

Report to Licensing Committee

Decision taken in respect of a review of a Dog Breeders Licence – Ms Emily Sutcliffe.

21st June 2022

Report of Animal Licensing Manager

PURPOSE OF REPORT

The report is for information, to notify the committee of an urgent decision taken by the Director of Communities and Environment in consultation with the Vice Chair of Licensing Committee in respect of a Dog Breeding Licence.

This report is public.

RECOMMENDATIONS

1. That the report is noted.

1.0 Introduction

- 1.1 The report is provided in accordance with the requirements of the Councils Constitution which provides that any urgent decisions taken by the Director in consultation with the Chair or Vice Chair of Licensing Committee be reported to the next meeting of the Licensing Committee.

2.0 Decision/ Action Taken

- 2.1 On 13th June 2022 the Director of Communities and Environment in consultation with the Vice Chair of the Licensing Committee considered information in respect of Ms Emily Sutcliffe, 80 Coastal Road, Hest Bank, Lancaster. Ms Sutcliffe was last inspected on 20th August 2021, when a 2-year Dog Breeders Licence was issued. The information considered is attached at **Appendix A**. The decision was that Ms Sutcliffe's Breeders Licence was revoked with immediate effect.
- 2.2 The view of both the Director and Vice Chair of Licensing Committee was that the Dog Breeders Licence should be revoked with immediate effect. The decision was given in writing that same day on 13th June 2022, and hand delivered to Ms Sutcliffe's home address. A copy of the decision is attached at **Appendix B**

- 2.3 The decision notice (**Appendix B**) refers to the reasons for the revocation being forwarded to Ms Sutcliffe on Monday 13th June 2022 a copy of these is provided at **Appendix C** and once again were hand delivered to Mr Raey at his home address
- 2.4 The matter was considered urgent as a Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity. The review of Ms Sutcliffe's licence met the requirements of an urgent matter as detailed in the Councils constitution
- 2.5 In addition 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.

3.0 Council Policy and Legislation

- 3.1 The Council's Constitution states that "the Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee can revoke a dog breeding licence under Section 15 of the Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 Part 3, Schedule 15 - Grounds for suspension, variation without consent or revocation of a license.

In addition, Part 2 section 7 page 50 of the Constitution provides the following delegation to the Chief Executive. (Page 52 confirms that the Director is authorised to carry out the general delegations of the Chief Executive)

Matters of Urgency

To authorise any action reasonably necessary to protect the health, safety or welfare of individuals or the safety of property.

Where it is necessary for any function of the Council or one of its committees to be discharged and it is impracticable or impossible, by means of urgency for the matter to be considered by the Council or such committee, to take such action as they consider appropriate, in consultation as far as is practicable with the Mayor and group leaders in respect of a Council function or the relevant committee Chair in respect of a matter within the Terms of reference of a Council Committee

4.0 Conclusion

- 4.1 The detail as to the relevant considerations in the decision making are attached in **Appendix A**, considered by the Director of Communities and Environment in consultation with the Chair of Licensing Committee. This report is for information, but also provides transparency regarding the decision-making process

CONCLUSION OF IMPACT ASSESSMENT**(Including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

In accordance with the Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018 there is a right of appeal to the "First-tier Tribunal. This period within which an operator may bring such an appeal is 28 days beginning with the day following the date of the decision.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted

SECTION 151 OFFICER'S COMMENTS**LEGAL IMPLICATIONS**

These are detailed in the report in respect of the relevant Constitutional requirements.

BACKGROUND PAPERS

None

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