

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 March 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

PRESENT: Councillors Karen McGowan (Chair), Joe Otten and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Vickie Priestley.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) REGULATIONS 2018 - DOG BREEDING - BARBARIAN CORSO KENNEL

4.1 The Chief Licensing Officer submitted a report on an application made under the Animal Welfare (Licencing of Activities Involving Animals) Regulations 2018 for a review of a licence for breeding dogs in respect of the Barbarian Corso Kennel (Ref No. 11/21).

4.2 Present at the meeting were Mark Parry (Environmental Enforcement Team Manager), Shaun Bell (Animal Control Welfare Officer) and Lindsey Hodkin (Animal Health Inspector) (Environmental Regulation, Applicants), Carmen Pinteá (Licence Holder), Claire Bower (Principal Licensing Policy and Strategy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Claire Bower presented the report to the Sub-Committee and stated that references submitted by the licence holder had been circulated to Members of the Sub-Committee prior to the hearing.

4.4 Mark Parry, on behalf of the applicants, reported that on 27th January 2020, Ms Pinteá had pleaded guilty in Court for failing to notify the Department for Environment, Food and Rural Affairs (DEFRA) of a trade import of dogs. He stated that the facts surrounding the conviction gave the Environmental Regulation Service cause for concern regarding a potential risk to the welfare of

the animals covered by the licence. Ms Pinteia had advised that she had never seen the dogs, and that they were being imported as part of her breeding programme. Mr Parry stressed that any trade imports required a Health Import Certificate and notification being given to DEFRA. In addition, the dogs were required to be kept at the import address and inspected by a vet. It was indicated that Ms Pinteia was now claiming that the dogs had been imported as pets, although she had never seen them. When officers from the Environmental Regulation Service visited Ms Pinteia's address to investigate the import, the dogs were not there, and had been passed on to other addresses, meaning that if any of them had any diseases, it could have been spread. As well as stating that she had mistakenly forgotten to inform DEFRA, Ms Pinteia also contrived to import the dogs as pets, which did not require the notification to DEFRA. Mr Parry added that Ms Pinteia had claimed that she was familiar with trade imports. She had been advised by her partner that the dogs had been imported from Serbia, therefore would have been aware that the rabies control measures had not been observed, but she had not informed the authorities. The Service had further concerns following a visit made to the Pinteia's premises in June 2020, and Mr Parry referred to the written statements of Shaun Bell and Lindsey Hodkin, which were included in the agenda papers, made after such visit. The officers had found that the number of dogs on the premises had exceeded the maximum number allowed under the licence, and that a cropped and docked dog had been imported from Romania. Ms Pinteia claimed that this dog was old, therefore could not be quarantined. It was further found that Ms Pinteia had provided a false address on the Health Import Certificate and had made notifications to this address. Mr Parry concluded by stating that Ms Pinteia had made allegations of racism towards his Service, which the Service disputed, and he indicated that no formal complaints had been received to this effect.

- 4.5 In response to questions raised by Members of the Sub-Committee and Ms Pinteia, Mr Parry stated that breeders were able to sell those dogs they had bred themselves, but not dogs that they had brought in for sale. Reference was made to this requirement set out in the specific conditions - Breeding of Dogs (Schedule 6 of the Regulations) under the heading Advertisements and Sales. The licence holder was able to sell any dogs she deemed no longer fit for purpose, but the dog advertised in this case had not been born or bred on her premises.
- 4.6 Ms Pinteia stated that the three dogs in question had been registered in Romania, in her partner's name, under the official database of dogs with owners. She did not make any arrangements with regard to the importation of the dogs, or for the dogs to be cropped or docked. All these arrangements and decisions had been made by her partner, and to which he had pleaded, and found, guilty in Court. Ms Pinteia accepted that she had made a mistake in failing to inform DEFRA, and stated that the reason for this was that every time she had imported a dog under the Traces Scheme in the past, the company transporting the dogs had always completed the relevant paperwork and informed DEFRA. She stressed that she would never put any of her dogs at risk, and stated that Shaun Bell had witnessed that the imported dogs were being kept separate to her other dogs. She disputed the Animal Enforcement Team's accusations that the dogs had been imported without the relevant Health Import Certificates, and displayed

relevant paperwork to Members and officers at the hearing. Ms Pinteia had granted written permission for her partner to travel with the dogs. She stated that she had complied with all the officers' requests for information throughout the case. In terms of the issue regarding her address, Ms Pinteia stated that she had two addresses registered with DEFRA and, as an error, DEFRA had chosen the wrong address when importing the data onto the Traces Scheme database. Ms Pinteia stated that she had felt intimidated by officers during visits, and that she had received threats and racist abuse from other sources due to actions which have not been of her own doing. She stated that there were numerous advertisements on the pets4homes website, which were obviously not being regulated, and that the cropping and docking of dogs was still accepted in Romania. During the visit by officers in June 2020, it was noticed that there were ten dogs on the premises, which exceeded the number allowed, but Ms Pinteia informed the officers that some of the dogs were either too young or too old for breeding. She stated that her bitches had no more than three litters in their lifetime, although they were able to have six litters under the licence. Ms Pinteia concluded by stating that she would often take her dogs abroad for showing, and that she would never put the welfare of any of her dogs at risk.

4.7 In response to questions from Members of the Sub-Committee, Ms Pinteia stated that whilst one of the puppies brought into the country had been sold, this was not her dog, but was owned by her partner. It was accepted that he had asked Ms Pinteia to place the advertisement for the sale of the dog, but they were not her dogs. Ms Pinteia stated that she believed that the three puppies were pets, and that one was sent to a friend in Spain, one was to be placed in a guardian home and the remaining puppy was kept by Ms Pinteia, presently as a pet. The puppy advertised for sale had been advertised through the business. The dogs had only been in Romania, where they had been cropped and docked, despite her partner saying that they had been to Serbia. During the visit in June, officers had found ten dogs on the premises, six of which were for breeding and the remaining four having been retired, one of which had been rehomed. Ms Pinteia confirmed that since May 2020, she had operated as an authorised animal transporter, and that she held both UK and European licences, and always complied with the regulations when transporting dogs across the UK and Europe. She had also invested in a suitable transport vehicle to ensure the best welfare of the dogs when travelling. She held all the relevant transportation certificates and had undertaken all the relevant customs training. The mother of the three puppies was co-owned by her partner and his friend. Ms Pinteia confirmed that it was still legal in Romania to have dogs cropped and docked if it was for the preservation of a breed, which included the Corso and Doberman. Ms Pinteia confirmed that she had been convicted of a similar offence relating to the importation of dogs in September 2013, but that it was her auntie who had arranged this, and she had helped her auntie to sell the dogs in the UK.

4.8 In response to questions from the Solicitor of the Sub-Committee, Ms Pinteia stated that she had pleaded guilty in January 2020, on the advice of a solicitor, which advice had subsequently been found to be incorrect. She was not clear as to who she needed to inform, therefore pleaded guilty as, mistakenly, she had not informed DEFRA of the dogs arriving in the UK. Ms Pinteia stated that whilst her partner did not regularly import dogs to the UK, he did import the three puppies,

which he had got from a friend in Romania. Ms Pinteia confirmed that she owned the kennels as part of the business, and accepted that any dogs being brought into the kennels were her responsibility. She added, however, that in this case, she did not know that the puppies were being brought in. In terms of the layout of the premises, there was a separate kennel on the first floor which, unless operated by a human, did not allow for access to the kennels on the ground floor. Any new arrivals were placed in these kennels and had no contact with the other dogs. All new arrivals were placed in the kennels upstairs for a minimum of 21 days regardless of whether they had been imported through the Traces or Pets Schemes. Ms Pinteia stated that as well as importing dogs for herself, through the Traces Scheme, she also imported dogs at the request of others. Her bitches would usually have three litters a year, but only if there was demand. Ms Pinteia's partner did not travel to Romania to mate a male dog, but used semen he had stored in Romania. He had told Ms Pinteia that he had visited Romania to see relatives. One of the puppies had been sent to a guardian home after the 21 days in quarantine, one puppy had been kept for a while before being sent to a friend in Doncaster for one-to-one training, and the third puppy had been sold to someone in Surrey for approximately £2,500. In terms of the puppy sent to the guardian home, the homeowner (Rebecca) would be expected to keep Ms Pinteia informed as to its progress. After being health tested, and after being shown in official FCI (Federation Cynologique Internationale) shows, and receiving two excellent results, it would then enter the breeding programme.

- 4.9 In response to further questions from Members of the Sub-Committee, Ms Pinteia confirmed that the three puppies belonged to her partner, and that they had been born in July 2020, and imported to the UK on 2nd November 2020. They had been living with her partner's friend in Romania. Ms Pinteia admitted that she should have made further checks on the puppies. Whilst she usually kept in touch with the new owners of her dogs, she lost contact with the owner of the guardian home (Rebecca) for a few months, which caused her considerable upset. She has since heard that the dog was still in Spain and progressing well. Ms Pinteia stated that she would not have more than one litter a year from each bitch, with the maximum allowed, under the licence, being four. If the decision was taken to revoke the licence, the dogs would no longer be able to be sold under the licence, therefore would have to be kept or given away.
- 4.10 Mark Parry and Carmen Pinteia summarised their cases.
- 4.11 Claire Bower outlined the options available to the Sub-Committee.
- 4.12 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

- 4.14 RESOLVED: That, in the light of the information contained in the report now submitted, and the additional information circulated prior to the hearing, together with the representations now made and the responses to the questions raised, the licence for breeding dogs at the Barbarian Corso Kennel be revoked (Ref No.11/21).

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written notice of determination.)