



Report for:
ACTION

Item Number:

Contains Private and Confidential Information	No	Mrs Annette Wood Hanwell Petstore Ltd 340 Greenford Avenue Hanwell W7 3DA
Title	To consider the application to vary a licence under the Pet Animals Act 1951	
Responsible Officer(s)	Susan Parsonage, Director of Safer Communities	
Author(s)	Mark Wiltshire, Head of Regulatory Services WiltshireMa@ealing.gov.uk Tel: 020 8825 8197	
Portfolio(s)	Safer Communities	
For Consideration By	Licensing Sub-Committee	
Date to be Considered		
Affected Wards	Hobbayne	
Area Committees	N/A	
Keywords/Index	pet shop licence, Hanwell Pet Store, register, isolation rooms, vet, animal health, puppies	
Abstract: Hanwell Pet Store Ltd has made an application to vary their licence under the Pet Animal Act 1951 to raise the stocking capacity of puppies from 8 to 40. This application was submitted by Mrs Annette Wood, the director of Hanwell Pet Store Ltd,		

1. Recommended Actions

It is recommended that the Licensing sub-Committee

- Consider its response to the application to vary the Licence and consider, if thought fit, to vary the licence, subject to the standard conditions.
- Grant the variation subject to conditions consistent with the conditions necessary or expedient to secure all or any of the objectives as set out in the Pet Animals Act 1951.
- Reject the application in part or in full to vary the pet shop licence on the grounds that the Committee considers appropriate;

2. The Application Premises, Location and History

- 2.1 The premises consist of a ground floor pet shop located within a parade of shops in Greenford Avenue, Hanwell. Above the shop is residential accommodation which is separate to the business. The front section of the shop retails pet accessories and animal feeds as well as housing kittens and smaller animals in cages and fish in tanks. In the back of the shop, is a long room with 7 tiled runs for the puppies to the left side and 4 runs to the right side. This room extends to the full length of the premises which is bounded by a service road at the rear. Two isolation rooms have entrances leading off from the back of this room. Both rooms contain pens for those puppies which need to be kept in isolation and away from the main stock. There are two offices and a kitchen located off this area. The rubbish is kept in paladins in the service road

3. History of premises

- 3.1 The first pet shop licence was granted to Mr Stuart Wood on 20 April 2000. The animal schedule permitted: 8 kittens, 27 rabbits/cavies and hamsters, 6 rats and mice and 300 fish.
- 3.2 In the following year Mr Wood was granted an additional licence (animal boarding establishments) to board animals. This was for a cattery at the rear of the shop. In 2002, Mr Wood's pet shop licence permitted an animal schedule to keep up to 8 puppies.
- 3.3 Mr Wood's mother (Mrs Gill Healy) held the pet shop licence in 2003 and then Mr Woods re-applied again in 2004
- 3.4 In the following years Mr Wood (trading as Sylvesters) applied for increases in cats and dogs:
- 2004 - 21 small puppies (or 12 large, or 18 medium sized puppies)
 - 2006 - 10 kittens, 28 small puppies (or 14 large, or 21 medium puppies)
 - 2007 - 12 kittens

2011 – 50 puppies. The reason for the increase in number was due to the rear area being refurbished to house puppies. New pens, with tiled floors and perspex doors were built to replace the cattery facilities.

- 3.5 During this period there were complaints concerning the welfare and descriptions of the puppies which were investigated by the licensing and animal health officers.
- 3.6 Mr Wood did keep another pet shop also trading as Sylvesters. This shop was located at 257 Long Elms, Harrow Weald within the London Borough of Harrow. In November 2010 the London Borough of Harrow imposed a further 22 conditions to their standard pet shop licence. It was the breach of these conditions together with 2 complaints relating to pet care advice (for dogs described with a pedigree) that led Brent Magistrates to impose a disqualification for keeping a pet shop (15 years) on Mr Wood.
- 3.7 On 14 June 2012 the licensing sub-committee heard an application on behalf of Harwell Pet Store Limited to keep a pet shop at the same address. Mrs Wood was the sole director of this business. Contained within the decision to grant the licence, the applicant's attention was drawn to condition 15.1. To permit the maximum number of puppies to be 8 until Mrs Wood had completed her qualification and achieved the Pet Store Management Certificate in the Principles of Animal Management within a pet store (7762-13). Nine further conditions were imposed at the hearing including controls on sourcing from licensed breeders, vaccinations, a detailed stock register, keeping of vet records, suitable transport from the breeders, delivery of stock details to be provided to the licensing authority on request and all purchases to be supplied with details of the animals and their welfare care to date. There were no conditions placed on Mr Wood from working at the shop as an employee.
- 3.8 The enforcement of animal welfare at pet shops is undertaken jointly: by the licensing officers which are part of the Regulatory Services of the London Borough of Ealing. Loraine Abbott is the Licensing Officer with responsibility for licensing of pet shops. This officer is supported by the services of the Animal Health and Veterinary Service of the City of London Corporation. Deborah Bradfield is the current officer working with Ealing's pet shops
- 4. Report of the Licensing Officer dealing with animal welfare (Loraine Abbott)**
- 4.1 Mrs Wood has now completed her training and passed the Pet Care Trade association City and Guilds Level 3 Certificate in the Principles of Animal Management within a Pet Store. She is the only member of staff with a current Pet Store management qualification.

The Licensing officer has concerns with the application in that:

- 4.2 The pet shop does not appear to be managed by Mrs Wood but by Mr Wood, who in 2012, was disqualified for keeping a pet shop for 15 years. This view has been formed by noting the experiences of the customers and from the officers' observations when they have visited the shop.
- 4.3 When Ms Abbott investigated complaints from consumers about the puppies they had purchased, she found inconsistencies between the entries in the Animal Sales/ Purchase Register and the invoices/ documents supplied with the puppies. There is an absence of documents from the breeders which makes tracing the puppies' origin difficult. This would be further complicated if more puppies were supplied through this business.
- 4.4 On 4 January 2014 officers discovered 11 puppies on the premises, three in excess of the licence conditions. Two of the puppies were discovered inside the rear most office with the door closed. The other was within the pens with the other stock.
- 4.5 Licence condition 15.8 'the Licensee must make every effort to ensure that animals delivered to the premises have been transported in a suitable manner'. When this information was requested from Mrs Wood she replied in an email dated 30.12.2014 'We use licensed transporters, which are not under your jurisdiction and therefore are outside your remit. We believe in the fact that you do not have the legislative authority to inspect the vehicle. We have already provided you with a copy of their licenses.
- 4.6 Licence condition 15.9 'date and approximate times of deliveries of animals and the details of animals being delivered (age, breed and name of breeder) to be provided to the licensing authority on requests. To date no details of animals being delivered have been given to the Licensing Authority despite a formal request being made.

5 Report of the Animal Health Officer (City of London) dealing with animal welfare (Deborah Bradfield)

- 5.1 Mrs Wood, the director of Hanwell Pet Store Ltd is not usually present in the shop when Ms Bradfield visits the premises. The business employs two junior members of staff and Mr Stuart Wood. Mrs Wood is the only person who is suitably qualified to keep a pet shop but for the majority of the times when the officers' visited, Mrs Wood was not present in the shop. Ms Bradfield observed the two employees defer to Mr Wood for decisions.
- 5.2 Junior members of staff appear to be left in charge at the weekend and are solely responsible for organising the handover of puppies to their new owners when picked up at the weekend.
- 5.3 Staff present in the shop seem to have little knowledge of biosecurity and its importance in the control of the spread of disease. The isolation rooms are often cluttered. Mr Wood has been advised that best practice for adequate biosecurity is the use of foot baths and shoe covers in the puppy area. Mr

Wood seems reluctant to use a foot bath and has told the officer he considered the new tiled floor adequate.

6. Financial Implications

The annual licence fee for 1 January 2015 to 31 December 2015 is £254. No further costs are recoverable by the local authority for officer's time investigating complaints or inspecting the premises.

7. Legal implications

7.1 Pet Animals Act 1951

1 Licensing of pet shops.

(1) No person shall keep a pet shop except under the authority of a licence granted in accordance with the provisions of this Act.

(2) Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a pet shop, and on payment of such fee *as may be determined by the local authority, grant a licence to that person to keep a pet shop at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

(3) In determining whether to grant a licence for the keeping of a pet shop by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

(a) that animals will at all times be kept in accommodation suitable as respects size, temperature, lighting, ventilation and cleanliness;

(b) that animals will be adequately supplied with suitable food and drink and (so far as necessary) visited at suitable intervals;

(c) that animals, being mammals, will not be sold at too early an age;

(d) that all reasonable precautions will be taken to prevent the spread among animals of infectious diseases;

(e) that appropriate steps will be taken in case of fire or other emergency;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all or any of the objects specified in paragraphs (a) to (e) of this subsection.

(4) Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a court of summary jurisdiction having jurisdiction in the place in which the premises are situated; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as they think proper.

(5) Any such licence shall (according to the applicants' requirements) relate to the year in which it is granted or to the next following year. In the former case, the licence shall come into force at the beginning of the day on which it is granted, and in the latter case it shall come into force at the beginning of the next following year.

(6) Subject to the provisions hereinafter contained with respect to cancellation, any such licence shall remain in force until the end of the year to which it related and shall then expire.

(7) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence; and if any condition subject to which a licence is granted in accordance with the provisions of this Act is contravened or not complied with the person to whom the licence was granted shall be guilty of an offence.

* (set at £254 by LB Ealing for the calendar year of 2015).

7.2 The applicant has a right of appeal to the Magistrates Court against the Licensing Sub Committee's decision. There is no time limit specified in the Act for the appeal but it is taken to be 28 days to be in line with other similar legislation.

8. Conditions attached to a pet shop licence

8.1. Attached to each pet shop licence is the schedule outlining the maximum number and types of animals permitted to be kept on the premises. In addition are the conditions to which the licences are granted. These conditions are derived from the Local Government Association (LGA), in conjunction with the British Veterinary Association (BVA), the Chartered Institute of Environmental Health (CIEH), Pet Care Trust and Ornamental Aquatic Trade Association Limited (OATA), issued revised guidance and model conditions for the licensing of pet shops in 1998. The guidance contains recommendations for the basic minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops.

8.2. Hanwell Petstore's licence has 10 further additional conditions as agreed between the Applicant and the Licensing Authority at a Licensing Sub-Committee Hearing Dated 14 June 2012.

9. Human Rights

9.1 In determining the application you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Human Rights Act it is unlawful for a public authority such as the London Borough of Ealing to act in a manner which is incompatible with the European Convention on Human Rights.

9.2 You are referred specifically to Article 6 (the right to a fair trial), Article 8 (the right to respect for private and family life) and Article 1 of the First Protocol (the protection of property).

9.3 When determining the application and considering the imposition of conditions you should be satisfied that any decision which interferes with the rights of the applicant or of others only does so insofar as it is necessary to protect the rights of others and that no alternative decision would be more appropriate.

10 Recommended conditions

10.1 The Licensing section would advise the Council to not increase the number of puppies in excess of the current maximum of 8.

Background Documents

- Pet Animals Act 1951
- Licence conditions