

## **REPORT TO LICENSING AND APPEALS SUB-COMMITTEE**

**Agenda Item: 5**

**Hearing Date: 1<sup>st</sup> September 2014**

Contact Officer: Emma McHugh – 01283 595716

### **DETERMINATION OF AN APPLICATION FOR A LICENCE TO KEEP A DOG BREEDING ESTABLISHMENT**

<b>Applicant</b>	Andrew Molloy
<b>Premises Address</b>	Greysich Kennels, Greysich Lane, Bretby, DE15 0RH

#### **1. Reason for consideration by committee**

- 1.1 To determine an application for a licence to keep a dog breeding establishment at the above premises.

#### **2. Case for the applicant**

- 2.1 An application for a dog breeding establishment licence was received on 16<sup>th</sup> July 2014 from Mr Molloy. The application requested to license 7 bitches at Greysich Kennels, Bretby as he intended to breed West Highland Terriers, Cavalier King Charles, Cocker Spaniel, Shih-tzu and Siberian Husky. A copy of the application is attached as **Appendix 1**.

#### **3. Background**

- 3.1 Mr Molloy was first granted a dog breeding establishment licence in 2012 which expired on 31<sup>st</sup> December 2012. Mr Molloy renewed the licence until 31<sup>st</sup> December 2013.
- 3.2 Mr Molloy did not renew his licence in December 2013.
- 3.3 In the months Mr Molloy was licensed, complaints were received in relation to issues such as:
- Infectious diseases in puppies purchased from Mr Molloy;
  - Puppies being sold with the incorrect details;
  - The purchaser not be able to see the parents of the puppy;
  - Concerns over the pedigree of the puppy.
- 3.4 Trading Standards confirmed that they had received 6 complaints in relation to the premises relating to illness and suggestion that puppies were being sold as pedigrees when they were not pedigrees.

#### **4. Application for a dog breeding establishment licence**

- 4.1 Following receipt of the application, an inspection of the premises was carried out by the Licensing Officer and a veterinary surgeon from Cockburn Veterinary Group. A copy of the report of the Veterinary Surgeon and the Licensing Officer is attached as **Appendix 2** and **Appendix 3** respectively.
- 4.2 As a result of the inspection, the following issues were raised for immediate action:
- Isolation unit to be built away from the main kennels;
  - Install a roll down curtain on the front of the exercise area of the kennels to protect the puppies from inclement weather;
  - Thermometers to be placed in each of the breeding areas to monitor the kennels and records to be kept;
  - Insulation in the roof of the sleeping area/breeding area;
  - Fire plan to be updated with the new exercise area and isolation unit.

Mr Molloy has confirmed that he will complete the above works as soon as possible. Mr Molloy has provided pictures of the completed works except the insulation of the roof.

- 4.3 During the inspection, Mr Molloy advised that he imported puppies from Ireland. Mr Molloy provided details of the breeder based in Ireland. The Licensing Officer made enquiries with the Council based in Ireland who confirmed that the premises are licensed and there have been no issues at the premises.
- 4.4 Currently, the Licensing Officer has not been able to obtain details of the puppies imported from Ireland who were at the premises at the time of the inspection. In addition, the records have not been re-inspected since the inspection.
- 4.5 Mr Molloy has advised he will no longer be importing puppies from Ireland and will be breeding puppies himself. The Licensing Authority has concerns that the importing of puppies is leading to the complaints regarding infectious diseases at the premises and that complaints will continue to be received if the premises are not self- contained.

#### **5. Relevant Guidance**

- 5.1 Section 1(4) of the Breeding of Dogs Act 1973 states that a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing:
- (a) That the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
  - (b) That the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and visited at suitable intervals;

- (c) That all reasonable precautions will be taken to prevent and control the spread among dogs of infectious or contagious diseases;
- (d) That appropriate steps will be taken for the protection of dogs in case of fire or other emergency;
- (e) That all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;
- (f) That bitches are not mated if they are less than one year old;
- (g) That bitches do not give birth to more than six litters of puppies each;
- (h) That bitches do not give birth to puppies before the end of the period of twelve months beginning with the day on which they last gave birth to puppies; and
- (i) That accurate records in a form prescribed by regulations are kept at the premises and made available for inspection there by any officer of the local authority, or any veterinary surgeon or veterinary practitioner, authorised by the local authority to inspect the premises.

## **6. Member Options**

- 6.1 When determining this case, Members are advised that they may:
  - a) Grant the application with standard or additional conditions;
  - b) Refuse the application.
- 6.2 Members must only determine the application once they have heard and/or read all the available evidence.
- 6.3 Members must have regard to the Human Rights Act 1998 when determining any application before them.
- 6.4 Furthermore, Members are reminded that the applicant has a right of appeal over any decision they reach.

## **7. List of Appendices**

- 1. Application form.
- 2. Veterinary Surgeon Inspection Report
- 3. Licensing Officer Inspection Report