

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing Sub-Committee A held in the Brynsworthy Environment Centre on Monday, 18th March, 2019 at 11.00 am.

PRESENT: Members:

Councillor Chesters (Chair)

Councillors Campbell and Cann

Officers:

Licensing Service Lead (HB), Senior Solicitor/Monitoring Officer (TB)
and Lead Licensing Officer, (PF)
Corporate and Community Services Officer (AD)

Also Present:

The Applicant

The Representative of the Applicant

The First Witness, (The authorised Vet)

7. APOLOGIES FOR ABSENCE

There were no apologies for absence.

8. DECLARATIONS OF INTERESTS

There were no declarations of interest.

9. EXCLUSION OF PUBLIC AND PRESS AND RESTRICTION OF DOCUMENTS

RESOLVED that:

- a) Under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act (as amended from time to time), namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and,
- b) All documents and reports relating to the item be confirmed as "Not for Publication".

10. APPLICATION FOR THE GRANT OF A LICENCE FOR BREEDING DOGS, BROADLANDS (EARTH TAW), ASH MILL, SOUTH MOLTON, EX36 4QT (REF 049342)

The Chair introduced herself. The Members of the Sub-Committee and Officers introduced themselves.

The Service Lead Licensing confirmed that all requirements had been met.

The Senior Solicitor outlined the process of the hearing.

The Service Lead Licensing summarised his report, (circulated previously) regarding an application for the grant of a licence for the breeding of dogs, Broadlands (Earthtaw), Ash Mill, South Molton, EX36 4QT (ref 049342), the Premises was inspected on 10th January 2019, procedure documentation not available on that date, some has now been provided by the applicant. The Service Lead Licensing listed areas that still required action.

The Service Lead Licensing then presented 20 photos taken on the day of the inspection of the Premises.

The Applicant asked questions of the Service Lead Licensing.

In response to a question on what qualification he held in relation to carrying out this type of inspection, the Service Lead Licensing confirmed he did not hold a level three certificate qualifying him to inspect dog breeding premises. However, he did have 21 months experience with animal licences, which was an appropriate qualification according to the guidance.

The Applicant wanted it noted that under point 76 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 procedural guidance notes for local authorities October 2018, heading "Certification by the United Kingdom Accreditation Service (UKAS)" the Service Lead Licensing had failed to mention her compliance history held with UKAS as her kennel club accreditation had been held since 31st August 2008 and was renewed every year. The Chair advised that the standards of the kennel club differed from those the local authority had to adhere to.

In response to the Applicant's question on whether he had reported his findings to UKAS, the Service Lead Licensing confirmed he had not.

The Chair then allowed the Service Lead Licensing to call his first witness.

The Vet summarised his report.

The Chair allowed the Applicant to respond to the vet's findings.

The Representative of the Applicant asked the vet if he had any concerns over the welfare of the animals to which he replied no.

The Chair then invited the Service Lead Licensing Officer to call his second witness, the Licensing Officer.

The Licensing Officer summarised his findings on the day of the inspection.

The Chair invited the Applicant to present her case.

In response to a question from the Chair why preparation for the inspection hadn't been done ahead of the inspection, the Applicant replied she was used to working to Kennel club guidelines.

In response to a question about installing a fire extinguisher, the Applicant replied that her first response in the event of a fire would be to evacuate the dogs and puppies not to try and tackle a fire. If absent from the Premises her nearby neighbour knew what to do in the event of a fire.

In response to a question from the Applicant on whether any complaints had been received by the local authority, the Licensing Officer confirmed he knew of none.

The Service Lead Licensing was invited to sum up.

The Chair then invited the Vet to sum up.

The Applicant summed up by explaining that on the day of the inspection her Partners bitch and puppies had been in the outside kennels and that her own were never out there. Her own puppies were inside the house and weaned there. Her outside kennels were of very good quality and expensive to install.

RESOLVED, that everyone be excluded from the meeting with exception of Members, the Legal representative and the Committee Clerk in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED, that everyone be re-admitted to the meeting.

The Committee Clerk read out the proposed decision on which the Sub-Committee voted as follows:

RESOLVED, that the application for a Licence for Breeding Dogs (reference 049342) be granted.

The Sub-Committee took into account the inspectors' reports and although the Applicant had improved in some areas of concern, there were still failings but the Sub-Committee felt satisfied that the Applicant would address those failings.

Chairman

The meeting ended at 1.40 pm