act in a civil and courteous manner at all times,
- c) ensure that booked vehicles arrive punctually at the appointed place,
- d) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
- e) ensure compliance with legislation regarding the length of employee working hours.

4.12 Records

Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.

All records shall be kept by the Operator for a period of no less than two years following the date of the last entry.

Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted. Where a Hackney Carriage is allocated a private hire booking these terms also apply.

- a) date of the booking,
- b) name, address and contact number of the hirer,
- c) time of pick-up,
- d) address of the point of pick-up,
- e) address of the destination drop off,
- f) licence number (or other identification) of the driver allocated to the booking,
- g) plate number (or other identification) of the vehicle allocated to the booking,
- h) fare agreed between the operator and hirer at the time of booking.

The operator shall keep the following records for all private hire vehicles operated by them:

- a) type, make, model, colour and engine size of vehicles,
- b) year when the vehicle was first licenced for private hire,
- c) vehicle registration numbers,
- d) number of seats for passengers,
- e) owner of the vehicles,
- f) insurance details of vehicles,
- g) method of charging, i.e. whether or not a meter is fitted,
- h) private hire vehicle plate number.

The operator shall keep the following records for all drivers of private hire vehicles operated by them:

- a) driver's name, address and contact number,
- b) driver's licence number issued by local authority,
- c) date employment commenced,
- d) date employment ceased,
- e) any change of address, including the date the address changed,
- f) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
- g) expiry date of both the DVLA & driver licence issued.

All records maintained by the operator shall be kept for at least 24 months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

The operator shall be required to register their details with the Information Commission's Officer (ICO), this is a requirement under GDPR as they will be retaining personal data.

4.13 Complaints

The operator shall notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from their

business. Such notification must include the action taken, or proposed, as a result of the complaint.

4.14 Safeguarding and Disability Awareness

All Private Hire operators must attend a training session on Safeguarding and Disability Awareness prior to application.

4.15 Disclosure of Convictions

The operator shall notify the Council within 48 hours of an arrest and release, charge or conviction, during the licence period of their operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners is arrested, charged or receives a conviction or fixed penalty.

4.16 Private Hire Insurance

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence.

4.17 Private Hire Driver Licences

The operator shall ensure that every driver working under their operator licence has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavour to ensure that all drivers have a badge issued by the Council and that the drivers always wear or display the Identity Badge issued by the Council whilst available for hire.

4.18 Planning Consent

To operate a private hire business from home, planning permission may be required. A private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

57 Power to require applicants to submit information.

- (1) A district council may require any applicant for a licence under the Act of 1847 or under this Part of this Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.
- (2) Without prejudice to the generality of the foregoing subsection—
 - (a) a district council may require an applicant for a driver's licence in respect of a hackney carriage or a private hire vehicle—
 - (i) to produce a certificate signed by a registered medical practitioner to the effect that he is physically fit to be the driver of a hackney carriage or a private hire vehicle; and
 - (ii) whether or not such a certificate has been produced, to submit to examination by a registered medical practitioner selected by the district council as to his physical fitness to be the driver of a hackney carriage or a private hire vehicle;
 - (b) a district council may require an applicant for an operator's licence to submit to them such information as to—
 - (i) the name and address of the applicant;
 - (ii) the address or addresses whether within the area of the council or not from which he intends to carry on business in connection with private hire vehicles licensed under this Part of this Act;
 - (iii) any trade or business activities he has carried on before making the application;
 - (iv) any previous application he has made for an operator's licence;

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Section 57. (See end of Document for details)

- (v) the revocation or suspension of any operator’s licence previously held by him;
 - (vi) any convictions recorded against the applicant;
- as they may reasonably consider necessary to enable them to determine whether to grant such licence;
- (c) in addition to the information specified in paragraph (b) of this subsection, a district council may require an applicant for an operator’s licence to submit to them—
 - (i) if the applicant is or has been a director or secretary of a company, information as to any convictions recorded against that company at any relevant time; any trade or business activities carried on by that company; any previous application made by that company for an operator’s licence; and any revocation or suspension of an operator’s licence previously held by that company;
 - (ii) if the applicant is a company, information as to any convictions recorded against a director or secretary of that company; any trade or business activities carried on by any such director or secretary; any previous application made by any such director or secretary for an operator’s licence; and any revocation or suspension of an operator’s licence previously held by such director or secretary;
 - (iii) if the applicant proposes to operate the vehicle in partnership with any other person, information as to any convictions recorded against that person; any trade or business activities carried on by that person; any previous application made by that person for an operator’s licence; and any revocation or suspension of an operator’s licence previously held by him.
- (3) If any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section, he shall be guilty of an offence.

Modifications etc. (not altering text)

- C1** S. 57: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B3,5
- C2** S. 57 modified (27.11.2009) by The Local Services (Operation by Licensed Hire Cars) Regulations 2009 (S.I. 2009/2863), regs. 1, 4 Table (with reg. 3)



Report to Regulatory Panel

Item
B.1

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**

Page 1 of 1

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)

Statement of

Age **over 18 years**

Page 1 of 1

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 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.

[Redacted signature area]

Signature

Signature witnessed by.

Print Name

Address..

.....

Home/Mobile telephone...

Female