

EAST AYRSHIRE COUNCIL

**SPECIAL LOCAL GOVERNMENT LICENSING PANEL
19 AUGUST 2002**

**APPLICATION FOR GRANT OF A LICENCE TO KEEP A DOG BREEDING
AND REARING ESTABLISHMENT**

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To invite the Panel to consider an application for the grant of a licence to keep a Dog Breeding and Rearing Establishment.
- 1.2 The application has been submitted by Stephen Hamilton, Waterside Farm, Glasgow Road, Galston, in respect of the premises at that address.
- 1.3 The application for grant of licence has been made in terms of the Breeding of Dogs Act 1973, as amended by the Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999.

2. BACKGROUND

- 2.1 An application for grant of licence was received by the Licensing Service on 29 May 2002.
- 2.2 As required by the Breeding of Dogs Act 1973, as amended, copies of the application were forwarded to the Council's appointed Veterinary Surgeon and the Environmental Health Service for inspection and comment.
- 2.3 Reports from both statutory consultees (copies attached at Appendix 1 and Appendix 2 to this report) indicate that the premises are not up to the required standards at present, although building works are planned, subject to the outcome of the application for Listed Building Planning Consent.
- 2.4 Subject to the recommendations contained in their respective reports being carried out in full, neither of the consultees has any objection to a licence being granted.
- 2.5 At the time of inspection, the statutory consultees had no major concerns regarding the welfare of the animals being kept on the premises.
- 2.6 Officers of the Scottish Society for the Prevention of Cruelty to Animals have made unannounced visits to the premises on two occasions, following the receipt of information from members of the public. They have

verbally advised the Licensing Service that there were no concerns regarding the welfare of the animals present at the time of inspection. The Society has been requested to provide a written report on their findings, but is reluctant to do so because of the involvement of third parties.

- 2.7 As a result of the application for Planning Consent being advertised, in terms of the Planning legislation, the public became aware of the applicant's proposals and numerous objections to that application and to the application for a licence to keep a Dog Breeding and Rearing Establishment have been submitted.
- 2.8 To date, the Licensing Service has received two petitions and some 30 letters and e-mails from members of the general public, individual dog breeders and organisations representing the interests of dog breeders and owners.
- 2.9 The larger petition, submitted between 20 June and 5 July 2002, contains some 1200 signatures, primarily from residents of Ayrshire but with some from as far afield as Fife, Angus and the Lothians. The petition refers primarily to the application for Planning Consent but has also been submitted in respect of this application, and objects to the application on the following grounds.
- (a) A 'puppy farm' is not a correct environment in which to breed dogs for household pets.
 - (b) Proper screening for hereditary defects is unlikely to take place.
 - (c) The breeding and keeping of dogs in large numbers is likely to give rise to cross infections.
 - (d) Breed rescue organisations are already overloaded with badly bred dogs and the proposed establishment will not be interested in taking back sub-standard dogs, thus exacerbating the problem.
- 2.10 The other petition has been submitted by a dog ring-craft club based in Bo'ness and contains 23 signatures. The organisation strongly objects to the granting of a licence for the sole purpose of operating a 'puppy farm' which, in their opinion, is not in the interests of the animals or pet owners.
- 2.11 Of the 30 individual letters of objection and e-mails received, 5 are from canine organisations, including the Scottish Kennel Club and the Canine Defence League, 6 are from individual dog breeders and the remainder are from members of the public. The basis of the objections relates to the operation of what is perceived as a 'puppy farm', to the sale of sub-standard puppies in terms of breeding, to the lack of documentation in

relation to the breeding and health of the animals, to the welfare of the dogs being kept on the premises, to puppies suffering from undetected hereditary defects and to puppies being exposed to potentially infectious diseases.

- 2.12 Some objectors make reference to the condition of the premises and to the applicant's suitability to hold a licence. These matters have been addressed by the statutory consultees.

3. DISCUSSION

- 3.1 In terms of the Breeding of Dogs Act 1973, as amended, a local authority, on receipt of an application for grant of licence shall arrange for the inspection of the premises by a veterinary surgeon or veterinary practitioner and by an officer of the authority.
- 3.2 Copies of the reports by the appointed Veterinary Surgeon and by the Environmental Health Service are attached as Appendices 1 and 2 to this report.
- 3.3 The applicant has been provided with copies of the reports by the statutory consultees and given the opportunity to respond to the contents. Any response received will be circulated at the meeting.
- 3.4 As summarised in Section 2 above, two petitions and some 30 letters of objection have been received in respect of the application.
- 3.5 The Breeding of Dogs Act 1973, as amended, makes no provision for the advertising of applications for grant or renewal of licence or for objections received from outside bodies to be taken into consideration.
- 3.6 A copy of this report has been forwarded to the applicant.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5 LEGAL IMPLICATIONS

- 5.1 The application has been made, and should be considered, in terms of the Breeding of Dogs Act 1973, as amended by the Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999.
- 5.2 In doing so, the Licensing Panel must have due regard to the terms of Paragraph 3.5 above, which advises that the numerous letters of objection and petitions cannot be competently taken into account when determining this application, in accordance with the relevant statutory provisions.

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

7.1 An application for the grant of a licence to keep a Dog Breeding and Rearing Establishment has been received from Stephen Hamilton, Waterside Farm, Glasgow Road, Galston, in respect of the premises at that address.

8. RECOMMENDATIONS

8.1 It is recommended that the Licensing Panel consider the contents of this report and agree to :-

- (i) grant the application for licence subject to the standard conditions, or
- (ii) grant the application subject to such additional conditions as the Members deem necessary, or
- (iii) refuse the application for grant of licence.

William Stafford
Director of Community Services

6 August 2002.

WS/GS

LIST OF BACKGROUND PAPERS

1. Application form signed on 27 May 2002 and received on 29 May 2002.
2. Petitions and letters of objection received in respect of the application during June and July 2002.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on john.crawford@east-ayrshire.gov.uk.

APPENDIX 1
McKENZIE, BRYSON & MARSHALL

PARTNERS:
H. W. JARDINE, BVMS, MRCVS
D. H. SCOTT, BVM & S, MRCVS
A. T. McKENZIE, BVMS, Cert V Ophthal, MRCVS
A. G. MATTHEWS, BVM & S, PhD, FRCVS
W. H. MACTIER, BVMS, MRCVS
J. R. MORRIS, BVM & S, MRCVS

VETERINARY SURGEONS,
21 HILL STREET,
KILMARNOCK,
KA3 1HA
and at EGLINTON STREET, BEITH.

TELEPHONE:
KILMARNOCK (01563) 522701
BEITH (01505) 502128
FAX:
KILMARNOCK (01563) 541582

E-MAIL: mbrmvot@btinternet.com

20 June 2002

Mr George Scott
East Ayrshire Council
Department of Community Services
Registration and Licensing
14 London Road
KILMARNOCK
KA3 7AF

Dear George

Re: Inspection at Waterside Farm, Galston for Breeding Establishment Licence

I inspected this establishment on 13 June 2002 accompanied by a member of my staff.
The proprietor is Mr Stephen Hamilton.

Can I first set out the information as to the working of this establishment as supplied
by the proprietor:

- 1) All the pups (49) on the farm today came from Ireland (not bred on site).
- 2) Multiple litters brought over at one time. All litters transported in separate cages but in same air space.
- 3) Pups 8 to 9 weeks when brought over.
- 4) Reportedly vaccinated by breeder prior to journey – **no documentation of this** (vaccine can be bought over the counter in Ireland).
- 5) Kept approximately 2 weeks then advertised for sale. Wormed during this time.
- 6) Vet in Galston checks all pups and vaccinates them against Distemper, Hepatitis, Leptospirosis and Parvovirus.
- 7) When sold, dog breeders insurance note given which covers disease/injury for 12 weeks but excludes infectious disease for first 2 weeks..
- 8) No reported breeding on sit at the moment.



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The establishment can be discussed referring to 6 areas:-

- i) Block 1 -Puppy Pens
- ii) Block 2 -Adults
- iii) Block 3 -Byre with Puppy Pens
- iv) Block 4- Building site with 2 Puppy Pens
- v) Kitchen
- vi) Container

i) Block 1- Puppy Pens -consists of 6 pens 1.9m x 1.2m x 0.9m high and one pen 1.9m x 1.9m x 0.9m high.

8 The construction is satisfactory being impermeable concrete floor and painted cement faced walls, the ceiling has no insulation but individual heat lamps are used. Drainage to a closed central drain running the length of the unit which is reported to be connected to main drain. Ventilation by natural sources. One window and fluorescent lights present. The outer door was not secure. Three litters of pups present all in good condition with cardboard chip bedding and suitable food and water.

ii) Block 2- Adults -consists of 6m x 13m house, which has been renovated though not finished. The walls are breezeblock with concrete floor, enclosed central drain running length of building. The ceiling is not finished and is not insulated. Power is present with sockets and fluorescent lights. Ventilation by natural sources. Door not secure. No bedding present.

Seven adults were present, 3 Labradors and 4 Rottweilers all in good condition 8 with suitable food and water.

iii) Block 3- Byre with Puppy Pens -consists of 10 puppy pens 1.9m x 1.9m x 1 m high. Three sides are of galvanised metal with fourth side being the wall of the building, which is in poor condition. There is power present with sockets and fluorescent lights. The byre is open to the eaves. Heat lamps are used for heating. Drainage is to open dung channel going outside. Ten litters were present all in good condition with cardboard chip bedding and suitable food and water.

iv) Block 4- under renovation with 2 puppy pens present. Walls, ceiling, floor not finished. A central drain has been put in as in i) and ii). Power is present Two puppy pens here with pups in good condition with adequate food and water.

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- v) **Kitchen** – is in the house and dedicated to the animals. Hot and cold water, refrigeration present. Units of suitable construction. Small stainless steel sink.

Examined **Container** at the back of property. No evidence to suggest any animal habitation

All areas inspected were clean. All pups had bedding; all animals had suitable food and water; all animals were in good condition.

Disease control was discussed. The first major issue is that these pups are being brought in and mixed in the same air space though physically divided in different pens. This has disease potential! To avoid major disease the pups are reportedly vaccinated by breeders in Ireland (no documentation).

Mr Hamilton has some knowledge of controlling disease on the premises. He contacts his local vet if any problems. Pups are vaccinated and given a health check prior to sale.

Mr Hamilton uses Virkon disinfectant, which is a virucidal/bacteriacidal product which if used regularly will help control disease. Pens are pressure washed when empty.

There is no designated isolation pen/area.

There is a rodent control contract with Intercept.

Documentation is poor; paperwork consists of receipts of pups sold and insurance details. Best practice would be to record information on pups bought in and pups sold, numbers, dates of treatments eg: worming, defleaing etc, dates of any veterinary treatment and any deaths recorded. Cleaning regime should be documented. If any breeding with adult dogs then season, whelping dates etc need to be recorded.

A fit and proper person is always present on the premises with animals visited at suitable intervals.

The breeding of dogs act states requirement of fire/emergency precautions/procedures, this advice should be obtained from the appropriate body.

With rewiring taking place the appropriate certification should be sought.

The establishment is well managed and the animals well cared for.

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Mr Hamilton seems a suitable person to be considered for a licence provided the recommendations undernoted are put in place over an agreed time period. Only Block I is at required standard (ie 7 puppy pens) so numbers should be limited till more accommodation finished.

Recommendations of Works Required:-

i) Block I Door secured

Temperature 10° to 26°

ii) Block 2 Ceiling finished and insulation.

8 Walls made impermeable with cement facing/paint.

Ifuse for puppy pens then construct as Block I.

Ifuse for adult dogs then inside kennels with bedding area plus outside run for exercise.

Door secured -if adult dogs here double door for security to avoid escape.

Temperature 10° to 26°C

Suitable ventilation.

iii) Block 3 Ceiling -put in better insulation.

Walls repaired/faced.

Central enclosed drain to main drain.

If puppy pens then as in Block I

Door secured

Temperature 10° to 26°C

Suitable ventilation

8 iv) Block 4 Ceiling insulated.

Walls repaired, cement facing.

Floor concreted.

Remove 2 puppy pens from here

Temperature 10°C to 26°C

Suitable ventilation

v) Kitchen Bigger sink required (Belfast type)

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vi) Others Isolation area/pen -separate drainage and air space with suitable heating and ventilation.

First Aid Kit required

Register: note of numbers, dates, treatments, deaths and cleaning regime.

Fire precautions

Adult accommodation needs sorted out (see Block 2)

As of moment no proper facilities for breeding on site.

8 Yours sincerely

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A T McKenzie BVMS CertVOphthal MRCVS

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Department of Community Services

Director: William Stafford MHSW MREHS

Environmental Health and Waste Management

Western Road

Kilmarnock KA5 1LL

Tel: (01563) 554022/554033 Fax: (01563) 554040

If telephoning or calling

Please ask for:

Mr W Gilchrist
(01563) 554007

APPENDIX 2



East Ayrshire
COUNCIL



MEMORANDUM

To: LICENSING AND COMMUNITY SAFETY
14 LONDON ROAD, KILMARNOCK

Fao: ALISON SMITH – Principal Officer

From: MICHAEL J ROONEY, TEAM LEADER – POLLUTION CONTROL

Ref: WG/EHG

Date: 1ST July 2002

Breeding of Dogs Act, 1973
Application for Licence – S. Hamilton, Waterside Farm, Glasgow Road, Galston

I refer to your recent memo re the above, and can advise that the premises have now been inspected.

I enclose a copy of my officers' letter to the applicant, the contents of which are self-explanatory.

On completion of the required works, the premises will comply with the appropriate conditions and at that time I would have no objection to the Licence being issued.

Encl.

Mike Rooney

COUNCIL HEADQUARTERS
LONDON ROAD
KILMARNOCK KA5 7BU
TEL: 01563 576000
FAX: 01563 574062

nlr

Mr W Gilchrist
(01563) 554007
WG/EHG

1 st July 2002

Mr S. Hamilton
Waterside Farm
Glasgow Road
Galston
KA4 BPB

8 Dear Sir

Breeding of Dogs Act 1973

Application for Licence

I refer to the visit to your premises by Mr W Gilchrist of this Department in connection

with the above, and would comment as follows:-

1. Suitable and sufficient provision should be made for the disposal of soiled bedding. Prior to carrying out any works in this regard, I would be grateful if you could contact this office to discuss your proposals.
2. An isolation pen should be constructed in a separate area to the other pens. The isolation unit should be similar in construction and finish to the other pens.
3. A general purpose fire extinguisher, capable of use on electrical fires should be provided. Other fire precautions as detailed in No.20 of the Standard ~ Conditions for Boarding and Breeding Establishments already sent to you .should be introduced.
4. The construction of your premises does not lend itself to compliance with No. 22 of the Standard Conditions. However, I am satisfied with the control measures you will have in place and am prepared to accept these.
5. All pens should be constructed and finished to the same standard as those already completed.

The above comments have formed the basis of my report to the Licensing and Community Safety Section. Should you wish to discuss any or all of these, please

do not hesitate to contact me.

Yours faithfully

Michael J Rooney

Team Leader- Pollution Control

AGENDA