

## **SPEAKERS PANEL (LICENSING)**

**Wednesday, 26 April 2017**

**Commenced:** 10.30 am

**Terminated:** 12.25 pm

**Present:** Councillors Bray (Chair), Beeley and Sidebottom

**In Attendance:**

Sharon Smith	Head of Environmental Services (Public Protection)
John Gregory	Licensing Manager - Environmental Services (Public Protection)
Ella Whitehead	Solicitor to the Panel

**Apologies for Absence:** Councillors Fowler, Kinsey, D Lane, Newton, Sharif, F Travis and Wild

### **20. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **21. MINUTES**

The Minutes of the Speakers Panel (Licensing) meeting held on 24 January 2017 were approved and signed as a correct record.

### **22. EXEMPT ITEMS**

#### **RESOLVED:**

That under Section 100A of the Local Government Act 1972 (as amended) the public were excluded for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Act and in all circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because disclosure of the personal information contained in the report would not be fair to the appellant and would therefore be in breach of Data Protection principles.

### **23. APPLICATION FOR RENEWAL OF AN ANIMAL BOARDING ESTABLISHMENT LICENCE - TAMESIDE ANIMAL SHELTER**

The Assistant Executive Director of Environmental Enforcement submitted a report requesting that the Panel determined the application for renewal of an Animal Boarding Establishment Licence for Tameside Animal Shelter.

The Panel considered the written information that had been submitted in advance, which included a report, application form and written representations from Environmental Health and the RSPCA. The Panel heard a brief explanation from the Licensing Manager of the Animal Boarding Establishments Act 1963, Section 1 and Section 2 paragraph (2) and (2A).

The applicant addressed the Panel and began by offering an apology. They told the Panel that a considerable amount of effort had been made at the Shelter to bring the premises up to standard.

They advised that a maintenance man had been employed since March 2017 to carry out a variety of work at the Shelter and the Panel were provided with a report on repairs undertaken to date, which included a plan of action going forward. The Panel were also provided with a variety of photographs detailing the improvement work, before and after pictures and a number of reviews of the Shelter.

It was explained that funding for the Shelter was an issue and the revenue made from Boarding funded the rescue work in addition to public donations and fund raising activities. The applicant further explained that they had experienced difficulties employing a maintenance man to carry out the necessary daily tasks.

The applicant advised that they were not on site every day but were contactable by phone and spoke with staff at the Shelter numerous times each day. They further added that the manager was responsible for the day to day activities at the Shelter.

Having heard the applicant's case the Panel and meeting attendees were provided with the opportunity to ask questions.

The Business Compliance Officer (Environmental Health), who had submitted a representation against the application, advised the Panel that Tameside Animal Shelter were a not for profit organisation that rescued animals and had held a licence to board animals since June 2012. During 2015 four complaints had been received and investigated, which raised concerns around conditions at the Shelter. A further inspection of the Shelter had also been conducted in 2016 followed by an advisory letter.

The Panel were notified that an inspection of the premise had been carried out on 16 February 2017, following receipt of the application, and found that there were items from previous visits which remained outstanding, including an approved plan of the site, risk assessments and a training policy. A subsequent visit to the premises was carried out on 2 March 2017.

As a result of the evidence obtained during the investigations, the Business Compliance Officer (Environmental Health) advised that Tameside Animal Shelter were not adhering to the following conditions of their licence:-

3.1.4, 3.2.1, 3.3.1, 5.1.1, 5.2.2, 5.3.1, 5.3.2, 5.3.5, 5.3.7, 5.4.3, 5.5.1, 1.01, 1.04, 1.06, 2.08, 3.02, 4.01, 4.02, 8.02, 9.02, 10.02, 13.01, 14.01, 14.03, 15.01, 16.02, 16.05, 17.01, 17.02, 19.01, 19.02, 22.05, 22.06, 23.01 and 23.02.

A series of photographs detailing the findings were appended to the report.

Having heard the Business Compliance Officer's (Environmental Health) case the Panel and meeting attendees were provided with the opportunity to ask questions.

The RSPCA Inspector, who had carried out a joint inspection of Tameside Animal Shelter on 2 March 2017 with the Business Compliance Officer (Environmental Health), had submitted a representation against the application.

They had raised various concerns and had issued RSPCA Animal Welfare Assessment Forms with strong advice. A further inspection of the Shelter was undertaken on 15 March 2017 and an RSPCA Animal Welfare Assessment Warning Notice was issued.

A series of photographs detailing the findings were appended to the report.

Having heard the RSPCA Inspector's case the Panel and meeting attendees were provided with the opportunity to ask questions.

**At this juncture the applicant, the Licensing Manager, the Business Compliance Officer (Environmental Health) and the RSPCA Inspector left the meeting whilst the Panel**

**deliberated the application. The Solicitor to the Panel and the Senior Democratic Services Officer remained in the meeting to give legal and procedural advice and took no part in the decision making process.**

The Panel carefully considered the written report, representations and the questions and answers during the hearing in addition to all of the information provided. Whilst the Panel were satisfied that there had been some improvements they had regard to the matters set out at paragraphs a – e of Section 1 Paragraph 3 of the Animal Boarding Establishment Act 1963 and were not satisfied that the conditions detailed in the paragraphs were being met. They therefore decided to not grant the application for an Animal Boarding Establishment Licence for Tameside Animal Shelter.

**RESOLVED:**

**That the application for renewal of an Animal Boarding Establishment Licence for Tameside Animal Shelter be refused.**

**24. URGENT ITEMS**

There were no urgent items.

**CHAIR**