

LICENSING COMMITTEE

1.00 P.M.

14TH OCTOBER 2022

PRESENT:- Councillors Colin Hartley (Chair), Mike Greenall (Vice-Chair), Gerry Blaikie, Roger Cleet, Andrew Gardiner, Jake Goodwin, Tim Hamilton-Cox, Sally Maddocks and Margaret Pattison

Apologies for Absence
Councillor Fabiha Askari

Officers in attendance:

Tom Mitchell	Civil Lawyer
Jennifer Curtis	Licensing Manager
Mark Woodhead	Community Health and Protection Officer & Animal Licensing Manager
Sarah L Jones	Licensing Officer
Sarah Hayland	Dog Warden & Animal Licensing Assistant
Sarah Jones	Dog Warden & Animal Licensing Assistant
Alex Bradshaw	Contract Animal Licensing Inspector (Minute 46)
Liz Bateson	Principal Democratic Support Officer

40 MINUTES

The minutes of the meeting held on 25th August 2022 were signed by the Chair as a correct record.

41 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

42 DECLARATIONS OF INTEREST

Cllr Gardiner declared an interest in Agenda Item 8 as he had used the kennels. He advised the meeting that he would leave the meeting prior to consideration of the item.

Cllr Maddock declared an interest in relation to Agenda Item 8 having used the services of the applicant's solicitor in the past but was satisfied that she would be able to hear the application in an impartial and fair manner.

Cllr Maddock declared a further interest in Agenda Item 8 having used their dog grooming services approximately eighteen months ago but was satisfied that she could hear the application fairly and impartially.

43 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - VEHICLE LICENSING EXEMPTION REPORT

The Licensing Officer introduced a report to enable the Committee to consider a request from Mr Peter Hobart to issue his private hire vehicle with a s75(3) Local Government (Miscellaneous Provisions) Act 1976 exemption notice which would exempt Mr Hobart's private hire vehicle from displaying licence plates. The Committee were also requested to consider his request to waiver the licensing conditions in relation to door signs and stickers.

Mr Hobart attended the Committee and answered questions. It was noted that the vehicle would be exclusively used in relation to transport contracts arranged with the MOD via an online booking/auction system with work being confirmed by email and that the vehicle would be pre-booked with payment being made via invoice. The Committee heard that the work frequently involved transporting injured military personnel and on occasions entry to base/camps had been refused when Mr Hobart had been undertaking the work in his hackney carriage due to it displaying badges/taxi licence plates.

The Committee inspected the vehicle that would be subject to the exemption and waiver if agreed and noted that Officers were satisfied that Mr Hobart's request for an exemption met the requirements with the private hire/hackney carriage policy.

The Committee determined that the vehicle was suitable in terms of its executive status and considered that the exemption would go towards encompassing the Armed Forces Covenant that the Council was a member of.

Mr Hobart and the Licensing Officers left the meeting whilst the Committee deliberated.

It was proposed by Councillor Pattison, seconded by Councillor Greenall:

"That Mr Hobart be issued with a s76(3) exemption notice and the request to waiver the vehicle licence conditions in relation to door signs and stickers be approved."

Upon being put to the vote Members voted unanimously in favour of the proposition, whereupon the Chair declared the proposition carried.

Resolved:

That Mr Hobart be issued with a s76(3) exemption notice and the request to waiver the vehicle licence conditions in relation to door signs and stickers be approved.

44 TAXI AND PRIVATE HIRE WORKING GROUP - UPDATE MEMBERSHIP

The Licensing Manager presented a report regarding the membership of the Taxi and Private Hire Working Group. Due to changes in the membership of the Licensing Committee Members the Committee were asked to consider appointing further members to the working group and whether it would be acceptable for Cllr Guiding to continue to attend the working group meetings in her capacity as disability champion.

Cllrs Blaikie and Pattison expressed an interest on being appointed to the working group and the Committee agreed that Cllr Guiding should continue to attend the meetings.

Resolved:

That Councillors Blaikie and Pattison be appointed to the Taxi and Private Hire Working Group and that Cllr Guiding continue to attend meetings of the working group in her capacity as disability champion.

Having declared an interest in the following item Councillor Gardiner left the meeting at this point.

45 EXEMPT ITEM

The 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 Hamilton-Cox:

“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 3 of Schedule 12A of that Act.”

A vote was taken and unanimously carried.

46 SELLING ANIMALS AS PETS LICENCE (RENEWAL) AND BOARDING KENNELS LICENCE (VARIATION) APPLICATION (PAGES 5 - 6)

The Committee received a report from the Animal Licensing Manager to enable Members to assess the recent inspection of A and T Trained Dogs (trading as Heronswood Canine Retreat), in relation to a renewal application for a “Selling Animals as Pets” Licence.

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 Mr Jarousi’s renewal application for a Selling Animals as Pets Licence be approved with the licence at 2 stars and for a 1-year period.
- (2) That the application to vary the Boarding Kennels Licence be refused at this time with the decision to vary the Boarding Kennels Licence in respect of the maximum number of dogs permitted on the licence delegated to the Animal Licensing Manager upon him being satisfied that that the staffing ratio and evidence of qualifications/ competence is sufficient for the increase that is being requested.

Chair

(The meeting ended at 3.18 p.m.)

**Any queries regarding these Minutes, please contact Liz Bateson
ebateson@lancaster.gov.uk**

Decision Notice – Mr Tarik Jayousi

This matter would usually be dealt with at officer level however it came before Committee following the decision made by the Committee on 28 July 2022. The Committee was held to consider:

1. Whether to renew Mr Jayousi's "Selling Animals as Pets" Licence, which had expired in August 2022.
2. Whether to agree to a variation of Mr Jayousi's "Boarding Kennels" Licence

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

- The report of the Animal Licensing Manager along with attached documents.
- A letter from SDM Solicitors dated 12 October 2022

The Committee heard from Mark Woodhead, Animal Licensing Manager, who presented the report. Mr Woodhead was accompanied by Alex Bradshaw (who had undertaken the inspection of the premises) who assisted the Committee by answering questions. Mr Tarik Jayousi and Mr John Ward (Operations Director) also attended and addressed the Committee and answered questions.

Renewal of Mr Jayousi's "Selling Animals as Pets" Licence

Based on the evidence as presented in the report and the representations made by the parties during the hearing the Committee accepted the Officer recommendation that Mr Jayousi's renewal application for a Selling Animals as Pets Licence be approved with the licence at 2 stars and for a 1-year period.

If Mr Jayousi disagrees with the star rating, then he can appeal that decision to the Council within 21 days of the Licence being issued. The appeal decision could (should sufficient public law grounds be established) be challenged by judicial review proceedings. The business, being dissatisfied with the Council's conduct, could also make a complaint to the Council in accordance with the Authority's complaints procedure. They could also take the matter to the local government ombudsman (normally after the exhaustion of the Council's complaints procedure) if they consider that a council service has not been properly delivered.

Variation of Mr Jayousi's "Boarding Kennels" Licence

The Committee accepted the Officer recommendation that the application to vary the Boarding Kennels Licence from 80 to 160 be refused at this time as based on the Inspectors findings at the time of the visit the Committee could not be satisfied that the relevant number of staff are in-situ or that appropriate evidence of qualifications or competence has been provided.

It transpired during the hearing that staffing levels may have increased since the inspection. The Committee heard that a reinspection of the premises would not be required to approve the variation if the Council satisfied that staffing ratios are sufficient. Mr Jayousi would need to provide evidence of staff on his payroll and their competence/qualifications.

On that basis the Committee decided to delegate the decision to vary the Boarding Kennels Licence in respect of the maximum number of dogs permitted on the licence back to the Animal Licensing Manager upon him being satisfied that that the staffing ratio and evidence of qualifications/competence is sufficient for the increase that is being requested.

Mr Jayousi has the right to appeal the refusal of the variation to the First-Tier Tribunal. An appeal must be made within 28 days of the decision.