

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

22 NOVEMBER 2010

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Husain Akhtar	* Krishna James
* Mrs Camilla Bath (1)	* Manji Kara
* Mrinal Choudhury	* Ajay Maru
* John Cowan	* John Nickolay
* David Gawn	* Raj Ray
* Susan Hall	* Krishna Suresh
* Thaya Idaikkadar	* Simon Williams

* Denotes Member present

(1) Denotes category of Reserve Members

21. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:

Ordinary Member

Reserve Member

Councillor Stanley Sheinwald

Councillor Camilla Bath

22. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 6 - Determination of Application to Renew Pet Shop Licence for Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, HA3 6LE

Councillor Susan Hall declared a personal interest in that she had received e-mails from the applicant, Mr Wood, and was also a Ward Councillor for the

area in which Sylvesters Pet Shop was located. She would remain in the room whilst the matter was considered and voted upon.

Councillor Camilla Bath declared a personal interest in that her brother lived in Waterford, a city referred to in the agenda. She would remain in the room whilst the matter was considered and voted upon.

Councillor Thaya Idaikkadar declared a prejudicial interest in that he was the Portfolio Holder for Property and Major Contracts. As Sylvesters Pet Shop occupied Council property, he would leave the room whilst the matter was considered and voted upon.

23. Minutes

An officer stated that the minutes circulated with the agenda contained an error in that certain content had been duplicated. The error was limited to the document circulated with the agenda and Members were assured that the correct minutes had been published on the Council's website. Members were provided with a copy of the published minutes for reference.

RESOLVED: That the minutes of the meeting held on 6 September 2010 be taken as read and signed as a correct record.

24. Public Questions and Petitions

RESOLVED: To note that no public questions were put, or petitions received at this meeting under the provisions of Committee Procedure Rules 17 and 16 (Part 4B of the Constitution) respectively.

25. Deputations

The Chairman stated that the Committee had been requested to determine an application to grant a pet shop licence for Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, HA3 6LE. In order to allow both the applicant and the Licensing Authority the opportunity to make representations, the Committee agreed to suspend Committee Procedure Rule 16, thereby allowing both parties 10 minutes each to outline their respective cases after which Members would have the opportunity to ask questions.

The applicant, Mr Wood, made his representation to the Committee. He stated the following:

- the pet shop had originally opened in June 2006 following significant investment. The property was owned by the Council and the previous tenant had vacated the premise with rent arrears. In contrast, he had always paid his rent on time;
- he had submitted his pet shop licence renewal application in March 2010 and Ms Khan of the Council's Licensing Authority had subsequently visited the premises. Following the inspection Mr Khan had stated that he was happy with what he had seen and that the new

licence would be issued shortly. However, eight months after this visit, no licence had yet been issued;

- he was of the view that there were personality issues within the Council's Licensing Department which had delayed the processing of the application. Many of the complaints the Council had received against Sylvesters Pet Shop had not been shared with the owner and therefore he had been unable to take any action or determine whether the complaints were valid;
- Sylvesters Pet Shop employed a number of local people and if the licence was not granted they would be made redundant. The conditions of the premises' lease meant that the building could only be used as a pet shop;
- the documents contained within the agenda pack were one-sided and did not consider the positive impact Sylvesters Pet Shop had on the local area;
- he had requested that the hearing be postponed to allow him to submit a more comprehensive response to the allegations being made by the Licensing Authority. This request had been denied and he felt that the Council was not complying with the principles of natural justice.

Speaking on behalf of the Licensing Authority, Miss Forde made her representation to the Committee. She stated the following:

- the Council had noticed an increase in the number of complaints relating to Sylvesters Pet Shop. Complaints had been received from customers, a vet and the RSPCA. The majority of complaints related to the sale of unhealthy puppies and the misrepresentation of non-pedigree dogs as pedigree;
- Mr Wood had been requested to provide details of his breeders, as required by the conditions of his licence. It had taken Mr Wood 3 months to supply this information and much of the data was incorrect or lacking in detail. Most of the breeders utilised by Mr Wood were based in the Republic of Ireland where breeders did not require a licence to operate;
- if Mr Wood continued to source his dogs from the Republic of Ireland, the Licensing Authority would want safeguards put in place. A number of licence conditions had already been proposed by the Licensing Authority, but Mr Wood had only accepted or partially accepted some. It was felt that the cost implications of any conditions would need to be carefully considered by the Committee;
- the adverts contained within the agenda demonstrated that Mr Wood purported to source dogs only from licensed British breeders. However, it had been established that Mr Wood in fact sourced most of

his dogs from the Republic of Ireland where there were no licensing requirements.

Following questions from the Committee, Mr Wood clarified that:

- if the licence was granted he would try hard to ensure any conditions were complied with;
- he had only recently been made aware of the complaints that had been received by the Licensing Authority. As a result he had not had enough time to look into all the issues that had been raised. However, he had compared the complaints against those recorded in his own complaints register and had only been able to identify a few of the cases. He believed that some of the complaints were likely to be vexatious;
- he did not agree with all the concerns that had been raised by the Licensing Authority;
- he had not felt it necessary to address all the issues raised by the Licensing Authority in his representation to the Committee as his solicitors had already responded to most points;
- he looked after all his animals and if he had any concerns over an animal's wellbeing he sought the advice of his vet;
- whilst he took all complaints seriously, those referred to by the licensing authority had been submitted directly to the Council without his knowledge. As he had only been made aware of the issues 10 days before the hearing, limited progress had been made in resolving the alleged issues. However, his vet was looking into all the complaints;
- he estimated that approximately 2% of dogs obtained from licensed breeders had to be returned due to ill health;
- he relied on a licensed transporter to collect and deliver dogs to his pet shop. However, he was in direct phone contact with the breeders and therefore could ensure the quality of his stock. The majority of breeders had been introduced to him through family members living in the Republic of Ireland;
- no dogs were sourced from Offaly Farm.

Following questions from the Committee, Miss Forde clarified that:

- every complaint received by the Licencing Authority had been taken up with Mr Wood;
- it was not considered that any of the complaints were vexatious as all appeared to be from different individuals;

- concerns had been raised in 2007 that the two-tier holding pens used at the pet shop did not have a solid base, allowing droppings to fall into the pens below. An inspection in 2009 found that this problem had not been addressed;
- no photos had been taken during previous inspections. Inspecting officers conducted inspections both on their own and with colleagues;
- the Licensing Authority was aware of an incident where a customer was offered a refund on the condition that they did not report the matter to the Council;
- due to the amount of time it had taken Mr Wood to provide details of his breeders, the Licensing Authority was unsure whether he was able to ensure the quality of his stock.

26. Exclusion of the Press and Public

RESOLVED: That the press and public be excluded from the meeting for the following items of business, on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
6.	Determination of Application to Renew Pet Shop Licence for Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, HA3 6LE	Information under paragraph 3 as it contained information relating to the financial or business affairs of any particular person (including the authority holding that information).
8.	INFORMATION REPORT - Non-Executive Decision: Flexible Retirement under Regulation 18 of the Local Government Pension Scheme Regulations 2007 (as amended)	Information under paragraph 1 as it contained information relating to any individual.

RESOLVED ITEMS

27. Determination of Application to Renew Pet Shop Licence for Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, HA3 6LE

Having heard the representations of both the applicant and the Licensing Authority, the Committee considered the application.

RESOLVED: That the licence for Sylvesters Pet Shop be granted, subject to the following conditions:

1. Animals are not permitted to be kept in wired cages.
2. Mixing of breeds of dog is not permitted save where one dog of a particular litter remains. In this situation it is acceptable to mix only this one remaining dog with dogs of a similar breed and size.
3. A thermometer capable of measuring the minimum and maximum temperatures within the shop is to be provided and accurate records kept of temperatures. Adequate measures must be taken to ensure that the minimum temperature does not fall below acceptable/comfort levels.
4. All pens for holding dogs (including isolation pens) should be graduated to allow for fall of drainage and a drain should be in place at the lowest point. The licence holder is to ensure that this condition is implemented within 3 months of notification.
5. All pens for holding dogs (including isolation pens) should contain a raised sleeping area for the puppies.
6. No dog shall be sourced from a breeder unless the breeder is licensed, or where there is no licensing requirement, the local authority will where appropriate appoint an independent person to conduct an inspection of the breeder's premises to verify that animal welfare is to an acceptable standard i.e. an "approved breeder". Where it is deemed that the breeder's premises are not of acceptable standards, the licence holder will be informed and will cease to source dogs from this breeder until such time as a re-inspection confirms that the premises conforms to acceptable animal welfare standards. The Licence Holder shall be responsible for the cost to be incurred by the Local Authority for purposes of this condition.
7. The licensee shall ensure that dogs sold from the premises are purchased direct from a licensed breeder or where there is no licensing requirement, from an "approved breeder" as detailed in condition 6 above. It is not permissible to obtain a dog from any dealer or through an agent or any other intermediary, who has acquired the dog or has the dog in their care.
8. No dogs with docked tails are permitted to be displayed for sale or sold from this premises save for where a dogs' tail has been docked for veterinary reasons. This reason and the veterinary surgeon that carried out the procedure, to be recorded in the register of the premises.
9. No dog under 8 weeks old is to be displayed for sale or shown to the members of the public.

10. On arrival at the premises, dogs are to be held in an isolation area for a period of 5 days from the date of arrival to allow for rest and recuperation. The dogs are not to be shown to members of the public or displayed for sale during this time.
11. All dogs to be microchipped by a suitably qualified person within the first 5 days from date of arrival at the premises. Once chipped, all dogs to be vaccinated within the first 5 days from date of arrival at the premises unless advised otherwise by a veterinary surgeon. Where a veterinary surgeon has advised against vaccination, the name of the veterinary surgeon and the veterinary reason for not vaccinating to be recorded in the register at the premises.
12. All kittens to be microchipped by a suitably qualified person within the first 5 days from the date of arrival at the premises.
13. All kittens to be vaccinated between the age of 8 and 10 weeks old unless previously sold or advised otherwise by a veterinary surgeon. Where a veterinary surgeon has advised against vaccination, the name of the veterinary surgeon and the veterinary reason for not vaccinating to be recorded in the register at the premises.
14. All pens (including isolation pens) to have information in a form of clipboard or similar showing chip numbers, breed and ages of litter held in each pen.
15. A register is to be maintained at the premises, of all animals on the premises including the chip numbers, age, date of arrival and details of origin including the name, address and contact telephone number of the breeder of each animal and the breeder's licence number and issuing authority where applicable. These records are to be produced on request to authorised officers.
16. Records of all veterinary treatment for each animal to be kept at the premises including details of all vaccinations, chipping and any other veterinary treatment administered to that animal. Records to include dates of treatments and the details of the veterinary surgeon and practice that administered the treatments and to be maintained for at least 12 months from the date of the sale of the animal. The licence holder unreservedly authorises the local authority to contact and obtain the details of any treatment from the veterinary surgeon or practice who administered the treatment when necessary.
17. The licensee must make every effort to ensure that animals delivered to the premises, have been transported in a suitable manner. Records to be kept of the transporter's name, a copy of the transporter's licence issued by DEFRA, dates of deliveries and the registration number of the vehicles delivering the animals. These records are to be produced on request to authorized officers.

18. Date and approximate times of deliveries of animals and the details of animals being delivered (age, breed & origin) to be provided to the licensing authority on request.
19. All purchasers of animals are to be supplied with details of the animals' origin, breed, age, vaccination details and the responsible veterinarian's contact details as well as details of the animal's current diet or a two week supply of the animal's current diet, in addition to expert pet care advice relating to the particular animal being sold.
20. Prominent signage is to be displayed at the premises informing customers that only puppies that are 8 weeks old are permitted to be displayed for sale or sold at this premises.
21. The licensee shall maintain an up to date register of all complaints notified directly or indirectly to the licensee, in relation to any animal sold from the premises, and such register shall be made immediately available to Licensing Officers of the local authority on request. Such register should include details of the date of the complaint, the animal concerned, the nature of the complaint, and the steps taken to resolve the complaint.
22. Maximum stocking capacities: (these are to be determined and added to licence following completion of any necessary works at the premises in light of the above conditions and will be determined following inspection by Licensing Officers). The pet shop should ensure compliance with the maximum stocking capacities set by the licensing officers following inspection of the premises.

Unless otherwise stated, these conditions are to take effect immediately. For the sake of clarity, the above conditions replace all seven conditions on the pet shop licence that expired on 31/03/10. Harrow's standard pet shop conditions will nonetheless apply to the new licence.

In light of the conditions that the Committee is including on this pet shop licence, and particularly in light of the issues that have been raised during the determination of this licence application, the Committee would like to remind the licensee that only authorised Licensing Officers from this authority will, from time to time, attend the premises to inspect it and to ensure compliance with the above conditions (and if requested, upon production of authority). And as per the legislation, and they should not be wilfully obstructed or delayed, as it is an offence to do so.

28. INFORMATION REPORT - Non-Executive Decision: Flexible Retirement under Regulation 18 of the Local Government Pension Scheme Regulations 2007 (As amended)

The Committee received a report of the Director of Legal and Governance Services which detailed two decisions that had been taken under the Council's Non-Executive Decision Procedure in relation to flexible retirement.

The Chairman queried why the two cases had not been considered by the Early Retirement Sub-Committee. An officer explained that the Non-Executive Decisions had been required as it had not been possible to call an Early Retirement Sub-Committee meeting during the summer recess and the flexible retirement dates had fallen within this period. The officer added that the Council's Constitution required all decisions taken under the Non-Executive Decision Procedure to be reported to the appropriate Committee. The Chairman stated that, in the future, he would prefer the Early Retirement Sub-Committee to consider all cases.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.45 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman