



## **DOG BREEDING ESTABLISHMENTS ACT, 2010**

### **CLOSURE NOTICE**

To: **Mr Benny Deegan, Clonminch Rd, Tullamore, County Offaly**

I, Aidan Grant being an authorised person of Offaly County Council under the Dog Breeding Establishments Act, 2010 ("the Act"), and in exercise of the powers conferred on me by Section 21(1) of the Act, hereby direct that the premises identified in Part 1 of the Schedule be closed with immediate effect until the earliest of:

- (i) an Order to contrary effect by a Court of competent jurisdiction; or
- (ii) further written direction by Offaly County Council

I make this order for the particular reasons set out in Part 2 of the Schedule.

#### **Schedule**

##### **Part 1 Establishment**

The establishment of the owner/operator Mr Benny Deegan at Clonminch Rd, Tullamore, County Offaly

##### **Part 2 Particular reasons for making of Order**

Based on my inspection findings of the premises indicated above on 3<sup>rd</sup> August 2018:  
A total of 31 eligible breeding females (a female over the age of six months capable of breeding) were located on the property in various sheds and trailers.

**I am satisfied that the operation of the dog breeding establishment poses a serious and immediate threat to public health and to animal welfare, details of which are specified below. You are required to cease breeding or keeping dogs at the establishment, and take such measures as directed to enable the rehousing, at your expense, of all dogs being kept for the time being at the establishment. If you contravene this closure notice you shall be guilty of an offence.**

Grounds that the continued operation of this unregistered dog breeding establishment poses a serious and immediate threat to public health and to animal welfare are as follows:

In the view of the authorised officer the operator of this unregistered dog breeding establishment has failed to meet the required duties outlined in Section 15 of the Act, namely:

- Majority of the dogs were found to have been without water at the time of inspection and were found to be very thirsty when offered water on what was a sweltering hot day. Of those dogs which had access to water, the water provided was heavily contaminated and was stale.



- Dogs are being kept in filthy and squalid pens with evidence of failure to clean out the faeces or disinfect the majority of the accommodation for a number of weeks leading to unsanitary environment for the dogs and increasing the risk of disease outbreak.
- Majority of dogs had been provided by the operator with unsuitable foodstuffs which consisted of: expired and rotten meats which were stored at ambient conditions and most of which had maggots within; Animal by-products consisting of cow, sheep and pig bones, and organs. Several of the pens containing dogs had been provided by the operator with only putrefying foodstuffs in which maggot larvae were seen to be thriving.
- The management practices of the operator discovered on inspection of 3rd August 2018 include the feeding of putrid animal by-products and waste foodstuffs to dogs and the presence of dead pups, putrefying poultry carcasses in the dog pens as well as a putrefying horse carcass present on the property uncovered, at ambient temperatures which present a risk to public health.

Inspection findings indicate that the operator has failed to effect the basic duties required and stipulated in section 15 of the Act, and to protect the welfare of the animals, namely:

- failure to protect the health of the animals by engaging in a practice of regular burning of refuse in the same airspace as these breeding females and their pups.
- failed to inspect at suitable intervals and correct the deficits outlined.
- failed take reasonable measures to prevent and control the spread of infectious or contagious diseases among the animals at this unregistered dog breeding establishment.
- failed to comply with the Guidelines issued by the Minister under part 4 of Section 15 of the Dog Breeding Establishments Act.
- Failure to identify with the implantation and registration of a microchip for the majority of dogs aged over 8 weeks old present at the premises as required by Section 16 of the Act.

Measures to enable the rehoming of all dogs being kept for the time being at the establishment:

- On 3<sup>rd</sup> of August the ISPCA officers seized a total of 39 dogs from the establishment listed above.
- In accordance with Section 21 of the Act: I am requiring that you liaise with the ISPCA on provisions they suggest to enable the rehoming of females seized from the premises above.
- I am requiring that you ensure that in future you reduce the numbers of females at the premises and ensure that you maintain less than 6 breeding females over the age of 6 months, which are capable of breeding at the premises listed above.

You may appeal this notice to the District Court in accordance with the Act.

Dated this day **7<sup>th</sup> August 2018**

Signed:  (authorised person)

duly authorised by **Aidan Grant** for purposes of Sections 21 of the Dog Breeding Establishments Act, 2010.

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