

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 21st OCTOBER, 2014

Present – Councillors A. Connell (Chairman), Jones (Vice-Chairman), Bury, D. Burrows, L. Byrne, Cunliffe (as deputy for Councillor J. Byrne), Mrs. Fairclough, Hall, Haslam, Murray, Sherrington, Mrs. Swarbrick and Wild.

Councillor A. Connell in the Chair.

Apologies for absence were received from Councillors J. Byrne, Chadwick and Greenhalgh.

21. MINUTES OF PREVIOUS MEETINGS

The minutes of the proceedings of a meeting of the Committee held on 23rd September, 2014 were submitted.

Resolved – That the minutes be agreed as a correct record subject to the amending of minute 19, in respect of application numbered LER/29/14, a hackney carriage vehicle licence be granted, the Claimant having demonstrated exceptional circumstances, subject to the vehicle once licenced being subject to vehicle test examinations at four monthly intervals, with the matter being reviewed at a meeting of this Committee in twelve months' time.

**22. MINUTES OF THE LICENSING SUB-COMMITTEE
(SENSITIVE CASES)**

The minutes of the proceedings of the Licensing Sub-Committee (Sensitive Cases) held on 16th September, 2014 were submitted and signed as a correct record.

23. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves

the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

24. APPLICATION FOR A PET SHOP LICENCE LER/30/14

The Director of Environmental Services submitted a report which asked members to consider the renewal application for a licence to keep a pet shop under the Pet Animals Act, 1951. It was explained that the Trading Standards Team had received, on 9th January, 2014, a renewal application for a pet shop licence.

Members were reminded that this matter had been deferred at the August meeting pending the receipt of further information and at the meeting held on 23rd September it was decided that a site visit of the premises should be undertaken. This was undertaken prior to this meeting.

The applicant and the Council appointed Veterinary Officer attended the meeting.

The Committee heard verbal representations from the Council's Trading Standards Officers and from the applicant and the Veterinary Officer.

Resolved – That following consideration of all the evidence and Submissions the licence to keep a pet shop under the Animals Act, 1951 be granted subject to a number of conditions.

Following a number of recent visits to the premises various breaches of conditions and recommendations were identified and the applicant had been advised to undertake various actions but continued to dispute or not to undertake these.

Numerous complaints have been received by Trading Standards and the RSPCA over the years.

The Veterinary Officer following his inspection in January, 2014

indicated that there were several areas where standards were poor and improvements needed to be made. At the Meeting of this Committee held in August, 2014 the applicant had indicated that he had mostly taken on board the concerns raised but not all.

Also at the meeting held on 26th August, 2014 a decision on the application was deferred pending another inspection of the premises by officers of the Council and a Veterinary Officer. This inspection took place on 2nd September, 2014 and found non-compliance with pet shop licence conditions.

A further follow up inspection took place on 11th September, 2014 when photographs were taken which showed the licence conditions were still not being met.

The Greater Manchester Fire and Rescue Service have also confirmed that there are still matters outstanding and that a fire notice had been issued for compliance by 2nd November, 2014. The applicant also confirmed that the fire risk assessment was still outstanding.

The Committee also took note of the Council's appointed Veterinary Surgeon's written and verbal observations in particular that an adequate isolation facility does not currently exist and that in respect of reptile care there is not a fully trained full-time individual in post. He advised the Committee that welfare of the animals at the establishment would be compromised if those measures were not put in place.

The Applicant explained that he was in the process of creating an isolation facility which he said would be completed in the very near future. He also agreed to take a course on reptile care husbandry, and stated that two of his employees would also take the course.

He also gave evidence that the business was housed in an old building, but in the last three years since he bought the business had had spent considerable money on improving the building and this would continue. He said his shop was on a much larger scale to most pet shops and was the largest shop

in Lancashire.

The Committee further found that all reasonable precautions had not been taken to prevent the spread among animals of infectious diseases and noted from the site visit held earlier today the evidence of vermin on the site which could also compromise the welfare of the animals.

Therefore in satisfy the requirements of section 1(3) of the Pet Animals Act 1951 and in particular to meet the conditions of the pet shop licence the following actions need to be complied with

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- (i) The provision of an adequate animal, bird and fish isolation facility which meets the requirements of the Council's Veterinary Officer, to be fully operational within 21 days. In addition that staff be trained in the proper use of the facility and that proper records be kept once the facility is in use;
- (ii) The applicant and one full time member of staff undertake a reptile care qualification as recommended by the Council's Veterinary Officer and that this be commenced within 21 days and completed as soon as practicable;
- (iii) Urgent and additional works to prevent the entry of vermin into the premises and that a schedule of vermin control should be produced and adhered to. Furthermore, all staff be made aware of the threat from vermin activity and pay particular attention to reducing exposure of foodstuffs;
- (iv) The daily analysis of fish tank waste product levels should be continued but that in future a written record of this analysis should be made; and
- (v) The designation of a member of staff as a fire safety officer to carry out regular and recorded safety checks.

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The Committee's primary duty is of concern for the health, welfare and safety of the pets concerned as set out in section 1 (3) of the Pet Animals Act 1951 and if this was a new application it would not be granted as the licence conditions are not being met.

There is therefore reasonable cause to impose the additional conditions set out above on the renewal of the pet shop licence together with the standard conditions .

(The meeting started at 3.00pm and finished at 5.24pm)