

EALING COUNCIL LICENSING PANEL

MINUTES

HEARING: APPLICATION FOR RENEWAL OF PREMISES LICENCE -

**HANWELL PET STORE LTD
(HOBBAYNE WARD)**

29th April 2016 at 10:30am

PRESENT: Councillors Kate Crawford (Chair), Shital Manro and Natasha Ahmed - Shaikh.

ALSO PRESENT:

Ealing Borough Council

Susannah Sinclair	Licensing Officer
Ray Simpson	Democratic Services Officer
Peter Clark	Compliance Team Leader
Lorraine Abbot	Licensing Officer
Ella Smallcombe	Licensing Officer
Joseph Lee – Lazone	Licensing Officer
Jimmy Umrigar	Legal Officer

Representing Ealing Council's Licensing Team

Josef Cannon	Counsel Cornerstone Chambers
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License Holder

Mrs Annette Wood	Director Hanwell Pet Stores Ltd
Mr Stuart Wood	Joint Manager
Ms Olivia Melvin	Employee
Ms Dawn Atenzi	Joint Manager

In Attendance

Mark Wilshere	Head of Regulatory Services
Councillor Penny Jones	Hobayne Ward Councillor
Monica David	Animal Welfare
Lissa Ireland	Animal Welfare
Deb Jones	Animal Welfare

**APPLICATION TO RENEW A LICENCE UNDER THE PET ANIMALS ACT 1951,
AT HANWELL PET STORE LTD, 340 GREENFORD AVENUE, HANWELL, W7
3DA (HOBBAYNE WARD)**

Introduction

The Chair introduced the Sub Committee Members and outlined the procedure that would be followed at the Hearing, explaining that this was a hearing to consider an application for renewal of the premises licence.

It was confirmed that Ealing Council Licensing Team would be represented at the hearing by Josef Cannon of Cornerstone Chambers.

Mrs Annette Wood informed the Sub – Committee that her solicitor would not be available and that she would be representing herself.

Presentation by the Applicant

Mrs Wood opened by stating that the Store was her livelihood and that her staff would be unemployed if the Licence was not renewed. Many customers regarded the business as an asset. The premises had been trading for 16 years with several staff having been present for that period of time. Mrs Wood informed the Panel that she was a Civil Servant and not a barrister or a solicitor and felt she had been unfairly treated in having to represent herself but was prepared to continue with hearing.

Presentation by Josef Cannon representing Ealing Council's Licensing Team

Mr Cannon stated that he would only refer to the public report to start with and that he was not intending to call any witnesses or to ask Mrs Wood any questions at this stage. He stated the pet industry in selling animals should be regulated to avoid the risk of things going wrong. There should be rules for operation and conditions for operators and if these are broken there should be severe consequences.

There were three central points -

- If you get a licence and do not operate under the conditions then you cannot be deemed as a serious business person
- Conditions are the framework under which all licensees must operate and if you do not follow them then things will go wrong
- Others have to abide by the rules and if you do not then this is unfair on the competition

He accepted that their livelihood was at stake but that should not be a defence as the owners had adopted and shown a clear and flagrant policy to not abide by the rules and conditions. Mrs Wood had effectively become the owner since 2012 as Mr Wood had been convicted and disqualified of holding a licence for 15 years by Harrow Magistrates Court.

Mr Cannon did question the judgement of still employing someone in a senior role who had been convicted of offences connected with a pet shop. Mr Cannon reiterated the key condition of stocking only "8" puppies and the failure to adhere. The failure to also keep clear records regarding sales and where puppies had been purchased was also a key factor in the Local Authority not wanting the licence renewed. Mr Cannon also outlined a number of further breaches of the conditions of the licence which included several visits by Licensing Officers who reported the stocking of more than 8 puppies at the time of their visits of poor records being kept and a lack of microchipping and vaccinations being carried out.

The hearing adjourned at 11.25a.m. and reconvened at 11.40a.m. with Questions by the Applicant

Mrs Wood once again expressed concern about her Lawyer not being able to attend and some of the protocols of the meeting in that previously she had to wait four and a half months for the Decision Notice. and the timescale for receipt of papers for this hearing. Mrs Wood was assured that paperwork had been sent out to her mindful of meeting the statutory requirements and that any decision notice from this meeting would be with her within 5 days. Mrs Wood indicated that she was happy to continue with the hearing.

Mrs Wood stated that the sales of puppies had become a very sensitive subject and had resulted in threats to her and her family as there was a concerted social media campaign against them.

Mrs Wood challenged and took issue with some points raised by Mr Cannon which included the role of her husband – who was an employee and entitled to earn a living and was not the owner, applicant or Director. In addition she challenged the numbers specified by Licensing officers at the time of their visits. There had been no real complaints for large parts of the year except one when a puppy had died. Mrs Wood said that this had been due to negligence on the owners part as they had failed to follow the instructions for caring for the puppy. In November 2015 there was another complaint which Mrs Wood said was justified as they had not adhered to the acclimatisation period and they took full responsibility for. Mrs Wood asked the Panel to note that Miss Jones had recommended renewal of the licence in December 2015. There was no issue of animal cruelty or welfare and there had been no concerns with any of the other animals. Mrs Wood took exception to the statement that her staff were young and inexperienced saying the joint Managers had been there for 16 years and another for 3 years. She said that essentially the case was about puppies and that that the recommendation to refuse renewal was inconsistent, unfair and unreasonable.

Questions by Josef Cannon representing Ealing Council's Licensing Team

Mr Wood was the part time store manager whose hours were 25/30 hours a week. Dawn Atenzi had joint responsibility as Managers for the premises. Mr Cannon asked Mrs Wood to clarify how she would ensure that Mr Wood would not do anything he was previously convicted of as he also had access to records.

Mrs Wood said that under the Rehabilitation of Offenders Act that her husband had previously done wrong but should be given another a chance to put things right and still earn a living.

Adjourned for Lunch 12.30p.m. – 1.15p.m.

Questions by the Applicant

Mrs Wood then asked her employee (Joint Manager) Dawn Atenzi questions around conduct and behaviour at the premises. Dawn Atenzi confirmed that Mrs Wood normally arrived at the premises at 9.00a.m. for several hours as part of a team of five. Dawn Atenzi confirmed that weekly team meetings took place largely to discuss the animal register. The puppy register is separate from the other animal register. Documents held on record are vaccination certificates, microchip certificates, customer details are also kept on record and agreement about terms and conditions. Dawn Atenzi confirmed that any complaints received are responded to by Mrs Wood within 72 hours. Dawn Atenzi stated that she had significant experience and appropriate qualifications in Animal Care to undertake her senior role. There were many repeat customers who are friendly and accommodating and who pop in for a chat which make it enjoyable for her to work there.

Dawn Atenzi did express concern about the visits by Ms Jones and Ms Abbott as when they attended they did not have any form of hygiene protection and could have possibly infected the animals. She also confirmed that on their visits they only inspected the puppies and should have also inspected all other animals to show how well cared for they were.

In response to questions by Councillor Natasha Ahmed – Shaikh, Mrs Wood confirmed that there were five full time members of staff plus two part time, all staff were qualified, there would always be a minimum of two staff on the premises at any time and there was not a problem with record keeping. In addition the only occasions there were more than eight puppies on the premises was when the puppies had already been sold and were waiting to be picked up.

Councillor Manro said it should not have taken a complaint in order to get procedures in place and that record keeping was clearly an issue and is already a condition of the licence.

Councillor Crawford asked for clarification with regard to the stocking, selling and holding of puppies and was informed that under the existing licence and conditions that the premises could only have 8 puppies at any time. Mrs Wood disputed this. The Chair also stated that staff at the premises were experienced enough to be able to deal with any inspection visits and to sign saying visits had taken place but it appeared that Mrs Wood had instructed staff not to sign.

Councillor Manro stressed that records showed that there was clear overstocking and that extra puppies had been sold.

Councillor Crawford said that it was clear that the Pet store were not part of 'Pet Plan' and that any new customers who had purchased had been misled into thinking they would have been covered by Pet Plan insurance.

Questions by Josef Cannon representing Ealing Council's Licensing Team

Mr Cannon explained that Mrs Wood was fully aware and understood exactly how the conditions worked especially with regard to the stocking of puppies. He said that her statements did not explain why there were more than should have been. Mrs Wood and her employees have breached the conditions time and again. There was no confidence that she would ever adhere to the conditions in place.

Mr Cannon referred to Mr Wood and stated that that he had not assassinated his (Mr Wood) character but had only referred to events which had taken place in respect of his criminal convictions. There are serious concerns around Mr Wood still working at the premises and having access to records..

Mr Cannon then produced and referred to the register outlining multiple breaches – which included no records of sales, no dates of specified sales, clear overstocking and incomplete information. He also referred to misleading information being given out relating to Pet Plan insurance where it was assumed that puppies were automatically covered when puppies had been purchased and that had been proved not to be the case. There were also very clear rules which had not been followed relating to the transportation of puppies and the acclimatisation period.

Mr Cannon reiterated to the Panel that they should not renew the licence as given the sequence of events non - renewal was the only option.

In response to questions by Mr Cannon - Mr Lazone and Ms Smallcombe confirmed that their statements which had been made following visits to the premises were both true that they had observed more puppies at the premises than there should have been.

Ms Abbott and Ms Jones confirmed that Hanwells Pet Shop caused far more work in the Borough than any other Pet Store.

Questions by the Applicant to Licensing Officers

Mr Lazone said in response to Mrs Wood that he had not taken any pictures when he had visited the premises. Mrs Wood challenged his view that he had seen more than the required number of puppies. Mrs Wood also disputed the claims by Ms Smallcombe of what she could actually see in the kennel carriers.

In response to questions Ms Jones said there was no requirement for them to sign the register. She also confirmed that there had not been any complaints received from June 2012 until recently. Ms Jones said that she had initially recommended renewal of the licence but had now changed her mind due to many concerns including staffing levels and Mr Wood being obstructive.

Ms Abbott in responding to questions from Mrs Wood said she had visited the premises on her own before but had not inspected the animals. Only one formal meeting had taken place after 2012. Ms Abbott made reference to a complaint by Mrs Kennedy which was subsequently taken on by the animal rights 'Caraid'. There was no record of a visit having taken place on 13th April 2016. Ms Abbott said that her role was to vet and assess any complaints.

Councillor Manro asked about why there were no warning letters as part of the papers and that effectively the application had come straight to the Panel recommending non - renewal of the Licence. Ms Abbot responded saying that every opportunity had been given to Mrs Wood to sort things out. Hanwell Pet Store has been visited regularly as there have been several complaints.

Summing Up

Josef Cannon in summing up asked the panel to take account of three key areas :-

- Overstocking (repeated breaches)
- Record Keeping (inconsistent and unclear)
- Non Co-operation (unhelpful, evasive and confrontational)

Mrs Wood in summing up asked the Panel to consider that no warning letter was issued, Mr Wood did not act alone at the premises, they do have safeguards and regular team meetings, no formal letters had been issued to her since 2012 and that there had never been any problems with other animals at the premises. She felt that the Council given these factors were being unreasonable in seeking the most serious punishment of non - renewal

DECISION

Having carefully considered the papers before it and the representations made at the hearing by

- (i) Mrs Wood as Director of Hanwell Pet Stores Ltd and
- (ii) The Councils Licensing Section (“**Regulatory Services**”)

and the Human Rights Act 1998 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) the Decision of the Licensing Panel was to **grant the Application** but subject to the removal of the right to stock and sell Puppies as currently permitted by the Licence dated 13 February 2015

REASONS FOR THE DECISION

Stocking Numbers

The Licensing Panel noted that under the terms of the Licence the maximum number of Puppies permitted to be kept on the Premises are 8 (eight) being the maximum number as stated on the Schedule to the Licence. The Licensing Panel were also informed that there had been multiple breaches of the condition relating to Stocking Numbers of Puppies as follows:-

- 21 December 2015 fourteen (14) Puppies were found at the Premises
- 23 December 2015 ten (10) Puppies were found at the Premises following a visit by the Councils Regulatory Services Officer Joseph Lee- Lazone
- 7 January 2016 ten (10) Puppies were found at the Premises following a visit by the Councils Regulatory Services Officer Joseph Lee- Lazone
- 29 January 2016 eleven (11) Puppies were found at the Premises following a visit by the Councils Regulatory Services Officer Ella Smallcombe
- 1 April 2016 eleven (11) Puppies were found at the Premises following a visit by the Councils Regulatory Services Officer Ian Hillier

The Licensing Panel were satisfied that this amounted to multiple breaches of the condition relating to Stocking Numbers which also showed a complete disregard with the need to comply with the requirements of the condition relating to Stocking Numbers

Record Keeping

The Licensing Panel were also informed that there were breaches of the conditions on the Licence relating to Record Keeping (Conditions 3 and 15.6) The Licensing Panel heard evidence from the Councils Regulatory Services Officer Ms Loraine Abbott that there were grave concerns relating to the poor standard of Record Keeping. That the shop register was found to be incomplete and that Puppies had not been included on the register. In addition the register also showed that there had been the sales of Puppies on the same day as further arrivals of Puppies.

The Licensing Panel considered that the maintenance of proper records was very important and completely central to the running of a business. The Licensing Panel were satisfied that this amounted to a poor standard of record keeping and a breach of the conditions relating to Record Keeping.

Pet Plan Insurance

The Licensing Panel were also informed that Hanwell Pet Stores Ltd had displayed a sign in the front window of the Premises stating that all their Puppies included insurance for 4 weeks with a company called Pet Plan (wrongly spelt as Pan). The Licensing Panel were also informed that following a complaint Pet Plan wrote to Mr & Mrs Wood on 17 February 2015 (statement of Mr Neil Leonard dated 29 February 2016) stating that

- no arrangements existed between Hanwell Pet Stores Ltd and them
- Hanwell Pet Stores Ltd had been removed from the Pet Plan Breeder Scheme on 9 January 2015 and as a consequence were not entitled to offer Pet Plan Insurance
- Hanwell Pet Stores Ltd were to return all their Pet Plan Insurance Vouchers and that they would not be accepted onto the Pet Plan Breeder Scheme in the future.

The Licensing Panel considered that this was a clear attempt by Hanwell Pet Stores Ltd to mislead customers into thinking that where a Puppy is purchased Pet Plan Insurance is automatically provided

In reaching their Decision the Licensing Panel carefully considered the submission made by Regulatory Services to refuse the Application in full but determined that it was reasonable and proportionate to grant the Application but subject to the removal of the right to stock and sell Puppies as currently permitted by the Licence dated 13 February 2015 and for the reasons as stated above.

The meeting ended at 6.20p.m.

COUNCILLOR KATE CRAWFORD - CHAIR