

Appendix 4- Case studies demonstrating the use of these powers

Illegal home boarding business prosecuted.

In 2020 a gentleman was successfully prosecuted for operating a home dog boarding business without a license. The business came to our attention when a customer, who had returned from holiday, had to have her miniature Pomeranian put to sleep due to injuries allegedly sustained whilst being in their care. This heartbreaking incident made national media ([Family's heartbreak after Maidstone puppy boarder fatally injured - BBC News](#)). After a closure order was issued and an investigation undertaken, the operator pleaded guilty and was ordered to pay £430 to the court, this was made up of; a fine of £120 reduced to £80, compensation of £150 to the Council for part of the licence fee and £200 contribution to court costs to Maidstone Borough Council. The prosecution had significant consequences for the operator as they may not be granted future licenses needed to operate any business involving a licensed animal activity, as they may not be deemed a fit or proper person under the requirements of the legislation.

Dog breeding and welfare concerns in a domestic premises addressed.

Following reports of noise nuisance from dog breeding, the CPT were subsequently notified of alleged breeding of dogs and nasty smells at the premises too. The alleged breeders were not forthcoming in engaging with the investigating officer, nor were they willing to allow the officer into their home to conduct further enquiries.

The Investigating CPT Officer talked the case through with the Animal Licensing Inspector and it was agreed that a Section 10 Animal Welfare Improvement Notice would be issued. This notice set out the Council's concerns, the improvements we would require the occupants to undertake and when this should be done by.

Soon after the receipt of the Improvement Notice, the alleged breeders contacted us to invite us into their home to show us that they weren't bad dog owners and to share their version of events.

The visit revealed a litter of puppies and multiple unneutered dogs which were being kept in mixed-sex kennels.

Advice was provided to the alleged breeders about the need to hold a licence for the selling and advertising of puppies. Once the puppies had been rehomed, the CPT officers remained persistent in engaging with the occupants until they finally rehomed the dogs. The noise issue, smell issue and breeding operations have now ceased.

Goats removed from pub beer garden to protect them from harm.



Issues:

- No hand washing signs
- No signs warning people that the animals could bite
- In an area where people were eating their food
- No 'please don't feed us' signs- human food can be poisonous!
- Veg from the kitchen was being fed to the goats- the practice of feeding vegetables from a kitchen containing human food is illegal.
- No enrichment
- Not enough space
- Substrate was filthy, soaking wet and rotting with rotting food on the floor.
- Little room to escape the view of the public.
- Loud environment with no escape from it.
- No drainage so urine and water was not draining away from the enclosure.

Remedy:

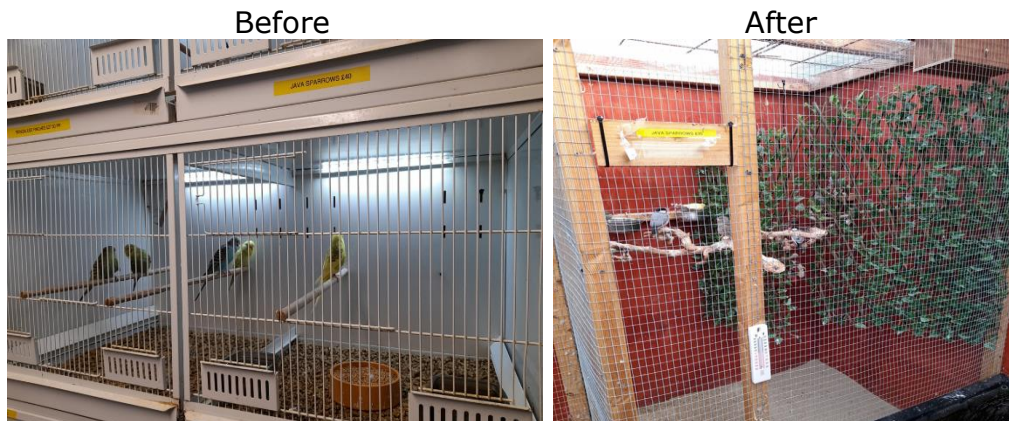
- MBC's Animal Licensing Inspector visited the pub and spoke to the landlord to find out about the origin of the goats, reason for them being there and how long they were going to be there for.
- A referral was made to the Animal Plant Health Agency to report the issues with feeding the animals from a human kitchen and livestock movement records.
- Referral made to MBC's Food and Safety Team to assess the health and hygiene aspect of the food premises in relation to public safety and cross contamination.

Following visits from the various agencies, the landlord took the advice provided to him which was to return the goats to their large paddock at the home address and refrain from bringing them back to the pub. The goats are now much happier living in a large paddock, away from the hustle and bustle of a stressful and loud pub environment.

Caged Birds in a pet store.

From antiquated stacked bird cages with barely any enrichment or escape from the view of the public:

To living in purpose-built flight aviaries with a variety of different perch types, screening, nesting boxes and the space to fly or forage in the substrate.



Pet Shop Improvements:

Issues:

Siamese Fighting Fish (Bettas) were being kept in hatchery boxes within pet store tanks to double the number of Bettas that the store could stock. The set-up can be seen in the photo below. This was identified during a licence application inspection. Bettas are stocked primarily due to their impressive displays of colour and males are generally the most attractive, with larger fins and more vivid colouration. The issues with the way they were being kept above are:

- The hatchery boxes are very small so space for the fish to swim around freely was restricted.
- The boxes were secured to the very front of the tanks which were in a main throughfare of the store so the fish could not get away from the view of the public, people tapping on the glass or sudden movements right next to where the fish were located.
- Being in such a confined volume of water means the water quality will deteriorate very quickly.
- The boxes were clear, and the Bettas can see each other. Bettas are very territorial and become very aggressive to one another. There was no way for both fish to escape this so they would become incredibly stressed and eventually exhausted. The mortality rate and likelihood of disease is increased significantly in stressed and exhausted fish.
- It is a completely sterile environment with no enrichment. The fish are unable to exhibit any normal behaviours such as foraging in a substrate.

Remedy:

- The inspector required the housing of Bettas to be significantly improved before a licence could be granted. Within 4 hours of the inspection, the Bettas were housed in individual tanks.

