

**Subject:** Review of Licence Conditions  
relating to Home Boarding of Dogs  
Establishments

**Status:** For Publication

**Report to:** Cabinet  
Full Council

**Date:** 17<sup>th</sup> November 2010  
15<sup>th</sup> December 2010

**Report of:** Head of Health, Housing and Regeneration

**Portfolio**

**Holder:** Regeneration

**Key Decision:** Yes

Forward Plan  General Exception  Special Urgency

**1. PURPOSE OF REPORT**

1.1 To advise Members of the outcome of the policy review and the public consultation exercise and recommend the adoption of model licensing conditions for animal welfare in respect of home boarding of dogs.

**2. CORPORATE PRIORITIES**

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality Services to our customers
- Providing value for money services

**3. RISK ASSESSMENT IMPLICATIONS**

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- The Council may be acting “ultra vires” if it took formal action in connection with an animal welfare premises if there are no formally adopted standards on which to base an action.

## 4. BACKGROUND AND OPTIONS

- 4.1 The boarding of animals is regulated by the Animal Boarding Establishment Act 1963, which requires animal boarding establishments to be licensed.
- 4.2 The purpose of the legislation is to ensure the health and safety and welfare of animals boarded at licensed premises. To achieve this, the local authority may set conditions to ensure that animals are kept in suitable accommodation, are supplied with suitable food and drink, that reasonable precautions have been taken to prevent the spread of infectious disease including the provision of adequate isolation facilities, that appropriate steps will be taken in an emergency and that a register be kept containing a description of any animals received into the establishment.
- 4.3 The original licence conditions which were adopted by Rossendale in 2006 related to both typical Animal Boarding Establishments (identified by the Animal boarding Establishments Act 1963) and home boarding premises (where dogs and cats are treated as pets and live in the home of the host family during their stay) based on the November 2005 LACORS (Local Authorities Co-ordinators of Regulatory Services) model licence conditions. At the time of adoption there were no declared home boarding establishments within the borough.
- 4.4 The model conditions were developed in consultation at a national level with relevant stakeholders and in the main form a standard base for consistent monitoring and enforcement of establishments across the Country.
- 4.5 The current conditions of the home boarding of dogs licence have now been in place for four years and although these conditions reflect the aims of the animal boarding legislation, the authority has received a policy review request which states that the existing conditions are outdated as new guidance was issued by LACORS in October 2009. In view of this, officers agreed to undertake a review with public consultation and look at the licence conditions for home boarding of dogs.
- 4.6 The review looked at new legislation and policy guidance including the:-
- Animal Welfare Act 2006.
  - The Pet Animals Act 1951.
  - Animal Boarding Establishment Act 1963.
  - Riding Establishments Act 1964 and 1970.
  - The Breeding of Dogs Act 1973, The Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999.
  - LACORS model home boarding conditions update and clarification, October 2009.
- 4.7 Revised model conditions relating to the updated LACORS Guidance of 2009 was then consulted on through the Council's website and through direct consultation with stakeholders including dog home boarding owners (within Rossendale and nationally); local vets; animal welfare organisations including national associations; subsidiary secondary services (such as dog walking

- services etc.) and residents (including those directly residing next to Rossendale's only licenced home boarding dog establishment).
- 4.8 This consultation formed the basis of a report which was presented to Overview and Scrutiny on the 27<sup>th</sup> July 2010 (and as appended) and considered several areas of contention:-
- the number of dogs boarded (and how this is calculated); and
  - the number of dogs from different households that can be boarded at any one time.
- 4.9 The recommendations from Overview and Scrutiny were that:-
- The number of dogs per establishment continues to be assessed on a case by case basis by the Council's Animal Welfare Officers.
  - That the Council remains with the 2005 LACORS Guidance and only allow dogs to be boarded from a single household at any one time.
  - That the number of dogs is limited to a maximum of 4 dogs including resident dogs.
- 4.10 The recommendations from Overview and Scrutiny have been considered in relation to the Animal Welfare Act 2006, Animal Boarding Establishment Act 1963 and if they are prejudicial and jeopardise free enterprise. Following discussions with internal departments and external advisors it is felt that the recommendations proposed by Overview and Scrutiny are reasonable and proportionate changes and do not jeopardise free enterprise and meet the overall determinant of promoting and protecting animal welfare.

#### **COMMENTS FROM STATUTORY OFFICERS:**

#### **5. SECTION 151 OFFICER**

- 5.1 There are no material budget implications. Formally adopting these licence conditions will enable Council staff to efficiently and effectively issue licences and pursue formal contravention procedures in the future should any complaints be received.

#### **6. MONITORING OFFICER**

- 6.1 The Council requires formally adopted standards in order to effectively enforce any breaches of licence conditions. It is good practice to review and update such conditions.

#### **7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 7.1 There are no human resource implications.

#### **8. CONCLUSION**

- 8.1 The review undertaken by the Council regarding the model licence conditions for home boarding of dogs incorporated public consultation and evaluation by the Council's Overview and Scrutiny Committee which provided an opportunity for the public and private sector to comment on the proposed changes.

8.2 The recommendations from Overview and Scrutiny have been considered by officers within the Council and by an external advisor and are found to be reasonable and proportionate changes; which primarily meet the requirements of animal welfare and are not prejudicial to free enterprise.

## 9. RECOMMENDATION(S)

9.1 That members adopt the Model Licence Conditions for Home Boarding of Dogs.

9.2 All future minor amendments to these conditions to be delegated to the Head of Health, Housing and Regeneration in consultation with the Portfolio Holder for Regeneration.

## 10. CONSULTATION CARRIED OUT

10.1 Direct consultation with:-

- Owners of all licensed Animal Boarding Establishments
- Secondary service providers (Dog Walking, House Sitting Services)
- Animal Welfare Organisations (National and Local)
- Veterinary Surgeries
- Residents (Stakeholders and General)
- Members
- Internal Council Departments
- Peer Local Authorities
- Myerscough College

## 11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes

Is a Community Impact Assessment attached Yes

## 12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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<b>Background Papers</b>	
<b>Document</b>	<b>Place of Inspection</b>
Model Licence Conditions for:- Home Boarding Dogs  LACORS October 2009 Update on Model Guidance LACORS 2005 Model Conditions Animal Boarding Establishments Act 1963 Consultation Responses (Various)	Room 206 Futures Park