

**REPORT
FOR:**

**LICENSING AND GENERAL
PURPOSES COMMITTEE**

Date of Meeting: 22 November 2010

Subject: Determination of application to renew pet shop licence for Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, HA3 6LE

Responsible Officer: Brendon Hills – Corporate Director, Community & Environment

Exempt: No

Enclosures:

Annex 1	Pet Animals Act 1951
Annex 2	Application to Renew Pet Shop Licence for Sylvesters Pet Shop
Annex 3	Harrow Council's Standard Pet Shop Licence Conditions
Annex 4	Harrow Council letter to Mr Wood dated 8 th April 2010
Annex 5	Letter from Nigel Weller & Co, to Harrow Council dated 21 st April 2010
Annex 6	List of dog breeders as supplied by Mr Wood by 28 th May 2010
Annex 7	Harrow Council letter dated 10 th June 2010 to Nigel Weller & Co

Annex 8a	Letter from Knights Solicitors to Harrow Council dated 18 th August 2010
Annex 8b	Harrow Council letter to Knights Solicitors dated 15 th September 2010
Annex 9	Veterinary Report by Mr Ron Gardner BVM&S.MRCVS, dated 19 th August 2007
Annex 10	Veterinary Report by Mr Ron Gardner BVM&S.MRCVS, dated 8 th May 2009
Annex 11	Breakdown of complaints received by the authority regarding Sylvesters Pet Shop from Oct 2006 – Sept 2010
Annex 12	Local Government Association Pet Animals Act 1951 Model Standards for Pet Shop Licence Conditions (1998)
Annex 13	Royal College of Veterinary Surgeons "Tail Docking" June 2007
Annex 14	Canine Registration Club Certificate supplied by Mr Wood
Annex 15	Email from Nigel Weller & Co to Harrow Council 28 th May 2010
Annex 16	Example adverts placed by Mr Wood on the internet
Annex 17	Details of 158 Moore Street, Aughnacloy, Co Tyrone
Annex 18	DEFRA Transport Licence – Mr Michael McKay
Annex 19	Letter from Knights Solicitors to Harrow Council dated 7 th October 2010
Annex 20	News Article from Waterford Today, "2009 Pet Health Study

Annex 21	Irish Independent News Article dated 10 May 2009
Annex 22	USPCA Warning regarding Canine Brucellosis Outbreak
Annex 23	Daily Mirror News Article dated 31 st October 2006
Annex 24	Report from Mr Ron Gardner BVM&S.MRCVS received 01 November 2010

Section 1 – Summary and Recommendations

This report sets out details of, and issues relating to, the application to renew the pet shop licence under the Pet Animals Act 1951, for Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, Middlesex, HA3 6LE.

Recommendations:

The Committee are requested to formally agree:

1. to suspend Committee Procedure Rule 16 that relates to deputations for the duration of this item;
2. that the applicant (or his representative), and the licensing officer are allowed to speak for a maximum of 10 minutes to present their case;
3. that the Members of the Committee can question the parties as they see appropriate to assist them with their decision making process;
4. The Committee is requested to determine the pet shop licence application.

Section 2 – Report

Background

- 2.1 A pet shop licence under the Pet Animals Act 1951 was first granted in respect of Sylvesters Pet Shop, 257 Long Elms, Harrow Weald, HA3 6LE (“the Premises”) in October 2006 following an application by Mr Stuart Wood, the current licence holder. This

licence was issued subject to Harrow Council's standard pet shop licence conditions. A copy of the standard conditions is attached to this report (Annex 3).

2.2 In 2007, an application to renew the pet shop licence was submitted by Mr Stuart Wood, the licence holder. Licensing officers and an independent veterinary surgeon, Mr Ron Gardner BVM&S.MRCVS, conducted an inspection of the Premises. During the inspection several issues regarding animal welfare were identified. A copy of the veterinary report is attached to this report (Annex 9).

2.3 As a result the licence was renewed subject to seven additional conditions. The seven additional conditions were included on the licence by mutual agreement of the licensing authority and Mr Stuart Wood, the licence holder.

The seven additional conditions imposed were:

1. Animals must not be kept in wired cages.
2. Provide a maximum and minimum thermometer and keep records of temperatures. Take adequate measures so that the minimum temperature does not fall below acceptable/comfort levels
3. The tiled pens to have information, in a form of clip board, or similar showing numbers and breed of litter held in each pen.
4. The premises to keep a register of all animals with chip numbers, age and date of arrival. The records to also show the Transporters name and a copy of the licence from DEFRA.
5. No puppies or kittens less than 8 weeks old should be displayed for sale.
6. All puppies and kittens to be chipped at the time of vaccination and an endorsement to each vaccination certificate stating the starting date that pup or kitten becomes 57 days old stating "NOT TO BE SOLD BEFORE THIS DATE".
7. Maximum stocking capacities:
 - a. Puppies 50
 - b. Kittens 24

2.4 The pet shop licence in respect of the Premises was renewed in 2008 and 2009 subject Harrow Council's standard pet shop licence conditions and the seven additional conditions introduced in 2007 as detailed at paragraph 2.3 above.

Current situation

2.5 Mr Stuart Wood operates two pet shops under the trading name of Sylvesters Pet Shop - one premises is operated from 257 Long Elms, Harrow Weald, HA3 6LE and the other in a neighbouring borough. Mr Wood claims that he sells approximately 2,000 dogs per year from his two premises, the majority being sold from his premises in Harrow.

An application to renew the pet shop licence for Sylvesters Pet Shop, Harrow, was submitted on 26th March 2010 as the previously issued licence was due to expire on 31st March 2010.

2.6 On 6th & 7th April 2010 Licensing officers visited the Premises to carry out an inspection for the purposes of renewing the pet shop licence. During these inspections, several issues were identified and these issues were outlined in a letter dated 8th April 2010 to Mr Stuart Wood, the licence holder. A copy of this letter is attached to this report (Annex 4). The issues identified relate to:

- A dog under 8 weeks being displayed for sale in contravention of licence conditions;
- Inconsistent details of dogs being recorded in the premises register and on the pen holding the dogs;
- A dog displayed for sale without having been vaccinated or chipped;
- The register at the premises showed that a dog was sold without being microchipped, in contravention of the licence conditions;

2.8 In a reply through his then solicitors, Nigel Weller & Co, Mr Wood refers to the visit conducted by licensing officers on 6th April 2010. A copy of the letter is attached to this report (Annex 5). In the letter it is contended that the dogs under 8 weeks were not displayed for sale as the pens holding the dogs were empty as the dogs were on a photographic assignment and as such were not on the Premises.

Licensing officers who conducted the visit assert that Mr Wood did advise that the registers maintained at the premises showed two cocker spaniel dogs that were on a photographic assignment and as such were not on the Premises. However the three dogs under 8 weeks to which officers refer, were not the cocker spaniels to which Mr Wood refers and assert that the three dogs under 8

weeks, were present on the premises and displayed for sale in contravention of licensing conditions.

- 2.9 With regard to the visit conducted by Licensing officers on 7th April 2010, Mr Wood accepts that the details required to be displayed on the pens was missing on one pen (Pen 4) in contravention of licence conditions.

Furthermore Mr Wood concedes that a dog was sold from the Premises on 6th April 2010 without being micro-chipped, again in contravention of licence conditions.

On 7th April 2010, Licensing officers observed that the details recorded on one pen (pen 5), did not match the details as recorded in the premises' register. Mr Wood disputes this and claims that pen 5 was empty at the time of the Licensing officers' visit.

Licensing officers also observed that the dog in pen 4 on display for sale was neither vaccinated nor chipped, and there were no details regarding this dog on the pen. Mr Wood contends that the dog was not vaccinated due to ill health and as such was being held in isolation. Furthermore Mr Wood alleges that the dog in question was chipped and that the chip was shown to officers. Licensing officers dispute that the chip was shown to them and express concern why an ill dog was displayed for sale in a public area in which other healthy dogs were being held, and was not held in the segregated isolation area at the rear of the premises to which the public do not have access.

- 2.10 Following the inspections carried out on 6th and 7th April 2010, Mr Wood, the licence holder, was requested in a letter dated 8th April 2010, to provide details of all dog breeders from whom he sourced dogs within the last 12 months. Condition 14 of Harrow Council's Standard Pet Shop Licence Conditions reads:

"A register of animals obtained shall be kept by the proprietor of the pet shop which must be produced on demand by the authorised inspector. The register shall provide the details of the origin of each animal".

Under this condition the information requested by Licensing officers on 8th April 2010, should be maintained in the register at the Premises, which must be produced to authorised officers when requested.

Despite several requests for the above information, full details of the all dog breeders were not supplied to the authority until 28th May 2010. Several of the details provided still remain unverifiable by the authority; see the attached list of breeders (Annex 6).

- 2.11 A meeting was held on 25th May 2010 between licensing officers and Mr Stuart Wood (licence holder) and his then solicitor Mr Nigel Weller of Nigel Weller & Co. to discuss the various issues identified at the Premises. The issue of how Mr Wood sources and obtains the dogs sold at his premises was discussed. Mr Wood confirmed that he places his “order” for dogs through his supplier, Mr Michael McKay, who holds a Transporters Licence issued by DEFRA for the transportation of animals (Annex 18). Mr Wood confirmed that he does not contact any dog breeders directly. Enquiries with Dungannon District Council have confirmed that Mr Michael McKay with an address in Co. Tyrone does not hold a dog breeding establishment licence.
- 2.12 Licensing officers noted that another Mr McKay, a Mr D McKay of a different address also in Co. Tyrone, was included on the list of dog breeders who supplied dogs to Sylvesters Pet Shop in the 12-month period up to April 2010. Further enquiries with Dungannon District Council confirmed that Mr D McKay of the aforementioned address does not hold a dog breeding establishment licence.
- 2.13 Under The Dogs (Northern Ireland) Order 1983 [“1983 Order”], all dog breeding establishments in Northern Ireland, are required to be licensed by the relevant district council. A breeding establishment is defined in section 2 of the 1983 Order as: *any premises (including a private dwelling) in which*
(a) a dog is kept by a person who owns 3 or more unsterilised bitches any of which is used for the purposes of breeding; or
(b) an unsterilised bitch is kept by a person, not being the owner of the bitch, for the purposes of breeding.
- 2.14 While the above provisions exempt small-scale dog breeders in Northern Ireland from licensing, it is highly unlikely that such breeders would be capable of supplying Mr Wood with the 2,000 dogs per year, which he claims he sells.
- 2.15 Given these concerns, licensing officers undertook further enquires with regard to the other dog breeders listed as supplying dogs to Sylvesters Pet Shop in the 12 month period up to April 2010. It was ascertained that the address of K. Mc Quaid, [REDACTED] Co. Tyrone is the address of a bureau de

change office (see Annex 17) and on bringing this to the attention of Mr Wood, he claims that this is the place of work of the dog breeder. Under condition 14 of Harrow Council's Standard Pet Shop Licence Conditions, the details of the origin of each animal must be recorded in the register of the premises. Licensing officers are not satisfied that the place of work of the dog breeder constitutes the place of origin of the dog. To date Mr Wood has not supplied the address of K. McQuaid's breeding establishment.

- 2.16 On enquiring with Dungannon District Council, it was ascertained that Mr O Little, of [REDACTED] Co. Tyrone does not hold a dog breeding establishment licence; he does hold a block licence under The Dogs (Northern Ireland) Order 1983.
- 2.17 Enquiries with Fermanagh District Council revealed that Mr Gerry Smith and Mr David Hamilton are both licensed dog breeders; however further enquiries have revealed that there have been past issues and the Ulster Society for the Protection of Cruelty to Animals (USPCA) have carried out raids and seized animals from one of these establishments in October 2006 (Annex 23).
- 2.18 The other dog breeders that supplied dogs to Sylvesters Pet Shop during the relevant period are located in the Republic of Ireland and Wales where, at present, there is no licensing regime for dog breeding establishments. Consequently dog breeding is an unregulated practice in the Republic of Ireland and Wales and these establishments are not inspected to ensure that animal welfare standards are met. Unregulated dog breeding is high risk and involves potential health and welfare issues that clients inadvertently buy-in to.

In 2010, the results of a pet health study carried out in the Republic of Ireland were published. The CICADA (Computer-based Investigation into Companion Animal Disease Awareness) study compiled by Natalie Barry MVB, who is a veterinary consultant to Intervet Schering Plough Animal Health, Bray, Co. Wicklow, Ireland, collected data from 100 veterinary surgeons across the island of Ireland and according to John D Owens, M.V.B. veterinary surgeon, the study highlighted unexpectedly high numbers of preventable infectious diseases such as parvovirus, kennel cough and leptospirosis amongst dogs in Ireland (Annex 20).

- 2.19 In May 2009, it was reported that there was an outbreak of canine brucellosis on a large dog-breeding establishment in Co. Offaly in

the Republic of Ireland (Annex 21). Canine Brucellosis is an infectious disease and most commonly affects young pups. The Dublin Society for the Protection of Cruelty to Animals claimed that it estimated that there was up to 1,000 dogs on the farm when the outbreak occurred. The Ulster Society for the Protection of Cruelty to Animals (USPCA) issued a warning (Annex 22) following the outbreak as it claimed that the affected dogs were likely to enter Northern Ireland through well-known local “dealers” i.e. persons who source dogs to sell to third parties including pet shops.

- 2.20 While there is no evidential connection between the dogs bred on the aforementioned establishment and the dogs supplied to or sold from Sylvesters Pet Shop, the purpose of highlighting this is to show that there are higher risks involved in sourcing dogs from the Republic of Ireland due to the poor standards attributable to the lack of regulation. As such Licensing officers conclude that there should be sufficient safeguards and checks in place through licence conditions to ensure that every precaution is taken to ensure that the dogs sold from Sylvesters Pet Shop are sourced from reputable breeders where welfare standards are met so as to minimise the risk of spreading infectious diseases.
- 2.21 Following the meeting held on 25th May 2010 between licensing officers and Mr Stuart Wood (licence holder) and his then solicitor, Mr Nigel Weller of Nigel Weller & Co., Licensing officers proposed renewing the pet shop licence subject to twenty-three additional conditions to replace the seven additional conditions imposed in 2007. The letter outlining the proposed conditions was sent to Mr Wood and his solicitor on 10th June 2010 and a copy is attached to this report (Annex 7).
- 2.22 Due to unforeseen circumstances, Mr Weller was unable to continue to represent Mr Wood and Mr Wood instructed new legal representatives, Knights Solicitors, in July 2010. Knights Solicitors were given a copy of Harrow Council’s letter dated 10th June 2010 outlining the proposed conditions to which the licence, if granted, would be subject to. Knights Solicitors responded to the proposed conditions in a letter dated 18th August 2010, a copy of which is attached to this report (Annex 8a). In light the comments of Knights Solicitors in their letter, licensing officers reconsidered the proposed conditions and sent a revised set of conditions to Knights Solicitors on 15th September 2010. A copy of this letter is attached to this report (Annex 8b). Knights Solicitors responded in a letter dated 7th October 2010 (see Annex 19). While there has been

some agreement between both parties, not all proposed conditions for the licence, if renewed, have been agreed.

Why a change is needed

- 2.23 From October 2006 to 30th September 2010, there have been 16 reports to the authority regarding the welfare of specific dogs and kittens purchased from Sylvesters Pet Shop. Some of these reports relate to more than one animal purchased at Sylvesters Pet Shop. In addition, Harrow Council has also received expressions of concern, from various sources such as qualified veterinary surgeons and the RSPCA, regarding the welfare of the animals and the number of animals purchased at Sylvesters Pet Shop presenting for veterinary treatment (see Annex 11).
- 2.24 Complaints about sick dogs being purchased from Sylvesters Pet Shop have significantly increased recently. In cases where a diagnosis as to the exact cause of illness was made by a veterinary surgeon, the following illnesses were identified: Giardia, Isospora, Campylobacter, Kennel Cough. These infections can have an incubation period of up to several weeks before the dog may show symptoms.
- 2.25 Mr Wood has disclosed that he primarily sources the dogs sold at his premises from the Republic of Ireland (Annex 6). In light of the high risk of infection and spread of disease due to sourcing dogs from unregulated establishments in the Republic of Ireland, licensing officers consider that should a pet shop licence be granted to Mr Wood, that it be subject to specific conditions that are aimed at minimising the outbreak and spread of infectious disease and upholding the objectives as set out in the Pet Animals Act 1951.

Recommendation to Committee

- 2.26 In light of the findings detailed above, licensing officers consider that should the application to renew the pet shop licence for Sylvesters Pet Shop be granted, that it be subject to the following licensing conditions for reasons explained below each one of them.

1. Animals are not permitted to be kept in wired cages.

The concerns regarding the use of wire cages at the premises to hold animals was initially raised by Mr Gardner in his veterinary

report dated 19th August 2007 (Annex 9), in which he states that he would accept that the wire cages could be used only as one tier holding pens for cleaning purposes and it was suggested that this practice could continue only temporarily for a suggested period of 3 months, thereby allowing Mr Wood sufficient time to make other arrangements for holding the animals during pen cleaning. Following these recommendations from Mr Gardner, a licensing condition that animals were not to be kept in wire cages was introduced by mutual consent of Licensing officers and Mr Wood.

In 2009, Mr Gardner revisited the Premises to undertake a further veterinary inspection and observed that two tier wire cages were continuing to be utilised at the premises. Mr Gardner notes this in his veterinary report dated 8th May 2009 (Annex 10) and states that at a stretch one tier wire holding pens could be accepted for cleaning time. The authority considered this recommendation and in light of the breach of the existing licence condition and the unacceptable use of two tier wire cages, the authority resolved to reissue the licence subject to the same condition that animals are not to be kept in wire cages, without any qualification.

Licensing officers would ordinarily consider allowing the use of one tier wire cages on a temporary basis for cleaning purposes only, however in light of the continued practice at the premises to utilise two tier wire cages in contravention of its licensing conditions and contrary to veterinary advice, the authority feels it necessary at this point, to continue with the condition that no animals are to be kept in wire cages.

The applicant, Mr Wood, has indicated that not agreeable to this condition.

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.

The purpose of this condition is to ensure that dogs are held in accommodation appropriate for their size, and to minimise the risk of spreading infections to other litters.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

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.

The Pet Animals Act 1951 requires that all animals be held in suitable accommodation as respects size, temperature, lighting, ventilation and cleanliness.

To monitor the climate and temperatures in which the animals are being kept, minimum and maximum temperatures should be recorded.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

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.

Graduated pens allow for a fall of drainage so as to optimise the cleanliness of the dog's accommodation.

The applicant, Mr Wood as indicated that he is agreeable to the above condition save for the isolation pens.

As it is proposed that all dogs be held in isolation for rest and recuperation for a period of 5 days (see proposed condition 10 below), and should this condition be implemented, Licensing officers recommend that the isolation pens also be graduated as detailed above as all dogs entering the premises will be required to stay in the isolation pens for a period of five (5) days and therefore should provide the same standard of cleanliness as all other holding pens.

5. All pens for holding dogs (including isolation pens) should contain a raised sleeping area for the puppies.

The purpose of this condition is to ensure that dogs are held in accommodation that is appropriate and suitable.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

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 local authority has discretion whether to grant a licence to pet shops, and has a duty to ensure that the animals will be suitably accommodated, fed, exercised and protected from disease and fire or other emergency. It is for local authorities, who have extensive powers to check on the standards of health, welfare and accommodation of the animals, to enforce the requirements of the Act.

Therefore Licensing officers consider it appropriate that a licensed pet shop should source the dogs to be sold from its premises from a reputable and properly managed breeding establishment. In Great Britain the breeding and sale of dogs is regulated by The Breeding of Dogs Act 1973, The Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999. The Breeding and Sale of Dogs (Welfare) Act 1999 specifies that licensed breeding establishments may only sell a dog at a licensed breeding establishment, a licensed pet shop or licensed Scottish rearing establishment.

The dogs sold from Sylvesters Pet Shop are primarily sourced from the Republic of Ireland (see list of breeders supplied by Mr Wood, Sylvesters Pet Shop – Annex 11). Given that Mr Wood chooses to source his dogs from a country with no licensing regime and for reasons detailed above, it is not only appropriate but essential that safeguards are in place to ensure that dogs being sourced from this country do not contribute to the spread of disease and infection in Great Britain by ensuring that the breeding establishments meet recognised animal welfare standards, and are transported in a manner that meets animals welfare standards and minimises the spread of disease and infection.

Licensing officers consider the above condition to be necessary so as to prevent the spread of infectious diseases.

The applicant, Mr Wood, has indicated that he is agreeable in principle to this condition subject to a minor alteration to the wording and has suggested the following wording:

No dog shall be sourced from a breeder unless the breeder is licensed. Where there is no licensing requirement, the local authority will where appropriate appoint an independent person to be agreed between the Council and the licensee, to conduct an inspection of the breeder's premises to verify that animal welfare is to an acceptable standard.

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.

The Breeding and Sale of Dogs (Welfare) Act 1999 requires that licensed breeders may only sell a dog at a licensed breeding establishment, licensed pet shop or licensed Scottish rearing establishment, thereby prohibiting "agents" or "dealers" from selling dogs to licensed pet shops. The purpose behind this is to regulate the welfare of dogs kept in commercial breeding establishments. The licensing requirement is to help ensure that minimum welfare standards are maintained and to minimise the spread of infections and diseases.

While the Breeding and Sale of Dogs (Welfare) Act 1999 does not apply to the Republic of Ireland, licensing officers consider that the proposed condition is necessary in this case so as to ensure suitable animal welfare and minimise the chances of spread of infection and disease, as most of the dogs are sourced from the Rep of Ireland via an intermediary, and as a result of the number of complaints that the authority has received.

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.

Under the Animal Welfare Act 2006, it is unlawful for any person to remove the whole or any part of a dog's tail, otherwise than for the purpose of its medical treatment.

The Royal College of Veterinary Surgeons (RCVS), the regulatory body for veterinary surgeons in the United Kingdom, has said that they consider tail docking to be an unjustified mutilation and unethical unless done for therapeutic or acceptable prophylactic reasons or as a measure taken to fend off a disease or another unwanted consequence.

The BVA and British Small Animal Veterinary Association (BSAVA) have been campaigning against the non-therapeutic docking of puppies' tails since the sixties because they believe that it is not in the animal's best welfare interests.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

9. No dog under 8 weeks old is to be displayed for sale or shown to the members of the public.

The Pet Animals Act 1951 [section 1(3)] specifies that the local authority must have regard to and make provisions where necessary, to ensure that animals, being mammals, will not be sold at too early an age.

The Local Government Association Pet Animals Act 1951 Model Standards for Pet Shop Licence Conditions provides that no mammals shall be sold unweaned or at an age which it should not have been weaned.

Having obtained veterinary advice from Mr Ron Gardner BVM&S.MRCVS, licensing officers consider that it is not appropriate to display for sale dogs of less than 8 weeks of age.

The applicant, Mr Wood, has indicated that he is agreeable to this condition subject to the provision that dogs of less than 8 weeks old can be shown to members of the public.

Licensing officers consider "displayed for sale" to be equivalent to showing to members of the public, with the intention of selling them after 8 weeks age and feel that such young dogs being subjected to public viewing is likely to cause them some degree of distress. Hence Licensing officers do not agree with the proposal of Mr Wood.

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.

The Local Government Association Pet Animals Act 1951 Model Standards for Pet Shop Licence Conditions provides that all animals must be allowed a suitable acclimatisation period before sale, that no animal which is suffering from, or could reasonably be suspected of having come into contact with any other animal suffering from any infectious or contagious disease, should be brought into a premises or kept on a premises unless effectively isolated.

Licensing officers consider an isolation period of 5 days is required for the rest and recuperation of the animals, in addition to keeping new arrivals isolated for a period of time in case of any infection / disease emerging. This is particularly necessary in this case as the majority of the dogs are being sourced from the Republic of Ireland, for reasons explained above.

Initially, in a letter from Knights Solicitors dated 18th August 2010 (Annex 8a) Mr Wood indicated that he was agreeable to an isolation period of 3 days. Subsequently in a letter from Knights Solicitors dated 8th October 2010 (Annex 19) Mr Wood indicates that he would be agreeable to an isolation period of 2 days.

Having obtained veterinary advice from Mr Ron Gardner *BVM&S.MRCVS*, Licensing officers consider that a 5 day isolation period is appropriate given that the majority of the dogs have travelled a considerable distance of unknown duration from the Republic of Ireland, and essentially as a measure to prevent the spread of disease and infection.

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.

All reasonable precautions must be taken to prevent the outbreak and spread of disease and vaccination is a common measure employed to prevent the spread of disease and infection.

Licensing officers consider it appropriate to ordinarily vaccinate each dog within the first 5 days of arrival when the dog is being held in isolation prior to mixing with other dogs and exposure to the public so as to minimise the risk of spread of disease. The micro chipping must be carried out prior to vaccination so that the vaccination can be correctly recorded against the chip number of the dog so there is no confusion amongst a litter of same breed of dogs as to which dogs have been vaccinated.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

12. All kittens to be microchipped by a suitably qualified person within the first 5 days from the date of arrival at the premises.

For similar reasons explained in regard to condition 11 above.

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.

For similar reasons explained in regard to condition 11 above.

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.

A register of the animals being held in each pen is considered appropriate in regards to providing information to both staff and the public, and allows other records to be accurately maintained such as feeding, vaccinations etc.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

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.

A register of animals received at the premises and all relevant details is considered necessary so as to keep accurate records regarding the animals, their vaccinations, details of the breeder, should any party need to be contacted in case of emergency such as needing to notify any party of a potential outbreak of disease.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

16. Copies 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. These records are to bear the stamp and details of the veterinary practice and are to be signed and dated by the veterinary surgeon that administered the treatment. Records are to include any veterinary treatment administered where an animal has been returned to the premises having being sold at an earlier date. The records to be kept at the premises for a minimum period of 12 months from date of sale of the animal.

In light of the number of complaints received and the recent increase in reports of dogs becoming ill shortly after being purchased from Sylvesters Pet Shop (see Annex 11), licensing officers consider that this condition is necessary so as to be adequately able to investigate any diagnosis of disease / infection, and on obtaining this information, contact any other relevant parties such as purchasers of the dogs' other litter, thereby minimizing the spread of disease.

The applicant, Mr Wood has indicated that he is agreeable to this condition however considered it to be too onerous to maintain veterinary records at his premises, and suggested that licensing officers could contact his veterinary surgeon to obtain relevant information where necessary.

In view of the Mr Wood's comments, licensing officers proposed the following re-worded condition:

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.

However the applicant, Mr Wood has indicated that he considers the above revised condition to be unnecessary and is reluctant to grant such consent due to the fact that information held by his veterinary surgeon may contain personal data in relation to his customers, for which he (Mr Wood) is a registered data controller. However under current licence conditions, Licensing officers are required to inspect the registers maintained at the premises, which contain the details of all persons who purchase animals at the premises.

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.

Where animals are being transported in confined spaces, the risk of the spread of infection is increased. In line with the Local Government Pet Animals Act 1951 Model Standards for Pet Shop Licence Conditions, the above condition is considered appropriate.

The applicant, Mr Wood, has indicated that he is agreeable to this condition.

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.

Licensing officers consider it necessary from time to time to inspect the animals being delivered to the premises and have a duty to ensure that these animals are being transported to the

premises in acceptable standards and conditions and infected animals are not being transported to the premises.

In April 2010, Mr Wood was requested to provide details of an expected delivery so that authorised officers could be present, however Mr Wood refused to disclose any such details and as such the authority felt it has no option but to include this licensing condition.

The applicant, Mr Wood has agreed to this condition in principle, however considers that the term “to be provided to the licensing authority on request” is too vague and potentially onerous, and questions how often requests may be made, in what form and in relation to what period. Therefore Mr Wood has proposed the rewording of the condition to the following:

Date and approximate times of deliveries of animals and the details of animals being delivered (age, breed & origin) in a specified week, to be provided to the licensing authority following a written request relating to one week only, received at least 7 days in advance of the week specified.

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.

To ensure that animals continue to be kept in a suitable environment and in acceptable standards, it is appropriate to provide the purchaser of any animal with relevant information.

Mr Wood has indicated that he is agreeable to this condition.

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.

The Pet Animals Act 1951 [section 1(3)] specifies that the local authority must have regard to and make provisions where necessary, to ensure that animals, being mammals, will not be sold at too early an age.

The Local Government Association Pet Animals Act 1951 Model Standards for Pet Shop Licence Conditions provides that no mammals shall be sold unweaned or at an age which it should not have been weaned.

Having obtained veterinary advice from Mr Ron Gardner BVM&S.MRCVS, licensing officers consider that it is not appropriate to display for sale dogs of less than 8 weeks of age and consider that this requirement should be highlighted through signage at the premises.

Mr Wood has indicated that he is agreeable in principle to this condition subject to the words “displayed for sale” being removed.

21. Maximum stocking capacities: (these are to be determined and added to licence following completion of works at the premises)

Should several of the aforementioned conditions be introduced, particularly in relation to dogs being held in an isolation area for specified period, it may be necessary to carry out some alterations to the premises and licensing officers consider it appropriate to re-evaluate the stocking capacities after any such works.

Mr Wood contends that no works are necessary at the premises and therefore this condition should remain as the existing condition, which reads: Maximum stocking capacities:

Dogs	50
Kittens	24

2.28 Independent veterinary surgeon, Mr Ron Gardner BVM&S.MRCVS has completed a report expressing his professional views on the proposed conditions, a copy of which is attached to this report (Annex 24).

2.29 Other Issues

During the lengthy consideration of the application to renew the pet shop licence for Sylvesters Pet Shop, several other issues with the practices of the applicant have been identified. These issues do not relate the objects specified in section 1(3) Pet Animals Act 1951 and therefore cannot be addressed through licence conditions.

Nevertheless it is felt that these issues should be brought to the attention of the Committee as the local authority has the discretion

to withhold a licence on grounds other than those objects detailed in section 1(3) Pet Animals Act 1951, and these issues may be relevant to the Committee's determination on whether to renew the pet shop licence for the premises.

a. Pedigree Certifications

There have been several complaints to the authority (see Annex 11) alleging that the customers have purchased from Sylvesters what have been described as pedigree dogs, but which subsequently turned out not to be pedigree dogs.

On raising this issue with Mr Wood, Mr Wood supplied licensing officers with a sample Canine Registration Club Certificate (Annex 14) that he supplies with the pedigree dogs sold from his premises. Although the certificate itself does not make reference to the dog being a pedigree dog, on searching the club's website (www.canineregclub.org - the details of which are contained on the certificate), it is stated that:

"the club has been formed for breeders of pedigree puppies who wish to provide a high quality three generation pedigree history and a registration document for each of the puppies they sell, this will enhance the sale of your puppies and will also ensure that the breeder and your customers have a history of your breed."

At a meeting on 25th May 2010 between Mr Wood, his solicitor and licensing officers, Mr Wood was asked to produce the pedigree certification that he receives in order to complete the Canine Registration Club UK Certificate, as this is a certification as to the pedigree of the dog.

In subsequent emails with Mr Wood's previous representative, Mr Weller, it was revealed by email dated 28th May 2010 (Annex 15), that Mr Wood does not receive any pedigree certification with the dogs delivered by Mr Michael McKay and *"information on the Canine Registration Club UK Certificates was given to our client [Mr Wood] by his supplier. Our client [Mr Wood] believed that information came direct from the breeders."*

In light of the above comments, please find attached to this report a series of advertisements (Annex 16) placed on websites advertising dogs for sale at Sylvesters Pet Shop. In these advertisements dogs are routinely advertised for sale with "Pedigree Certification".

Licensing officers do not consider it an acceptable practice to independently purport that a dog is of pedigree stock without any documentation to support this assertion.

In a letter from Mr Wood's solicitors, Knights Solicitors, dated 18th August 2010 (Annex 8a) it was initially claimed that Mr Wood "does not purport to sell any dogs as pedigree". However on providing a copy of the sample Canine Registration Club Certificate supplied by Mr Wood, to Knights solicitors, it was claimed that:

"Mr Wood has never described his puppies as 'pedigree' (and they are not sold as kennel-club registered). A Canine Registration Club UK Certificate has been supplied by Mr Wood when requested by the customer, in relation to dogs that have been purchased by Mr Wood, as purebred animals. Mr Wood, has, however, decided that he will no longer provide such certificates."

b. Advertisements

Attached to this report are a series of advertisement (Annex 16) that have been placed on websites advertising dogs for sale at Sylvesters Pet Shop. In these advertisements Mr Wood purports to source dogs only from "checked licensed registered breeders all British".

Given that Mr Wood has confirmed that the majority of dogs sold from his premises are sourced from the Republic of Ireland, where there is no licensing regime, the advertisements are misleading and deceptive to unassuming members of the public.

2.25 Main options

The Pet Animals Act 1951 provides (see s1(3)) that in determining whether to grant a licence for the keeping of a pet shop by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing:

- a. that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;

- b. that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;
- c. that animals, being mammals, will not be sold at too early an age;
- d. that all reasonable precautions will be taken to prevent the spread among of animals of infectious diseases;
- e. that appropriate steps will be taken in case of fire or other emergency;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects outlined in paragraph (a) to (e) above.

Therefore the options available to the committee are as follows:

- Grant the application for a pet shop licence with no conditions attached (other than Harrow's standard pet shop licence conditions);
- Grant the application for a pet shop licence with the existing conditions attached (i.e. conditions 1-7 on the licence that expired on 31 March 2010);
- Grant the application for a pet shop licence subject to any conditions the Committee considers necessary or expedient to secure all or any of the objects as set out in the Pet Animals Act 1951.
- Reject the application for a pet shop licence on grounds that that the Committee considers appropriate;

Financial Implications

Should the pet shop licence for the above premises be granted subject to several recommended conditions as detailed above, this may have financial implications in relation to staffing, monitoring and appointing an independent person to inspect the breeding establishments from where Mr Wood sources his dogs.

Furthermore, if the applicant is aggrieved by a decision of the local authority to refuse to grant the pet shop licence, or by any condition subject to which such a licence is proposed to be

granted, he may appeal to the Magistrates' Court, which may have financial implications for the Council.

Risk Management Implications

If the applicant is aggrieved by a decision of the local authority to refuse to grant the pet shop licence, or by any condition subject to which such a licence is proposed to be granted, he may appeal to the Magistrates' Court.

Corporate Priorities

By determining this application to renew the pet shop licence for Sylvesters Pet Shop, Harrow, in light of the above concerns, it will assist in achieving the Council Corporate Priority of delivering cleaner and safer streets and contributing to building stronger communities

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 10 th November 2010		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 10 th November 2010		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar, Licensing Services Manager, ext 6237

Background Papers:

Annex 1	Pet Animals Act 1951
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Annex 2	Application to Renew Pet Shop Licence for Sylvesters Pet Shop
Annex 3	Harrow Council's Standard Pet Shop Licence Conditions
Annex 4	Harrow Council letter to Mr Wood dated 8 th April 2010
Annex 5	Letter from Nigel Weller & Co, to Harrow Council dated 21 st April 2010
Annex 6	List of dog breeders as supplied by Mr Wood by 28 th May 2010
Annex 7	Harrow Council letter dated 10 th June 2010 to Nigel Weller & Co
Annex 8a	Letter from Knights Solicitors to Harrow Council dated 18 th August 2010
Annex 8b	Harrow Council letter to Knights Solicitors dated 15 th September 2010
Annex 9	Veterinary Report by Mr Ron Gardner BVM&S.MRCVS, dated 19 th August 2007
Annex 10	Veterinary Report by Mr Ron Gardner BVM&S.MRCVS, dated 8 th May 2009
Annex 11	Breakdown of complaints received by the authority regarding Sylvesters Pet Shop from Oct 2006 – Sept 2010
Annex 12	Local Government Association Pet Animals Act 1951 Model Standards for Pet Shop Licence Conditions (1998)
Annex 13	Royal College of Veterinary Surgeons "Tail Docking" June 2007
Annex 14	Canine Registration Club Certificate supplied by Mr Wood
Annex 15	Email from Nigel Weller & Co to Harrow Council 28 th May 2010
Annex 16	Example adverts placed by Mr Wood on the internet
Annex 17	Details of 158 Moore Street, Aughnacloy, Co Tyrone
Annex 18	DEFRA Transport Licence – Mr Michael McKay
Annex 19	Letter from Knights Solicitors to Harrow Council dated 7 th October 2010
Annex 20	News Article from Waterford Today, "2009 Pet Health Study Reveals Worrying Results".
Annex 21	Irish Independent News Article dated 10 May 2009
Annex 22	USPCA Warning regarding Canine Brucellosis Outbreak
Annex 23	Daily Mirror News Article dated 31 st October 2006

Annex 24

Report from Mr Ron Gardner BVM&S.MRCVS
received 01 November 2010