



Mr Derek McElvaney

Broughton Breeding Ltd

20 Bradley Way
Great Broughton
Middlesbrough
TS9 7BA

Your Ref:

My Ref: 123105

Dated: 6th August 2024

[REDACTED]
North Yorkshire Council
Belle Vue Square

1 Broughton Road

Skipton

BD23 1JF

[REDACTED]
Web: www.northyorks.gov.uk

Dear Mr McElvaney

The Animal Welfare Act 2006 Section 13(1)
The Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018
Re: Outcomes: Activities involving Animals - Dog Breeding
Premises: Mr Derek McElvaney 20 Bradley Way, Great Broughton,
Middlesbrough, TS9 7BA

I refer to your application for grant of a new licence under the above regulations in respect of the above premises which was received on 29th May 2024. An inspection was carried out by the Councils Appointed Vet [REDACTED] accompanied by [REDACTED] EHO and [REDACTED] Technical Officer on 15th July 2024

Further to the telephone conversation with myself on 6th August, the officer recommendation is the that the application is refused for the following reasons,

a)The Council is not satisfied that the licence conditions specified in the Regulations will be met. Particularly Schedule 2 para 2.1,2 .2 4.2, 4.3, 5.8,7.1, 7.3, 7.5, 9.2, 9.4, 9.7, 9.14, 10.1 and Schedule 6 para 2.6, 4.1,4. 2,5.3, 5.4, 6.3, 6.7, 6.8, 6.9, 6.10,6.11, 6.12, and 6.13

Further information can be found online: [Animal activities licensing: statutory guidance for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/animal-activities-licensing-statutory-guidance-for-local-authorities)

As the application doesn't meet the minimum standards, I must make the recommendation that the application is refused.

To assist you in any future applications that you may make, I have enclosed with this notice, the inspector's report for the above business. The report provides details of the required works that you must complete in order to comply with the regulations and the details of the higher standards.

Also attached, is the business Risk Score and the Scoring Matrix that will identify how your future rating would be determined.

Now the matter will be referred to the Licensing committee to make a final decision on your final application. Should you wish to withdraw your application at this stage, to allow you to address the matters raised in the report please let me know no later than 20th August. You can then resubmit a new application when you are ready to progress.

As you don't currently hold a licence I must advise you that you must cease all licensable activities and associated advertising. This includes removing relevant signage, websites and social media. If you continue to operate, you do so unlicensed, which is an offence under the above regulations and that may result in formal action being taken by this service.

If you have any queries please contact me on the email above.

Yours sincerely



Area Manger – West

From: [REDACTED] on behalf of [Regulatory Support Team](#)
To: [REDACTED]
Subject: Licence case 123105 Licence recommend refusal of new licence application
Date: 21 August 2024 15:10:06
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
Importance: High

Dear Mr McElvaney

Please see below our response to your email of 8th August 2024 on your queries

The date of this inspection is 8th of March at 10am that was the previous inspection so why is this even being mixed up when this is a brand new application nothing to do with the renewal. The letter attached also says it was the 15th of July which is also incorrect. The new application was done and new inspection carried out 18th July at 2pm, I'm just concerned why the previous is being mentioned and whether anything in the report is reflecting the old inspection not the current as this is a new application. I've got some questions on the below please. **Sorry the date of the inspection was 18th of July so that is a mistake in the report and letter date but the report reflects the inspection, the information available at that inspection and the vets report and comments are what have determined the recommendation to refuse.**

Could you please tell me which conditions are the ones stopping the license granted and how to rectify these. **All those detailed as not complying in the report.**

3.1 - says doesn't comply but doesn't say what for, 3.1 also isn't listed on the letter as one of the points that aren't satisfactory? **Does not comply as not licensed.**

4.2 - don't feel this is fair and quite discriminative as I care for the dogs myself, you don't need to be able to read and write to know to care/clean for the dogs or to pick up on abnormal behaviour illness etc. When the inspectors came they suggested a new strategy of me ticking a sheet on a notebook and making me aware of any issues to get [REDACTED] to make a note. I have no staff so not sure what didn't comply on here, [REDACTED] is not employed to work for me which is why she doesn't deal with the guidance, she simply helps me do the paperwork, she has nothing to do with the dogs so wouldn't expect to train her or have her know things that I do in caring for the dogs. **A licensee has to be able to demonstrate usually by records of training or knowledge from discussions etc, that they have and that they are able to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour. No details have been provided in this or the previous application and this has been discussed with Mr McElvaney and [REDACTED] on both occasions. Nor from the discussions/conversations do I and the vet feel the applicant is fully competent. As Mr McElvaney has problems with reading and writing whoever he gets to help him he should advised them to be familiar with the guidance so they can help him comply.**

4.3 - again no staff are employed which the report confirms so how can he not comply for not providing training for staff he doesn't have? **In the guidance staff include the licence holder and therefore details of an annual review of training are required as the guidance states and a written training policy as the regulations states. Again, this has been discussed on both vets inspections and no details have been provided. Further details of training for applicant and any staff are required. As discussed, training can be from a variety of sources such as from their vet, videos from the internet as well as formal courses but any training needs to be recorded.**

5.8 - enrichment toys aren't left inside the adults kennels for their safety to not chew and choke on toys, the toys are in the garden for them to play with as they aren't often locked away in the cages. I thought the size of the beds were okay for two dogs as the bed is the entire width

of the kennel, could you please confirm the criteria of the sizes required of each dog bed please?

Whilst it is understood that enrichment toys can be a chew/choke hazard on all the inspections/visit on 14.4.24, 31.5.24, 20.7.23, 8.3.24, 18.7.24 that I have made little evidence of enrichment toys has been seen except in the puppy pens. I have seen none in the garden. In regard to size of the beds they must be large enough for a dog to lie down fully stretched so depending on which kennels are used will depend if they are big enough for one or 2 dogs
6.2 - isn't listed on the letter does that mean this doesn't affect whether the license is granted?
Sorry it should be 6.2 not 6.3 in the letter, as 6.3 was complied with and yes it needs to be complied in order to show compliance with the regulations before granting a licence.

7.1 - we have evidence of the dogs being walked in the park to the side, we can provide, I don't think foot prints in grass is evidence as to whether a dog has been outside or not and is outrageous and proof that they aren't! The dogs aren't let out the rear garden, on the inspection they asked out of curiosity what was out there so I showed them the rear garden which was hugely overgrown. I explained that in the winter when it's all set down I will let them out but in the summer when it's hugely overgrown I of course doesn't let them out there, I don't own that field so can't cut it myself which is why they don't go out there until it's short. They go out in the side garden numerous times a day, even the vet confirmed they can tell they weren't kept in cages all the time as said you can tell by the muscle on the dog. Evidence needs to then be provided

7.3 - on the inspection the inspectors and vet said that it was a good sign that the dogs were quiet and not barking a lot and that that showed they were used to people because they said they find dogs that bark a lot when new people come show they aren't socialised very well so this seems to be the complete opposite of what is in the report? Is there any physical evidence to show mistreatment of the dogs? The dogs are in no way mistreated and I am disappointed in this statement in this insinuation. The mother dog being fearful when strangers enter her kennel to pick up her 4-week-old puppies is ridiculous, any new mum of puppies is of course going to be fearful that 3/4 stranger are stood over her while her puppies are handled of course she's going to panic. She is only used to me being in there that's why. The issue was discussed after the inspection with myself, Katie and the vet as we all were concerned about it and observed the same behaviour of the dogs and Mr McElvaney. As stated by the vet "Although quiet dogs can be indicative of happy well socialised animals it can also indicate frightened and or 'hoarded' dogs. I also noted the dogs cowering when Mr McElvaney approached them".

7.5 - I try to socialise as possible, my [REDACTED] and [REDACTED] often come to visit and their children often see them to get them used to people.

9.2 - This says doesn't comply but says not shown a record of training of other person involved, again I am the only staff member? Licencee advised that emergency contact and [REDACTED] help out and therefore these need to show have been trained even if not "staff".

9.4 - written evidence was provided on the spreadsheet shown to inspectors for each dog that the wormer is done every 6 months and fleas every 3 months. Whilst the spreadsheet records the treatment for fleas and worming of adult dog no details of the pups was seen and written evidence of the second vaccination of the dogs recently vaccinated needs to be provided still

9.7 - each dog folder had the certificate of the latest vaccine, there hadn't been any other vet visits to put in so not sure what hasn't complied? Only treatments recorded were for this year. There were no records to show previous vaccinations, flea treatments worming or other veterinary visits. We would expect to see all records from previous years.

9.14 - this again is what they have advised for me to tick a notepad each day to confirm all is well and if anything else then I tell [REDACTED] to make a note of what any issues are. This is do not comply, how can we rectify this do I show you what has been done between the visit and now? A tick a

notepad each day to confirm all is well and if anything else the Licencee can tell [REDACTED] to make a note of what any issues are, would be ok, but this or anything else was not in place at the inspection or previous inspections.

10.1 - [REDACTED] got me the emergency signs which were all up when the vet and inspectors visited, there was one in the puppy garage, one near the rear new garage and one inside the house which were pointed out to show the vet as these had been brought up before. Will update the emergency plan no problem to incorporate new garage. **It was the updating of the plan and not having a sign at the entrance(suggested side) that is needed .**

2.6 - thermostats have been installed can I send photos to rectify this?. **Noted but would need to see.**

4.2 - I did have toys in the garden as previously stated but understand that more need to be there which I understand and will do.

5.3 - how can this not comply, it shows the procedure is there. There are no records of any issues because there haven't been any or have any dogs with abnormal behaviour? **Need to record no issues.**

5.4 - not sure what this means about hiding area? the new garage has an entire roof and covered at the back fully, so dogs enclosed and have space for hiding from weather? **Unlike the other kennels which have separate sleeping areas where a dog, if it wants can hide, the garage is "open Plan" therefore a screened off area should be provided.**

6.3 - I understand I've mated Dolly within a time period that's too early, this was my mistake and won't happen again. It is incorrect that I have not kept records of litters and mating, the spreadsheet that was shown had both mating and birth dates of the 4 litters on site which [REDACTED] wrote down? **No records of previous litters that you have had were available.**

6.7 - The conversation we had on site is that I wasn't licensed when the litters were born so I haven't done the puppy sheet as I wasn't a licensed breeder. I understand once I have a license this will be done with each litter. this is a brand-new license so why is information regarding previous litters? **There was a licence in force until 9th February 2024 when it expired so there should have been litter records for all litters during this time (which you have admitted to have had following visits made last year) and we always look at these. We would also expect that you had such records even when not licenced so that you could show that you could comply. If there had been no litters we wouldn't have asked for records. This was a point that was discussed at the previous inspection and stressed how important these records were.**

6.8 - no puppies have been sold so no sales to show. **Same as above we would have expected to be shown records for when licensed.**

6.9 - details of the mating were provided as stated for the 4 bitches who have had litters. The only dog not on-site information was provided on her mates as shown in point 6.3 which says I even showed a photo offsite being mated. There are no details of vet treatments on the adult dogs as non have been needed as I look after my dogs well, non have died. I know for future that I need to make a note of where a dog is rehomed to. **Again, it not just details of the current litters but all the dogs on site of previous matings. Whilst we were shown a photo of a dog being mated this is not a written record as required by the regulation.**

6.10 see above.

6.11 - aware that in future needs to be monitored and notes made on rehoming.

6.12 - will get onto this and get a letter from

The vet

6.13 - again how can this go down against me that the dogs haven't needed any treatment of course there isn't any records if they haven't happened? **The fact that in the procedures you say you use a daily observation chart the blank template was shown to us but they are blank again. It**

is expected that there would be a note saying no issues and minimum show dates of vaccination to tie up with their vaccination cards .

From this information we still cannot say all the regulations have been meet. The officers recommendation, which has been made based on the all the information submitted (including the above) and the inspection, is in line with the statutory guidance and legislation and it is therefore still that the application is refused . If the concerns raised are fully rectified and the minimum standards are met a new application can be made at any time and that application will be determined on the merits of it.

You can withdraw this application, and if you wish to continue to breed, you can apply again for a licence . You must notify us of what action you wish to take by **29th August 2024** otherwise the recommendation to refuse will go to the licensing committee hearing, this would take place within 6-8 weeks ordinarily.

Yours sincerely



Area Manger – West

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