

# North Yorkshire Council

## General Licensing and Registration Sub-Committee

25 February 2025

### Application for a dog breeding licence

#### Report of the Corporate Director for Environment

#### 1.0 PURPOSE OF REPORT

- 1.1 To determine an application for a dog breeding licence by Mr Derek McElvaney.

#### 2.0 SUMMARY

- 2.1 An application for a licence to breed dogs was received on 01 July 2024 from Mr Derek McElvaney. A copy of the application is attached at Appendix A.

#### 3.0 BACKGROUND

- 3.1 Animal activity licensing under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 is a regulatory framework designed to ensure the welfare of animals involved in various commercial activities including dog breeding. To obtain a licence, businesses must meet both general and specific conditions which relate to the welfare needs of animals, including providing a suitable environment, diet, and protection from pain, suffering, injury, and disease. Copies of both the standard and specific conditions applicable to dog breeding are attached at Appendix B.
- 3.2 Mr McElvaney was first granted a licence to breed dogs on 17 October 2022. The statutory guidance for local authorities outlines the risk-based approach which must be adopted when granting or renewing a licence, specifically that local authorities must consider:
- The compliance history of the individual applying for the licence - whether they are low risk or high risk
  - The animal welfare standards the individual follows - whether they have minor failings, follow minimum standards or already operate at a higher standard
  - Licences can be issued for between 1 and 3 years and is dependent on the level of risk and the standards being followed at the time of inspection.
- 3.3 On this occasion the applicant met the minimum required standards and was issued with a three-star, two-year licence. The licence holder subsequently demonstrated compliance with the higher standards resulting in the licence being re-issued on 24 October 2022 with four stars.
- 3.4 Following the grant of the licence, several instances of non-compliance were noted by the local authority inspector at inspection, these included
- i. Exceeding the maximum number of dogs permitted by the licence.
  - ii. That some dogs had not been microchipped and had incomplete records including lapsed vaccinations.
  - iii. Concerns regarding the movement of dogs on and off the premises, that some dogs were kept at other sites and not keeping correct documentation.
  - iv. That records of puppy litters were incomplete.

- v. That puppies were being advertised for sale other than in accordance with the regulations.
- vi. Concerns over adequate kennelling and bedding for the number of dogs.
- vii. Incomplete operating procedures and records which could compromise animal welfare.
- viii. A failure to meet a number of higher standards.

3.5 Despite attempts by the inspector to address the above matters with the licence holder, they remained non-compliant and as a consequence the licence was downgraded to a one star, one year licence in December 2023 with a revised expiry date of 9 February 2024.

3.6 The licence holder then applied to renew their licence on 8 February 2024 which resulted in a further inspection of the premises. Unfortunately many of the instances of non-compliance persisted which resulted in the inspector making a recommendation that the application be refused. Advice was given to the applicant to carefully review the inspection report and their operating procedures, and once satisfied they were compliant to submit a fresh new application.

#### **4.0 CURRENT APPLICATION**

4.1 A new application for a licence was received on 31 May 2024, however due to the absence of certain documents was not considered complete until 1 July 2024. The application requests a licence for 10 breeding bitches; however 13 bitches are detailed in the accompanying schedule of dogs to be kept.

4.2 As part of the application process an inspection of the premises was undertaken by an inspector and veterinary surgeon appointed by the Council on 18 July 2024. A copy of the inspector's inspection report (incorrectly dated as 8 March 2024) and letter from the vet is attached at **Appendix C**. A total of 12 adult dogs and 31 puppies were present on the premises at the time of the inspection.

4.3 The report details several instances of non-compliance including:

- a) Incomplete records of litters and puppies
- b) Incomplete records of dogs on site
- c) Concerns over staff training
- d) Lack of enrichment and beds within kennels
- e) No records of daily observations regarding food and water intake
- f) No monitoring of behaviour and concerns over some of the behaviours exhibited by the dogs on site
- g) No written records of flea and worming treatments or other preventative treatments.
- h) Emergency plan was out of date.
- i) The documented enrichment plan did not reflect what was happening on site
- j) Evidence that a bitch had given birth to two litters within a 12-month period
- k) No records of where dogs have been re-homed
- l) No preventative healthcare plan in place agreed with the applicant's registered vet

4.4 Due to the issues identified above the applicant was advised on 6 August 2024 that the recommendation was to refuse the application until all the conditions could be met. The applicant challenged this decision and raised a number of queries regarding the inspection report which were answered by email on 21 August 2024, this email also confirmed the decision was still to recommend refusal. Copies of this correspondence are attached at Appendix D.

## **5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 All of the Sub-Committee's options are outlined in paragraph 11.0. No alternative options are available.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 No financial implications have been identified.

## **7.0 LEGAL IMPLICATIONS**

7.1 In accordance with Section 4(2)(b) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the local authority may only grant or renew a licence in accordance with the application if it is satisfied that the licence conditions will be met.

7.2 Section 4(7) of the Regulations state that in considering whether the licence conditions will be met, a local authority must take account of the applicant's conduct as the operator of the licensable activity to which the application for the grant or renewal relates, whether the applicant is a fit and proper person to be the operator of that activity and any other relevant circumstances.

7.3 Section 14 of the Regulations state that a local authority must have regard in the carrying out of its functions to such guidance issued by the Secretary of State.

7.4 Any operator who is aggrieved by a decision by a local authority to refuse to grant or renew a licence may appeal to the First-tier Tribunal within 28 days beginning with the day following the date of the decision.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 No equalities implications have been identified.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 No climate change implications have been identified.

## **10.0 REASONS FOR RECOMMENDATIONS**

10.1 Where the inspector recommends an application be refused, the application must be referred to the Sub-Committee for determination.

### **11.0 RECOMMENDATION(S)**

11.1 To grant the application (subject to the standard and specific conditions applicable to the activity)

11.2 To refuse the application

## **APPENDICES:**

Appendix A – Application form

Appendix B – Standard and specific conditions applicable to dog breeding

Appendix C – Inspection report and accompanying Vet's letter

Appendix D – Correspondence between LA and applicant

**BACKGROUND DOCUMENTS:**

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
DEFRA Animal activities licensing: statutory guidance for local authorities  
DEFRA Dog breeding licensing: statutory guidance for local authorities

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.