

## LICENSING COMMITTEE

1.00 P.M.

28TH JULY 2022

**PRESENT:-** Councillors Colin Hartley (Chair), Fabiha Askari, Gerry Blaikie, Andrew Gardiner, Mike Greenall, Tim Hamilton-Cox and Jason Wood

Apologies for Absence

Cllrs Roger Cleet, Jake Goodwin and Sally Maddocks

Officers in attendance:

Jennifer Curtis	Licensing Manager
Tom Mitchell	Civil Lawyer
Mark Woodhead	Community Health and Protection Officer
Sarah Jones	Dog Warden & Animal Licensing Officer
Sarah Hayland	Dog Warden & Animal Licensing Officer
Sarah Moorghen	Democratic Support Officer

### 23 MINUTES

The minutes of the meeting held on the 30<sup>th</sup> June 2022 were signed by the Chair as a correct record.

### 24 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

### 25 DECLARATIONS OF INTEREST

Councillor Gardiner declared a non-pecuniary interest in item 7 that he had recently booked his dog into the licensing premises.

### 26 APPOINTMENT OF ADDITIONAL SUB-COMMITTEE CHAIR

It was proposed by Councillor Jason Wood and seconded by Councillor Andrew Gardiner that:

“That the appointment of an additional Licensing Sub-Committee be deferred to the next meeting of the Licensing Committee”

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

***Resolved:***

That the appointment of an additional Licensing Sub-Committee be deferred to the next meeting of the Licensing Committee.

### 27 EXEMPT ITEM

The Vice-Chair advised Members that it had been recommended to exclude the press and public from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information.

It was moved by Councillor Mike Greenall and seconded by Councillor Fabiha Askri:

“That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.”

A vote was taken and unanimously carried.

***Resolved:***

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds they could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

**28 REVOCATION OF ANIMAL ACTIVITIES LICENCES (PAGES 4 - 6)**

The Committee received the report of the Director of Communities and the Environment for the purpose of determining the Revocation of and Animal Activities Licences.

***Whilst the press and public were excluded from the meeting the Monitoring Officer determined that there was a public interest in publishing the decision notice following the Licensing Committee’s consideration of the item.***

Details of the individual case and the Chair’s summary of the decision are attached to the Minutes.

***Decision of the Committee:***

- (1) That all the Licences held by Mr Jayousi, because of finding that the general conditions of the licence have been breached, as detailed above be varied as follows
  - a. dogs under 1 year old are to be kept separate from other dogs
  - b. stock dogs and boarding dogs are not to be mixed with day care dogs
- (2) Renewal of Mr Jayousi’s Licences are to go to Committee for determination
- (3) Warning letter be sent to Mr Jayousi
- (4) Over the next 12 months officers are to make an unannounced visit of Herenswood every three months to ensure that the licensing conditions are being complied with.

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Chair

(The meeting ended at 4.55 p.m.)

**Any queries regarding these Minutes, please contact  
Sarah Moorghen, Democratic Services - email [smoorghen@lancaster.gov.uk](mailto:smoorghen@lancaster.gov.uk)**

**DECISION NOTICE IN RELATION TO REVOCATION OF ANIMAL ACTIVITIES LICENCE**

The Committee was held to consider whether Mr Jayousi should remain a licence holder for the commercial provision of day care for dogs; commercial provision of boarding for dogs and selling animals as pets. This was following an investigation surrounding the death of a dog, Taylor, in the animal day care facility at Herenswood Canine Retreat on 27 January 2022.

The Committee had before them and gave careful consideration to the following documentation in advance of and during the hearing

- The report of the Licensing Manager, along with the attached witness statements (130 pages)
- The Defendant's bundle of supporting documentation which contained Mr Jayousi's response to the Committee report and supporting documentation (286 pages)
- Investigating Officer comments on Mr Jayousi's response to the Committee report (12 pages)

The Committee heard from the Licensing Manager, who presented the report and the Investigating Officers who assisted in answering questions put to them by the Committee and Mr Jayousi's Solicitor. Tarik Jayousi attended and answered questions put to him by the Committee and officers. Mr Jayousi was represented by Martin Stafford, Solicitor who made representations, asked questions, and made submission on Mr Jayousi's behalf.

The Committee were informed that the matter had come before them to consider whether, based on the allegations as set out in the report, the licences held by Mr Jayousi should be revoked, varied suspended or whether no action be taken.

Regulation 15 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 state

*A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—*

- (a) the licence conditions are not being complied with,*
- (b) there has been a breach of these Regulations,*
- (c) information supplied by the licence holder is false or misleading, or*
- (d) it is necessary to protect the welfare of an animal.*

***After making representations and responding to questions from the Committee, Mr Jayousi his representative, Mr Martin Stafford, the Licensing Manager and the Investigating Officers left the meeting to enable the Committee to deliberate in private.***

**Breach of Licence Conditions**General Condition 3(2) [5.1(i)]

The Committee was of the view that on a balance of probabilities, that the staff to animal ratio was exceeded on the date of the incident, in that there were not enough available members of staff within the vicinity to act quickly enough in the circumstances and therefore a dog died and so there was a breach of this condition. There is corroborating evidence from two different witnesses.

General Condition 4(3) [5.1(ii)]

The Committee decided that they were satisfied that training documents exist now but were not convinced that they existed or if they did, that they were provided to staff members on all occasions and so the committee found this condition to have been breached.

General Condition 7(3) [5.1(iii)]

The Committee were unable to reach a conclusion on this issue based on the evidence available.

General Condition 7(5) [5.1(iv)(v)]

The Committee decided that there had been a breach of this condition and noted that Mr Jayousi had accepted that this was the case in his submissions.

General Condition 8(2) [5.1(vi)]

The Committee were not satisfied that at the time of the incident there were sufficient safeguards in place and so on a balance of probabilities they considered that this condition had been breached. The Committee noted that they were satisfied that safeguards are now in place.

General Condition 9(6) and 9(14) [5.1(vii)]

The Committee were not satisfied that there had been a breach of this condition.

Specific Condition 23(1) [5.1(viii)]

The Committee were not satisfied that there was a breach based on the evidence available.

Specific Condition [5.1(ix)]

The Committee were not satisfied that there had been a breach based on the evidence presented to it.

Specific Condition 3(2), 3(3), 3(5) [5.1(x)]

The Committee were of the view that the puppy was sold as seen and did not accept that there was a breach of the regulations.

**Other General Breaches**

The Committee did not find that these breaches were proven.

**Information Supplied by the Licence Holder False or Misleading**

The Committee found that Mr Jayousi had provided false or misleading information and noted that Mr Jayousi had admitted this in relation to the information supplied to the vet. The Committee considered Mr Jayousi's mitigation and admission and whilst the Committee considers this to be a serious matter, they did not consider it serious enough to warrant revocation or suspension.

**Protecting the welfare of an animal**

The Committee found that on the day of Taylor's death there were insufficient staffing to animal ratios to protect Taylor, this led to Taylor suffering from pain, suffering and distress. Due to lack of staffing Mr Jayousi had failed to take reasonable steps to ensure that the welfare needs of the animals were met. However, the Committee were not satisfied that there were several other instances where Mr Jayousi had failed to protect the welfare of animals in his care.

### **Fit and Proper Persons Test**

The Committee noted that it had concerns regarding Mr Jayousi being a fit and proper person.

### **Conclusion**

After careful consideration, the Committee found that some of the conditions of licences had been breached, but for others they found no breach, some of which findings were due to insufficient evidence to support the allegation being made.

The Committee notes and welcomes Mr Jayousi's statement that he is willing to work with the licensing authority to ensure no reoccurrence. The Committee also noted Mr Jayousi's submissions that how the business operates has improved since January 2022. Of the breaches/issues that the Committee found to be proven, whilst serious the Committee did not consider them sufficient to justify a revocation or suspension of the licence.

The Committee decided the following:

1. That all the Licences held by Mr Jayousi, because of finding that the general conditions of the licence have been breached, as detailed above be varied as follows
  - a. dogs under 1 year old are to be kept separate from other dogs
  - b. stock dogs and boarding dogs are not to be mixed with day care dogs
2. Renewal of Mr Jayousi's Licences are to go to Committee for determination
3. Warning letter be sent to Mr Jayousi
4. Over the next 12 months officers are to make an unannounced visit of Herenswood every three months to ensure that the licensing conditions are being complied with

In accordance with Regulation 16 of the Regulations the variation is to take effect within 7 working days beginning with the date on which notice of the decision is issued to the licence holder, or if that is a none-working day, the next working day. Mr Jayousi may make written representations which must be received by the Council within 7 working days beginning with the date of the issue of notice of variation of the licence, any written representations should be sent to [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

### ***Resolved unanimously:***

- (1) That all the Licences held by Mr Jayousi, because of finding that the general conditions of the licence have been breached, as detailed above be varied as follows
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