

Regulatory Panel

Date: Wednesday, 17 August 2022

Time: 16:05

Venue: Flensburg Room

Present: Councillor Ruth Alcroft, Councillor Mrs Marilyn Bowman, Councillor Ms Jo Ellis-Williams, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor Tim Pickstone, Councillor Peter Sunter, Councillor Miss Jeanette Whalen

Officers: Senior Lawyer
Licensing Manager
Environmental Health Officer

Also Present: Ms Britton, Legal Services Intern

RP.32/22 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Shepherd.

RP.33/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.34/22 PUBLIC AND PRESS

It was agreed that the item of business in Part A be dealt with in public; there were no items of business in Part B to be dealt with when the public and press were excluded.

RP.35/22 AGENDA

RESOLVED - That Agenda Item B.2 - Private Hire Operator would be taken as the first agenda item.

RP.36/22 MINUTES OF PREVIOUS MEETINGS

RESOLVED - 1) It was noted that Council, at its meeting on 19 July 2022, received and adopted the minutes of the meeting held on 20 April 2022. The Chair signed the minutes.

2) That the minutes of the meetings held on 6 July and 21 July (special) be agreed as a correct record.

RP.37/22 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph numbers (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.38/22 PRIVATE HIRE OPERATOR

(Public and Press excluded by virtue of Paragraph 7)

The Licensing Manager submitted a report regarding Private Hire Operator Licences (GD.47/22).

The Operator was in attendance.

The Senior Lawyer informed the Operator that he had the right to be represented, he confirmed that he would like to be represented.

The Panel discussed the options available to them and agreed to defer the matter to the next scheduled meeting on 14 September 2022.

RESOLVED - That report GD.47/22 Private Hire Operator be deferred to the next meeting of the Regulatory Panel scheduled for 14 September 2022.

RP.39/22 REFUSAL OF DOG BREEDERS LICENCE

(Public and Press excluded by virtue of paragraph 1)

The Environmental Health Officer submitted a report regarding the refusal to grant a dog breeder's licence (GD.46/22).

The Environmental Health Officer reported that the Dog Breeder had emailed him to inform him she would not be in attendance at the meeting and that she was no longer breeding dogs and did not need a licence. The Environmental Health Officer contacted the Breeder requesting formal confirmation that they were withdrawing the application and this had not been received.

The Regulatory Panel noted that formal confirmation had not been received and agreed to consider the application before them.

The Environmental Health Officer reported that the Dog Breeder had been granted a a one year licence which expired in October 2021. The licence permitted the breeding of two bitches at a specific address. The Dog Breeder submitted a renewal application in March 2022, the dogs listed on the application varied from those on the original licence and no application to vary the licence had been submitted. No microchips details had been provided, despite numerous requests.

A number of issues were raised including concerns regarding the number of dogs intended for breeding, the location of a dog, dogs not being included on the application. During an inspection some dogs were present, some dogs on the application were not and their location was unknown. The inspection, with a vet, found each dog to have notable health concerns including a heart condition, skin condition and eye conditions.

The Dog Breeder was unable to produce the records as required as a condition of the licence. There was also concern that the Dog Breeder did not permanently reside at the licenced address, with evidence showing she lived out of the County. This resulted in the dogs being cared for by an unknown individual and there was no clarity on where the dogs lived.

The Environmental Health Officer reported that the Dog Breeder had been given six weeks to work with the Council to provide the required records. Documents were produced in part, however, the most important documents, which proved the health of the animals had been approved by a vet for fitness to breed, had not been provided. The Dog Breeder had been given additional time to produce the records, with a deadline of 15 July 2022, some six months after the application had been received. The Dog Breeder had failed to provide a health certificate for one of the dogs and had deliberately attempted to deceive the Council by providing only parts of the care plan documents.

The Dog Breeder had been informed, at the time of the first application, of the requirements of licence. She had been rated 'high risk' at the time and was given a one year licence.

The Environmental Health Officer responded to questions, clarifying the following:

- It was unknown if the Breeder was caring for the dogs at the address on the application or if someone else was;
- There was no national database to enable Local Authorities to share information on Dog Breeders;
- The Breeder would be able to apply for a licence elsewhere in the Country.

The Regulatory Panel discussed the application and

RESOLVED - That the Panel had carefully considered and read the evidence in report GD.46/22; considered the presentation by the Council's Environmental Health Officer and listened to the responses.

The Regulatory Panel noted that the Dog Breeder had applied to renew the licence for two specific bitches at a specified address. The Panel noted that the Dog Breeder had indicated that she no longer required a licence but formal confirmation of this was not received.

Under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 the Regulatory Panel had grounds to refuse to grant the licence renewal. The Authority had to consider whether the licence conditions would be met, taking into account the applicant's conduct as the operator of a licensable activity to which the application for the grant or renewal related; whether the applicant was a fit and proper person to be considered an operator and any other relevant circumstances.

The Panel had decided to refuse the application for a licence and specified that the applicant must wait a period of two years before re-applying.

The reasons for the decision were:

1. The Dog Breeder had many breaches of the Animal Welfare (Licensing and Activities

involving Animals) (England) Regulations 2018 as set out in section 2 of report GD.46/22.

2. The Panel felt that the Breeder had concealed information in an attempt to deceive the Council with regards to the health certificate required by the vet.

3. The Dog Breeder did not attend the Panel and did not formally confirm that a licence was no longer required despite several requests to do so.

The Regulatory Panel also requested that the Environmental Health Officer contact the relevant Local Authority where the Dog Breeder resided to inform them of the Panel's decision.

The Dog Breeder would receive written confirmation of the Panel's decision.

The Meeting ended at: 16:35