

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 25 MARCH 2009**

COUNCILLORS

PRESENT John Boast, Chris Bond and Norman Ford

OFFICERS: Peter Lycett (Legal Representative), Mark Galvayne (Principal Licensing Officer), Chris Pearce (Environmental Health Officer) and Jane Creer (Secretary)

Also Attending: Deborah Bradfield (City of London, Animal Health Inspector), Navid Yasee (Applicant representative) and approximately 5 members of the press and public and 5 officers observing

**914
WELCOME AND INTRODUCTIONS**

The Chairman welcomed all those present and introduced the sub-committee members.

**915
DECLARATION OF INTERESTS**

There were no declarations of interest in respect of items on the agenda.

**916
APPLICATION UNDER THE PET ANIMALS ACT 1951 (REPORT NO. 227)**

RECEIVED the report of the Principal Licensing Officer.

**917
SPRINGTIME PET CENTRE, CATTLEGATE ROAD, ENFIELD, EN2 9DL**

RECEIVED an opposed application for the renewal of an existing Pet Shop Licence, under the Pet Animals Act 1951, at Springtime Pet Centre, Cattlegate Road, Enfield, EN2.

NOTED

1. The introductory statement of Mark Galvayne, Principal Licensing Officer, including:
 - a. The application was by Mr Navid Mota Hammadani for renewal of an existing Pet Shop Licence.

LICENSING SUB-COMMITTEE - 25.3.2009

- b. He apologised for the typographical error on page 3, section 2.1, which should read *application by Mr Navid Mota Hammadani*, not David.
 - c. The application was opposed by the Corporation of London's Animal Health Inspectorate. For all animal related licensing in the borough, the responsible authority was the Environmental Health Service, but the City of London Corporation Veterinarian Service acted for them and an inspector would make a representation to the meeting as a witness.
 - d. He confirmed that Mr Yasee was a colleague of Mr Hammadani and also worked in the pet shop and was authorised to speak on Mr Hammadani's behalf.
 - e. A letter dated 18 March 2009 from Mr Hammadani in relation to the hearing had been circulated to all members of the sub-committee.
2. The opening statement of Chris Pearce, LBE Environmental Health Officer, including:
- a. He had been employed by Enfield Council since 2002, and had been the lead officer for pet shops since 2006.
 - b. There were 16 pet shops within the borough.
 - c. Springtime Pet Centre first had a licence granted on 19 July 2006. The first complaint about the premises was received on 25 July 2006.
 - d. During the remainder of 2006, 21 complaints were received in relation to this shop, which equated to 58% of pet shop related complaints borough-wide.
 - e. In 2007, 19 out of the total of 39 complaints (ie. 49%) about pet shops related to Springtime Pet Centre.
 - f. In 2008, 33 out of the total of 73 complaints (ie. 45%) about pet shops related to Springtime Pet Centre.
 - g. In 2009, there had been three complaints to date about this shop.
 - h. The City of London Corporation had agreed in 2005 to carry out animal establishment inspections on behalf of the Council. They had a high degree of specialist expertise, especially with regard to animal welfare and exotic species.
 - i. Due to the high number of complaints, the City of London Corporation agreed to investigate the complaints and to carry out an annual inspection of this premises.

LICENSING SUB-COMMITTEE - 25.3.2009

- j. He introduced Deborah Bradfield, Animal Health Inspector, City of London, who presented evidence, including:
- (i) She had a certificate in animal health and welfare.
 - (ii) She had been involved in inspecting this premises since 2007.
 - (iii) She referred to Annex 04 of the report, which summed up comments on the shop.
 - (iv) There had been a significant number of complaints received about the premises during 2008, and these were set out in a table in Annex 06 of the report.
 - (v) Of the 38 complaints detailed, 20 were found to be justified; others did not have enough evidence to investigate further.
 - (vi) On two occasions, Article 10 Improvement Notices were served under the Animal Welfare Act 2006. She was responsible for inspecting 45 to 50 pet shops and had not issued an Article 10 Improvement Notice on any other person. Article 10 Improvement Notices were issued only as an extreme measure.
 - (vii) A noteworthy incident at the end of 2007 involved two puppies found to be suffering from a severe skin allergy which had been allowed to go on for some time. In this instance she had issued a verbal warning, but in hindsight felt that an Article 10 Improvement Notice would have been justified.
 - (viii) There had been a pattern of similar instances at the premises. Advice was ignored or, if taken, standards would lapse again in time. The shop owner had failed in the duty of care and good animal husbandry and she had no confidence in the management of this premises.
- k. It was re-iterated that repeated recommendations had been given regarding checking the condition of animals, and the need for employees to receive training in animal welfare. Many of the points made were only addressed in Mr Hammadani's letter of 18 March 2009 for the first time.
3. Panel members' questions were responded to as follows:
- a. In response to Councillor Ford's queries about follow-up visits following the issuing of Article 10 Improvement Notices, Deborah Bradfield confirmed that follow-up visits had been made in all cases. The puppies had received treatment and improved. The Guinea pigs were very poorly; they were taken to the vets within the specified time, but on the follow-up visit it was confirmed they had all died and the delay in noticing their condition had contributed to their deaths.
 - b. In response to Councillor Bond's queries regarding statutory requirements, Deborah Bradfield clarified the appropriate sections of the Animal Welfare Act 2006. Article 9 of the Act set out what was required of a person keeping an animal, including provision of adequate food and water, a suitable environment allowing the animal to exhibit normal behaviour, etc. If these requirements were compromised, Article 10 of the Act allowed enforcement officers to issue an improvement notice.

LICENSING SUB-COMMITTEE - 25.3.2009

Such notices were prescriptive, setting out the action required and the timescale.

4. The opening statement of Mr Navid Yasee, including:
 - a. He was the shop manager and worked alongside the owner Mr Hammadani.
 - b. They had been running the shop for three years and felt the operation was going well.
 - c. Puppies were their main source of business and were given the best care.
 - d. With the large numbers of puppies they handled, a few problems would inevitably be experienced.
 - e. He and Mr Hammadani tried their best. Welfare of the animals was their main concern. They had made improvements and the shop was very clean and hygienic.
5. Questions were responded to as follows:
 - a. Councillor Bond referred to the list of improvements proposed to be made by Mr Hammadani in his letter of 18 March, and why these actions had not been taken before now. Mr Yasee advised that he had enrolled on a Capel Manor College course, but it did not begin until September, and he had not been aware before that he needed to do it.
 - b. In response to Councillor Bond's query as to the number of staff employed at the shop, Mr Yasee advised that there were just the two full time members of staff, himself and Mr Hammadani, who were there every day, and this was the arrangement they had found to be best. He confirmed that no part time staff were employed.
 - c. Chris Pearce queried the standard of care of puppies and how three puppies became infested with lice to warrant the Section 10 Improvement Notice issued on 20 November 2008. Mr Yasee advised that there were hundreds of puppies coming into and out of the shop. If necessary they were taken to the vet, or taken home to receive the best care.
 - d. In response to further queries from Chris Pearce about opening hours of the shop, Mr Yasee confirmed that the shop opened daily at 9.00 am and closed at 6.00 pm. Mr Hammadani and himself gave each other days' off occasionally, but for the majority of the time both of them were on the premises during opening hours.

LICENSING SUB-COMMITTEE - 25.3.2009

6. The closing statement of Mark Galvayne, drawing Members' attention to the recommendations set out in Paragraph 5 of Report No. 227, and confirming that the Licensing Sub-Committee had complete discretion to withhold a Pet Shop Licence.
7. The closing statement of Chris Pearce highlighting that Springtime Pet Centre had repeatedly ignored advice provided in the past. The letter from Mr Hammadani implied that concerns were now being taken more seriously, but only at this late stage. However, he had no confidence in the shop management, and though improvements may be made, the history of the business had shown that they would lapse in time.
8. The closing statement of Navid Yasee advising that he was not engaged in the business for purely monetary reasons, but had a passion and loved animals. Loss of their Pet Shop Licence would be a drastic measure. Most of their customers were happy, and they tried to take care of everyone who came into the shop, and to deal with any problems experienced by customers.

RESOLVED that

1. In accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Section 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

We have considered carefully all the evidence presented to us today.

Mr Yasee has emphasised his and the owner's love of animals and that they do their best to ensure the well-being of the animals in their care.

We have considered Mr Hammadani's letter of 18th March indicating the improvements that he intends to make.

However the very large and disproportionate number of complaints, most of which upon investigation were shown to have been justified, over a period of two and a half years and the fact that two Article 10 Improvement Notices have been served show that the management of this establishment is, and has been from the outset, quite incapable of operating to the standards required by statute and we find that the history of this business is such that the proposed improvements could

LICENSING SUB-COMMITTEE - 25.3.2009

and should have been made a long time ago and the evidence that we have heard is that any improvements, if made, will be shortlived.

This application is therefore refused.