

**Subject:** Review of Licence Conditions  
relating to Animal Boarding Establishments

**Status:** For Publication

**Report to:** Overview and Scrutiny  
Full Council

**Date:** 27<sup>th</sup> July 2010  
13<sup>th</sup> September 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 pet shops, animal boarding establishments, home boarding (dogs and cats) and dog breeding establishments.

**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 All of the proposed model conditions have been 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 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 around home boarding of dogs which states that the existing conditions are outdated (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 all licence conditions for all animal boarding establishments.
- 4.6 The review looked at new legislation and policy guidance including the:-
- Animal Welfare Act 2006.
  - The Pet Animals Act 1951.
  - 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 were then consulted on through the Council's website and through direct consultation with stakeholders including animal establishment owners; 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). A copy of these consultation responses is attached within Appendix A.

- 4.8 The consultation process has raised several areas of concern predominantly from those residents who live adjacent to the only licenced home boarding establishment for dogs within the Valley. These concerns focused in particular on 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 Condition 3.2 of the Authority's Home Boarding Conditions, which were based on LACORS model licence conditions for home boarding in 2005, states that: "Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household." The condition is intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area/corner of a room).
- 4.10 However, the LACORS 2009 additional guidance has highlighted that in many cases premises are suitable for boarding dogs from more than one household provided the licensee is able to meet a number of additional requirements/licence conditions. Examples of additional requirements are:
- Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
  - A mandatory, documented trial familiarisation session for all dogs prior to stay.
  - Separation of dogs from different households in secure areas when left unattended.
  - Separate feeding of dogs to minimise the likelihood of dispute and aggression.
- 4.11 The variance of this condition from dogs from a single household to multiple households is a fundamental policy change and requires direction and approval from members. Hence, members have been provided with a summary breakdown of model conditions from other Local Authorities as well as a copy of the consultation comments received and the supporting LACORS Guidance 2009.

## **COMMENTS FROM STATUTORY OFFICERS:**

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

- 5.1 The adoption of these model conditions has no financial implications for the Council.

### **6. MONITORING OFFICER**

6.1 The Animal Boarding Establishments Act 1963 applies to businesses of providing accommodation for other people's dogs and cats at any premises of any nature, including a private dwelling. The proposed Licence Conditions are permissible under the Act.

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

7.1 The adoption of these model conditions does not raise any human resource issues.

## **8. CONCLUSION**

8.1 With the exception of the Home Boarding of Dogs and Cats there are no guidance changes to any of the other Licence Conditions.

8.2 National discussions are proposing that the Home Boarding of Cats is prohibited and it is anticipated that over the next 12 – 18 months a circular will be issued to this effect.

8.3 From the consultation there are two contentious issues arising around the Home Boarding of Dogs:-

- Number of dogs boarded.
- Dogs from a single household or dogs from multiple households (Condition 3.2).

8.4 There are two options proposed for Condition 3.2; either remaining with the 2005 LACORS Model Condition around dogs from a single household or updating the condition to reflect the revised guidance issued in October 2009 which allows the boarding of dogs from more than one household.

8.5 Whilst retaining the previous condition would directly respond to the comments raised it needs to be noted that these concerns have been mainly raised by those residents living adjacent to the currently licenced establishment. No concerns have been received by users or local veterinary surgeries.

8.6 Members should note that Policy amendments are required to be relevant to the whole borough, within the Animal Boarding Establishments Act 1963 and reflect national guidance.

## **9. RECOMMENDATION(S)**

9.1 That members adopt the Model Licence Conditions for all Animal Boarding Establishments.

9.2 That the number of dogs per establishment to continue to be assessed on a case by case basis having regard to the number of resident dogs, size of premises, exercise area and proposed welfare conditions.

- 9.3 That members consider the adoption of Option 1 or Option 2 relating to Condition 3.2 as indentified in s8.4 (above) pertaining to dogs from more than one household or only from a single household.
- 9.4 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

## 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:- Dog Breeding Domestic and Non Domestic Pet Shops Animal Boarding Establishments (Cattery and Kennels) Home Boarding (Dogs and Cats)	Room 206 Futures Park

LACORS October 2009 Update on Model Guidance	
LACORS 2005 Model Conditions	
Animal Boarding Establishments Act 1963	
Consultation Responses (Various)	