

Decision to be taken

Mr Jack Reay, Red Rose Kennels, 60 Lancaster Road, Overton.

9th June 2022

Urgent Item Report

PURPOSE OF REPORT

A report from a member of the public raised concerns for the welfare of dogs housed at the above licenced dog breeding premises. A joint visit between Lancashire Police and Lancaster City Council Animal Licensing Officers was made on 7th June 2022. 25 adult dogs and 23 puppies were found onsite in outbuildings. There was evidence to suggest that the dogs had been left for a considerable period. At the time of the visit all the dog's welfare was not being met and all of the puppies and adult dogs appeared in distress. A decision was made to take 21 dogs into care and arrange for assessment by a vet. There were 16 licence breaches. The overall conditions and severity of the breaches are sufficient to justify licence revocation and due to the imminent threat to the welfare of many of the dogs, the recommendation is this should be immediate.

This report is public.

RECOMMENDATIONS

To revoke the dog breeding licence with immediate effect on the grounds of number and severity of the breaches of licence conditions, and the impact this has had on the health and welfare of the dogs, including the death of one puppy.

1 Introduction

The report is provided in accordance with the requirements of the Councils Constitution which provides that any urgent decisions must be taken by the Director in consultation with the Chair of Licensing Committee.

2 Allegation

On 7th June 2022 Animal Licensing Officers received a notification from the police of concerns raised by a member of the public for the safety and welfare of dogs housed at a licenced dog breeding establishment - 60 Lancaster Road, Overton. The notification stated that a member of the public attended the premises on 6th June to collect a puppy and although this was reported to be by prior agreement with the licence holder, Jack Reay, nobody was on site when she arrived. She remained on site for 8 hours. She tried a number of times to contact Mr Reay on his mobile phone, but he did not respond. She returned the following day and with still no one on site she reported her concerns to the Police. The Police then reported the matter to the Council. The licence holder has held a dog breeding licence for 1 year.

Summary of the licence details:

Mr Jack Reay
Red Rose Kennels
60 Lancaster Road, Overton.

Last inspected on 4th July 2021, when a 4-star (2 year) Licence was issued.

3 Officer inspection

Sarah Jones and Sarah Hayland (Animal Licensing Officers) arrived at approximately 13.20 on 7th June 2022 to find no one on site. Further enquiries were made, and they returned to the property at 15.10 with PC Neil Tomlinson and PC Matt Betts. The property is a large, detached property with a double garage converted for whelping and a converted stable block consisting of nine kennels, with approximately one acre of land attached.

Under Section 23 of the Animal Welfare Act 2006 Officers have Power of entry to any part of a licensed premises, which is not a domestic dwelling. On entering the outbuildings with the Police's assistance, the dogs were discovered.

On entering the Double Garage, it was found to be in complete darkness, there were 4 individual pens:

In Whelping Pen 1: 1 bitch and 4 pups, approximately 1 week old, with 1 unresponsive pup, no heating, no water, and no food.

In Whelping Pen 2: 1 heavily pregnant bitch (gave birth the following day) with blood-soaked bedding, no heating, no water, and no food.

Whelping Pen 3 was empty.

In Whelping Pen 4: 5 pups, approximately 8 weeks old, with no mother, no heating, no water, and no food.

In the Stable Block of 9, 6 were occupied:

In Kennel 1: 8 dogs, with no light, no water, no food, and heavily soiled bedding.

In Kennel 2: 2 dogs, with no light, no water, no food, and heavily soiled bedding.

In Kennel 3: 6 dogs, with no light, no water, no food, and heavily soiled bedding.

In Kennel 4: 1 bitch and 8 puppies approximately 6 weeks old, with no light, no water, no food, heavily soiled bedding, and a rake causing risk of injury.

In Kennel 5: 1 bitch and 9 puppies approximately 2 weeks old, with no light, no water, no food, and heavily soiled bedding.

In Kennel 6: 5 dogs, with no light, no water, no food, and heavily soiled bedding.

It was apparent that their needs were not being met, contrary to Section 9 of the Animal Welfare Act and there were 16 easily identifiable breaches of his Animal Licensing conditions, notably all welfare.

Following veterinary examination one puppy was found to have an infected umbilical hernia, requiring veterinary treatment. One pup was hyperthermic and later died. Two breeding bitches had vaginal infections. One breeding bitch was found to be underweight. All dogs were found to be dirty, with dry faecal matter and malodorous smell.

4 Officers Investigations and findings

Details of licence breaches are listed below:

General conditions:

- 5.1 Provision of suitable environment (due to the deficiencies noted, the conclusion is that the environment was not suitable).
- 5.2 Supplementary heating (there was no heating to any of the pens at the time of the inspection).
- 5.3 Provision of a clean and comfortable environment (the bedding was soiled in all pens).
- 5.9 Left unattended for longer than 4 hours (it was clear from the observations that there had not been a responsible person on site within the last 4 hours).
- 6.5 Constant access to fresh clean water (all pens were without water).
- 7.2 Opportunities to exercise (due to the apparent lack of recent attendance, none of the dogs had been given any exercise).
- 8.3 Daily opportunity to interact with people (the evidence suggests that nobody has been in attendance to interact with the dogs).
- 9.13 Monitoring at least one per day (if a responsible person had been on site during the day, it is reasonable to assume they would have attended to some or all of the welfare needs. Therefore, it is safe to assume this condition has not been met).

Specific conditions:

- 1.6 Puppy shown with mother (the mother was separated from her litter).
- 2.2 Size requirements for 3 of the kennels were not met.
- 2.6 Temperature regulation (no heating provided and poorly insulated buildings).
- 2.12 Clean and comfortable sleeping area (bedding was heavily soiled).
- 4.3 Opportunity to exercise at least twice per day (due to the listed welfare issues it is clear that there has not been anyone in attendance, therefore no opportunity for exercise).
- 6.6 Health and safety checks at start and end of day (the observations listed strongly suggest that there have not been any checks made).
- 6.7 Adequate supervision of whelping bitches (dogs should not be left unsupervised for any more than 4 hours. Though not specified this duration

should be reduced significantly when heavily pregnant or having recently given birth).

Limitation on number of dogs permitted - Licence states 10 and 25 were found on site at time of visit.

It should also be noted that although Mr Reay has been spoken to advise him of the actions taken on Tuesday and that a number of his dogs are now in our care, he has not been formally interviewed or asked for an explanation for the conditions and breaches noted.

He has been informed he will be asked to attend a formal interview under caution, and this will be his opportunity to answer specific questions and explain what happened. Due to the severity of the welfare failings and number of breaches of the licence, it is intended to prepare a prosecution file for this incident.

5 Council's Policy and Legislation

The Council's Constitution states that "the Director for Communities and the Environment" in consultation with the Chair or Vice Chair of Licensing Committee can revoke a dog breeding licence under Section 15 of the Animal Welfare (Licensing of activities involving animals) (England) regulations 2018 Part 3, Schedule 15 - Grounds for suspension, variation without consent or revocation of a license.

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,
- (b) there has been a breach of these Regulations,
- (c) information supplied by the licence holder is false or misleading, or
- (d) it is necessary to protect the welfare of an animal.

A Local Authority can with immediate effect revoke a licence where poor welfare conditions are discovered, and it would otherwise benefit the welfare of the animals involved to be removed from the licensable activity.

6 Conclusion

The Director of Communities and Environment in consultation with the Chair of Licensing Committee are asked to determine whether Jack Reay should have his Licence to Breed Dogs revoked with immediate effect.

Jack Reay, in connection with the licensable activity has failed to meet the needs of the dogs and puppies involved in the activity of breeding, thereby also breaching his license conditions. The request for revocation is due to Jack Reay's apparent disregard for his animal's welfare as we have reasonable grounds to believe that he was out of the country for 4 days, and from the observations outlined in this report it is clear he did not make sufficient and reliable provisions for the care and welfare of the dogs in his possession. The reason this should take immediate affect is to ensure he does not have time to restart the business immediately using his remaining dogs or buying more.

CONCLUSION OF IMPACT ASSESSMENT

(Including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

No significant impact. Mr Reay has the right of appeal if the licence is revoked

FINANCIAL IMPLICATIONS

Financial Services have not been consulted

SECTION 151 OFFICER'S COMMENTS

Section 151 officer has not been consulted

LEGAL IMPLICATIONS

These are detailed in the report in respect of the relevant Constitutional requirements.

BACKGROUND PAPERS

None

Contact Officer: Mark Woodhead

Telephone: 01524 582744

E-mail: mwoodhead@lancaster.gov.uk

Ref: MAW1