

AGENDA

Regulatory Panel

Wednesday, 17 August 2022 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 PREVIOUS MEETINGS

5 - 10

To note that Council, at its meeting on 19 July 2022, received and adopted the minutes of the meeting held on 20 April 2022. The Chair will sign the minutes. [Copy minutes in Minute Book Vol 49(1)].

The Chair will move the minutes of the meetings held on 6 July and 21 July 2022 (Special) as a correct record. The only part of the minutes that may be discussed is their accuracy.
(Copy minutes herewith)

PART A

To be considered when the Public and Press are present

- NIL -

PART B

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

B.1 REFUSAL OF DOG BREEDERS LICENCE

This report is not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as it contains information relating to any individual.

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

B.2 PRIVATE HIRE OPERATOR

This report is not for publication by virtue of Paragraph 7 of Part 7 of Schedule 12A to the Local Government Act 1972 as it contains information relating Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The Licensing Manager to submit a report regarding the use of an unlicensed vehicle and drivers by a Private Hire Operator.
(Copy Report GD.47/22 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



Regulatory Panel

Date: Wednesday, 06 July 2022

Time: 14:00

Venue: Flensburg Room

Present: Councillor Ms Jo Ellis-Williams, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor Tim Pickstone, Councillor Peter Sunter, Councillor Miss Jeanette Whalen, Councillor Pamela Birks (for Councillor Ruth Alcroft), Councillor Mrs Elizabeth Mallinson (for Councillor Mrs Marilyn Bowman), Councillor John Mallinson (for Councillor John Collier), Councillor Lucy Patrick (for Councillor Dr Les Tickner)

Also Present: Senior Lawyer
Environmental Health Officer
Regulatory Compliance Officer

RP.20/22 APPOINTMENT OF CHAIR

It was moved and seconded that Councillor Ms Ellis-Williams be appointed as Chair of the Regulatory Panel for the municipal year 2022/23.

It was moved and seconded that Councillor Miss Whalen be appointed as Chair of the Regulatory Panel for the municipal year 2022/23.

Following voting it was

RESOLVED – That Councillor Ms Ellis-Williams be appointed as Chair of the Regulatory Panel for the municipal year 2022/23.

Councillor Ms Ellis-Williams thereupon took the Chair.

RP.21/22 APPOINTMENT OF VICE CHAIR

It was moved and seconded that Councillor Miss Whalen be appointed as Vice Chair of the Regulatory Panel for the municipal year 2022/23.

RESOLVED – That Councillor Miss Whalen be appointed as Vice Chair of the Regulatory Panel for the municipal year 2022/23.

RP.22/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Alcroft, Councillor Mrs Bowman, Councillor Collier and Councillor Dr Tickner.

RP.23/22 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.24/22 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 20 April 2022 be agreed.

RP.25/22 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.

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 item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

RP.26/22 REFUSAL OF DOG BREEDERS LICENCE

(Public and Press excluded by virtue of Paragraph 1)

The Environmental Health Officer submitted a report (GD.42/22) regarding the refusal to grant a dog breeder's licence.

The Environmental Health Officer reported that the Dog Breeder was not in attendance due to a clerical error.

The Regulatory Panel discussed the options available to them. They agreed to defer the matter to allow for the Dog Breeder to be invited to attend the Panel, however, felt that the matter was urgent and warranted a special meeting.

RESOLVED - That the Refusal of a Dog Breeders licence (report GD.42/22) be deferred to a special meeting of the Panel to be held at the earliest possible date.

RP.27/22 SUSPENSION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER

(Public and Press excluded by virtue of Paragraph 7)

The Regulatory Compliance Officer submitted a report (GD.41/22) regarding the suspension of a Hackney Carriage Driver.

The Driver was not in attendance, however he had been informed of his right to attend.

The Regulatory Compliance Officer reported that the Driver had held a Hackney Carriage Drivers licence since June 2020. He set out the complaint for consideration. He also reported that the Driver's case had been considered by the North and West Cumbria Magistrates Court, the outcome had been that the Driver's driving licence had been revoked and he would not be eligible to reapply for it for two years.

RESOLVED - That the Driver's Hackney Carriage Driver Licence be revoked (GD.41/22).

The Meeting ended at: 14:13

Special Regulatory Panel

Date: Thursday, 21 July 2022

Time: 10:00

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 Peter Sunter, Councillor John Mallinson (for Councillor David Shepherd), Councillor Lucy Patrick (for Councillor Dr Les Tickner)

Officers: Senior Lawyer
Environmental Health Officer
Technical Officer (Environmental Health)

RP.28/22 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Pickston, Councillor Shepherd, Councillor Dr Tickner and Councillor Miss Whalen.

RP.29/22 DECLARATIONS OF INTEREST

No declarations of interest were submitted.

RP.30/22 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.

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 item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A to the 1972 Local Government Act.

RP.31/22 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.42/22).

The Dog Breeder was in attendance.

The Senior Lawyer outlined the procedure the Panel would follow. The Dog Breeder confirmed that she had received, read and understood the Environmental Health Officer's report. The Senior Lawyer advised the Dog Breeder that he had a right to be represented but he indicated that he did not wish to be so represented.

The Environmental Health Officer reported that the Dog Breeder had been granted a one year licence in 2019. Due to Covid restrictions the licence was renewed for one year in 2020, expiring in 2021. The licence renewal permitted the Dog Breeder to breed from eight specific bitches and only one litter of puppies could be on the premises at any time. The Dog Breeder was only licenced at one address to breed dogs.

A second renewal application had been received in 2022 and the dogs listed on the application varied to the those on the previous licence. In addition no microchip numbers had been included in the renewal application, the data was provided following numerous requests.

The Environmental Health Team had carried out an inspection on the premises and three dogs were present. The Dog Breeder informed officers that the remainder of the dogs were with friends and family, on a co-ownership basis, at various other addresses. The Dog Breeder would not provide the details of the other addresses or contact details of the keepers and there were no documents to support the co-ownership agreement. The remaining dogs listed on the renewal application form could not be examined by the Vet and their health status and whereabouts were unknown.

During the inspection the Dog Breeder had been asked about litters from a particular dog, the Dog Breeder stated that the dog had not had any litters. The Vet confirmed that the dog had a cesarean wound with stitches and the Dog Breeder then confirmed that the dog had had a litter. The three dogs that had been present during the inspection all had minor ailments such as dental disease, inflammation of the ear and / or skin problems.

The Dog Breeder was not able to produce the relevant paperwork required as a condition of the licence and vaccination records and microchip information was incomplete or not accurate.

Despite the licence stating that the Dog Breeder was allowed one litter at any one time there was evidence to show that the Dog Breeder had managed four litters at once in May - June 2021 and two litters August - September in 2021. either the Dog Breeder had multiple litters at the licensed address or he was breeding dogs at other addresses.

The Dog Breeder had been questioned under caution by letter, his responses stated that he co-owned dogs which lived at different addresses. The written agreements were supplied post inspection and officers had not been able to inspect the other premises to check whether conditions were acceptable.

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

- It was possible to have a dog breeder breed dogs in numerous addresses as long as those addresses were included in the licence and had passed an inspection by environmental health and a vet;
 - It was important the dogs were accurately micro chipped to ensure those purchasing puppies had full records and could trace back to the mother;
 - There was no evidence in the property during the inspection to support that dogs were being whelped in the premises, there was no equipment in the premises;
 - There was no evidence of poor welfare in the dogs that had been seen during the inspection, the vet reports did not include any concerns with welfare;
 - Puppies should be micro chipped by the breeder, including the name, sex, date of birth and weight. The new owner would then transfer the micro chip to them;
- The legislation was introduced to manage irresponsible dog breeding and give confidence to those purchasing puppies that the welfare of the dog was being taken seriously;
- Carlisle City Council had issued fifty dog breeder licences, only one of them was for a breeder with multiple addresses;

The Dog Breeder submitted a written statement which was circulated, with the agreement of the Chair, to the Panel.

The meeting adjourned at 10:35am and reconvened at 10:50am to allow Members to read the statement.

The Dog Breeder's statement gave an overview of the first inspection in 2019. He acknowledged that the paperwork had been his responsibility and had not understood all the conditions of the licence. He clarified the position with some of the dogs listed within the report. He explained that the dogs resided at different premises so they could have a family home and were brought back to his addressing for whelping. He stressed that he was passionate about his work and his dogs and understood that that he had made mistakes and would like to the opportunity to rectify the situation moving forward.

The Dog Breeder responded to questions, clarifying the following:

- His background in working with dogs and his employment;
- He did not want to keep his dogs in kennels as it was not fair to the dogs, he wanted them to have a family home. They would be bred three times maximum and remain as the family pet.
- It was his fault that he had not prepared for the inspection, he had provided all the required information after the inspection;
- The most important thing was the welfare of the dogs, should he get his licence he would ensure everything was up to date;
- He had to provide financial information for his business and had done this to the HMRC;
- He set out the agreement that he had with the people who looked after the dogs;
- He took some dogs to the vet on behalf of others who were not able to do so;
- He had not kept the vaccine record updated as there had been no change since the first inspection, the dogs had not received boosters;
- The financial information had not been produced at the inspection as he had not understood that it was relevant or could be used as evidence of breeding;

- He had not had a litter since 2021
- The record in the report was incorrect; some dogs were listed twice and some were not his;
- A dog had produced a litter in 2022 but the puppies had not survived.

The Senior Lawyer clarified that the dogs continued to be registered with the Dog Breeder as the owner and lived as pets in other properties.

The Environmental Health Officer responded to further questions:

- Any premises that were included on a licence would be inspected, with a vet present before a licence was issued;
- Having a number of properties was legal but did require a variation to the licence;
- The dogs listed on the renewal were different to the dogs listed as being owned by the Breeder at the vets;
- The Dog Breeder's property was not suitable for any more than one litter;
- Should the licence be refused, any further breeding would be an offence.

The respective parties then withdrew from the meeting at 11:20 whilst the Panel gave detailed consideration to the matter. The respective parties returned at 12:10 and it was

RESOLVED - That the Panel had carefully considered and read the evidence in the report; considered the statement provided by the Dog Breeder and the Council's Environmental Health Officers and listened to the responses.

The Regulatory Panel noted that the Dog Breeder had applied to renew the licence for eight specific bitches which allowed one litter of puppies at the registered address at any one time.

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 twelve months before re-applying.

The reasons for the decision were:

1. The Dog Breeder had made many breaches of the regulations which were set out in section 2 of report GD.42/22 ranging from failing to produce the correct documents to keeping more dogs for licensable breeding than permitted on the licence.
2. There was still considerable ambiguity surrounding the number of dogs in ownership by the Dog Breeder and the addresses where they were kept.
3. The Panel felt that the Dog Breeder needed a sufficient period of time to understand what paperwork was required and time to get this in order to enable an application to be submitted with the correct supporting documentation including vaccination booster records; veterinary and microchip records.

the Panel requested that Environmental Health Officers worked with the Dog Breeder during the twelve month period to ensure a clear understanding of the requirements and how to maintain the paperwork going forward.

The Panel suggested that the Dog Breeder familiarised himself with the General Conditions of the Dog Breeders licence as included in the report which sets out clearly all requirements for a dog breeders licence.

The Meeting ended at: 12:14