

Minutes of **General Licensing Sub-Committee**

Meeting date **Wednesday, 3 November 2021**

Committee Members present: Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Mark Clifford, Gordon France, Tom Gray and Christine Turner

Officers: Irene Elwell (Public Protection Team Leader), Alex Jackson (Legal Services Team Leader), Coral Astbury (Democratic and Member Services Officer) and Nathan Howson (Enforcement Team Leader (Licensing))

Apologies: None

21.1 Declarations of Any Interests

There were no declarations of interest.

21.2 Procedure

The Chair outlined the procedure to be followed at the hearing.

21.3 Exclusion of the Public and Press

Resolved (Unanimously):

That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972

21.4 Determination of Application of New Animal Welfare Licence - Dog Day Care

The Director of Communities submitted a report for the General Licensing Sub-Committee to determine whether a new Animal Activities Licence should be granted for a Dog Day Care facility.

The Applicant and her representative (her mother) were present at the Sub-Committee.

The Public Protection Team Leader outlined the report and explained to members that on 16 July 2021 the General Licensing Sub-Committee heard an application for a Dog Day Care Licence from the applicant who, at the time, was subject to ongoing criminal

court proceedings and had been charged with various offences. The General Licensing Sub-Committee decided to refuse the licence.

Since the previous meeting of the Sub-Committee, criminal court proceedings had been undertaken and the indictment was stayed due to an abuse of process on the prosecution's part. Subsequently the applicant made a new application for an Animal Activities Licence – dog day care.

The Public Protection Team Leader explained that an inspection of the premises had been undertaken to see if it would be likely to meet the conditions. There were certain elements of the inspection which could not be fulfilled due to parts of the premises not being complete, however should the licence be granted a further inspection would take place to confirm that the work had been done. The Inspector had recommended a two-star licence which would remain valid for one year with at least one unannounced visit.

The applicant told members that at her last appearance before sub-committee she felt as though she did not present herself well. The applicant clarified a previous statement and told members that although she said she would rescue dogs again; she would do so within the boundaries of the law. The dog day care would be for the community as a lot of dogs now have separation anxiety due to COVID as they are not used to being alone. The applicant explained that there was a lot of support within the community and that there are no other local providers of dog day care. This business was something she had always wanted to do and had undertaken a lot of research and completed online training.

Following a member enquiry, the applicant confirmed that she had completed a dog training qualification with the Dog Business School during the pandemic and there was a separate room which could be used as a training room for the dogs. The applicant explained that she would like to develop herself and staff further before expanding and offering training courses in the evening, such as puppy classes.

The Chair sought clarification from the applicant in relation to the statement made at the last hearing wherein she stated that she would absolutely do it [rescue and sell dogs] again. In response, the applicant explained that she was nervous and did not carry herself well. At the time she was rescuing the dogs, keeping them and nursing them back to health before selling them on. The prosecution had cost her a lot of money, stress and caused mental health implications. The applicant said that she would try to help in any way she could, but she would not sell another dog again.

In response to the Sub-Committee's Legal Advisor, the applicant explained that when she purchased the six Cavapoo puppies for £6,000 she did go back to the puppy farm to try and purchase the mother of those puppies. It was her view that the puppies had to be removed from the situation as they were poorly, she reported the puppy farm to South Ribble Borough Council who attended and carried out checks. The applicant acknowledged that purchasing from puppy farms can add to the problem.

In summing up, the applicant stated that she was a fit and proper person, she loves dogs and has two herself which she spoils. Her view on the situation had been changed as she had now been educated on Lucy's Law. The dog day care is something she had always wanted to do and was trying to set the business up so she could start her own family and work for herself. It was the applicant's view that although she did nothing wrong in terms of the animal's welfare, she did regret her actions and admitted that what she did was wrong, and it would not happen again.

Resolved:

Following careful consideration members have resolved to grant a two star licence to last for one year on the following grounds:

1. Members noted that the Inspector's report was broadly not adverse to the applicant, although members noted that more work needed to be done before the business can trade.
2. Members also noted that no animal cruelty had been alleged against the applicant.
3. The applicant had admitted in sub-committee in July 2021 to selling three litters of puppies without a licence. However, she now recognised this was wrong and had shown remorse.
4. Members considered the decision by the Judge and noted that all criminal charges against the applicant had been dismissed.
5. The applicant had purchased puppies from an unlicensed breeder. This was not a criminal offence and naturally had not formed part of the charges against her. This highly unethical behaviour had caused members great concern when considering the application on 16 July. However, the applicant was now contrite.
6. In relation to the duty contained in Regulation 4(2)(b) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 obliging the council to grant a licence if it considers that the licence conditions will be met; members were satisfied that the applicant would do so.
7. Members considered that the experience of the prosecution and the refusal of the licence in July was likely to have had a salutary effect on the applicant such as to strongly discourage a repeat of her actions.
8. The applicant admitted selling some of the dogs she had purchased from illegal puppy farms. Members also considered that purchasing puppies from illegal puppy farms tends to reward and perpetuate maltreatment of dogs by others. Rather they should be seized by the authorities so that the puppy farmer is not rewarded. The applicant now appeared to have proper insight into how purchasing such puppies means the purchaser is helping to sustain a market which causes animal suffering.

Members suggested that the applicant consider seeking assistance in the running of her business so that it remained compliant with all applicable laws as the applicant had admitted to lacking the necessary knowledge at the time of her first application.

Chair

Date