

Animal Boarding Establishment Policy Review

Public Consultation Overview

Over 90 direct consultation letters were sent to owners, animal welfare organisations (both national and local), veterinary surgeries in Rossendale and surrounding areas, 20 local residents living adjacent to Rossendale's only Home Boarding Establishment (Dogs) as well as general consultation through the Council's website. Members and Rossendale staff were informed of the consultation process at the June Licensing Committee and through the Council's Daily Message and Team Brief. Internal consultation was also undertaken with those departments who would have a direct involvement in the process (Legal, Licensing, Planning).

We received ten responses to the consultation process, which have helped inform changes to the model conditions.

This document summarises all the comments and representations received during the consultation process. Due to the length and content of some of the comments received, it has been necessary in many cases to summarise representations, but they have been edited so as not to lose the thrust of the comments or points made.

In addition to a summary of the contents received, the Council's response is shown. Where possible the Council has answered questions and provided clarification on issues and points. In some cases, the Council has accepted comments and made changes to the conditions where appropriate. However, in many cases the Council has not been able to make changes due to a variety of reasons where this is the case, the reasons why have been given.

| Ref. | Responders Comments | RBC Response |
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| 1.0 Business | Response to conditions around cattery conditions. 1. Owner happy to keep existing cattery conditions as are. | 1. Comments noted. |
| 2.0 Resident Living adjacent to Home Boarding | Response to conditions around home boarding of dogs. 1. C.1.2 - Immediate neighbouring properties contacted prior to granting initial licence. Greater consideration should be provided to those properties in quiet residential areas in comparison to remoter areas. Where homes are in residential areas they should be assessed as a change of use and require consultation with the planning team. 2. C.1.3 Terminology of using employees' liability insurance – as a home boarding facility being run by a family there should be no employees. 3. C.2.1 Copy of the licence could be viewed at the | 1. The revised conditions proposed by the Council state that we will contact neighbouring properties as part of re-licensing of premises where there are substantiated nuisance complaints and breaches of conditions. With regard to notifying neighbours prior to granting a licence the Animal Boarding Establishment Act 1963 states a number of determinants for granting a licence, it does not indicate or include surrounding neighbouring properties. Steerage suggests that by notifying neighbours this could prejudice an authority's decision through unsubstantiated and perceived issues, which would |

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| | <p>Environmental Health Office or on the kennels website or other advertising.</p> <ol style="list-style-type: none"> 4. C.3.1 – Define an agreed standard formula for number of dogs boarded based around size of property, rooms available, proximity to other homes, businesses, and roads. 5. C.3.2 Revert to previous condition of dogs only from a single household and thus removing the familiarisation condition, which appears unworkable. 6. C.3.4 Risk assessment of premises should be viewed by any interested parties at the Council Offices. Assessments should be carried out before the licence is granted and standards upheld by the authority once approved. Periodic checks should be made of the premises to ensure fences are intact. 7. C.4.5 should indicate the space required for the premises. For example, number of rooms per dog. Reference to Liverpool Conditions regarding number of habitable rooms. 8. C.5.1.1 Term staff is not applicable as this is home boarding. 9. C.5.2.2 to C.5.2.4 What facilities are available should be stated. 10. C.5.5.2 Records and check lists should be kept and forwarded to the Environmental Health Team on a monthly basis along with all copies of all logs and records kept. 11. C.5.7.1 Record keeping should be more detailed and daily logs produced with copies sent to the Environmental Health Team on a weekly basis. Information on familiarisation sessions including dogs, dates, time of arrival and departure. Name of dog, plus ID Photo and description, anticipated and actual date and time of departure, exercise requirements, and exercise carried out (all logged). 12. C.5.8.1 Clear definition of fit and proper – does this mean healthy and responsible. 13. C.5.8.1 Clarity regarding dogs are left unattended does this mean in the house without any supervision or unattended while the supervisor is asleep over night. 14. C.5.9.1 With their owners “written” wishes would be clearer and or records. | <p>be contrary to the act and leave the authority liable to challenge by the applicant.</p> <ol style="list-style-type: none"> 2. This is taken from the main guidance of LACORS and does not preclude home boarding being a business it states that home boarding is an alternative to traditional kennels in that an animal is treated as a family pet within the host family home. 3. The licence is to be displayed on or around the premises and would be a public document and as such available for viewing at the Environmental Health Office. 4. Assessed on a case-by-case basis based on size of premises, existing number of resident dogs, and either proposed or existing welfare conditions. 5. Comments noted. Identified within Committee Report. 6. This is taken from the main guidance of LACORS. The licence application, review of documentation and home visit are undertaken and assessed by an animal welfare officer who considers the health and safety of the animals, owners, staff, visitors and residents in relation to the premises before granting or renewing a licence. 7. Officers’ base space requirements around cubic space currently required for external kennel facilities. The Liverpool methodology is for number of dogs based around habitable rooms (all rooms except bathroom and kitchen) and would be additional to dogs owned by the proprietor. 8. This is taken from the main guidance of LACORS and does not preclude home boarding being a business it states that home boarding is an alternative to traditional kennels in that an animal is treated as a family pet within the host family home. 9. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance regarding additional clarity. 10. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance regarding submission of records. 11. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance to increase records kept or submission to Council. |
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| | <p>15. C.5.10.3 Should be checked by licensing authority before issuing licence. Is this checked on a regular basis?</p> <p>16. C.5.10.4 Who is responsible for the emergency evacuation plan? A fire officer? This shouldn't be the kennel owner.</p> <p>17. Deeds of the property should be checked for restrictive covenants.</p> | <p>12. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance regarding additional clarity around fit and proper person but would be referenced to the Animal Welfare Act 2006 and guidance issued by DEFRA.</p> <p>13. This is taken from the main guidance of LACORS – sentence structure amended. Separate dogs when left unattended refers to those dogs from multiple homes – clarity has been added.</p> <p>14. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance to amend this section. From existing establishment this hasn't been an issued raised by users of the facility.</p> <p>15. This is taken from the main guidance of LACORS. The licence application, review of documentation and home visit are undertaken and assessed by an animal welfare officer who considers the health and safety of the animals, owners, staff, visitors and residents in relation to the premises before granting or renewing a licence.</p> <p>16. This is taken from the main guidance of LACORS. Emergency evacuation plan to be complied by licensee with support sought from Fire Safety Officer as highlighted in C.10.5.5.</p> <p>17. The Council has no right to refuse a licence based on a covenant attached to the property. The grounds for refusal of a licence on these grounds would be contrary to the act and leave the authority liable to challenge by the applicant. Inclusion of guidance text within licence.</p> |
| <p>3.0 Resident Living adjacent to Home Boarding</p> | <p>Response to conditions around home boarding of dogs.</p> <p>1. Request that immediate neighbouring properties are consulted as part of the licence request for issuing new home boarding licences and during re-licensing of premises.</p> | <p>1. The revised conditions proposed by the Council state that we will contact neighbouring properties as part of re-licensing of premises where there are substantiated nuisance complaints and breaches of conditions. With regard to notifying neighbours prior to granting a licence the Animal Boarding Establishment Act 1963 states a number of determinants for granting a licence it does not indicate or include surrounding neighbouring properties. Steerage suggests that by notifying</p> |

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| | | <p>neighbours this could prejudice an authority's decision through unsubstantiated and perceived issues, which would be contrary to the act and leave the authority liable to challenge by the applicant.</p> |
| <p>4.0 Resident</p> | <p>Response to conditions around home boarding of dogs.</p> <ol style="list-style-type: none"> 1. Request or advice from planning regarding suitability of premises for home boarding and change of use for operating a business from a private residence. 2. No condition around the delivery and collection of dogs. 3. C. 3.1 Clear definition around the number of dogs, how this is determined, who determines this and number of additional pet dogs of the residence. 4. C.3.2 Clarity with clear definition around dogs from a single household or dogs from multiple households. Familiarisation session would increase number of dogs visiting premises how would this be monitored and be policed. 5. C.3.4 Are risks overseen by a qualified H&S practitioner. 6. C.5.1.1 and C.5.5.1 reference to staff (request that this is removed as the premises are referred to as home boarding and not a business). 7. C.5.8.1 and C.5.8.2 appear to contradict regarding attendance of a fit and proper person at all times and being separated from one another when unattended. 8. C.5.9.2 and C.5.9.3 – Are exercise areas inspected under planning or environmental health and are Council Staff qualified to undertake such inspections. 9. C.5.10.2 appears to contradict C.5.8.2. 10. C5.10.6 All doors to be shut at night – are dogs in a room of sufficient size to accommodate them without stress or discomfort. | <ol style="list-style-type: none"> 1. Highlighted within the additional guidance section. 2. No other authority stipulates delivery and collection times. Would be included as a localised licence condition if substantiated complaints were received around abnormal working hours. 3. Assessed on a case by case basis based on size of premises, existing number of resident dogs, and either proposed or existing welfare conditions. Only one Council stipulates number of resident dogs that can be owned. 4. Comments noted. Identified within Committee Report. 5. The licence application, review of documentation and home visit are undertaken and assessed by an animal welfare officer who considers the health and safety of the animals, owners, staff, visitors and residents in relation to the premises before granting or renewing a licence. 6. This is taken from the main guidance of LACORS and does not preclude home boarding being a business it states that home boarding is an alternative to traditional kennels in that an animal is treated as a family pet within the host family home. 7. This is taken from the main guidance of LACORS – sentence structure amended. Separate dogs when left unattended refers to those dogs from multiple homes – clarity has been added. 8. This is taken from the main guidance of LACORS. The licence application, review of documentation and home visit are undertaken and assessed by an animal welfare officer who considers the health and safety of the animals, owners, staff, visitors and residents in relation to the premises before granting or renewing a licence. 9. Comment noted. |

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| | | <p>10. This is taken from the main guidance of LACORS. The licence application, review of documentation and home visit are undertaken and assessed by an animal welfare officer who considers the health and safety of the animals, owners, staff, visitors and residents in relation to the premises before granting or renewing a licence.</p> |
| <p>5.0 Resident Living adjacent to Home Boarding</p> | <p>Response to conditions around home boarding of dogs.</p> <p>1. Agree with proposed changes to the conditions from dogs from single households to dogs from multiple households particularly agree with C.1.2 and would ask that neighbours are consulted prior to any initial licence being granted.</p> | <p>1. The revised conditions proposed by the Council state that we will contact neighbouring properties as part of re-licensing of premises where there are substantiated nuisance complaints and breaches of conditions. With regard to notifying neighbours prior to granting a licence the Animal Boarding Establishment Act 1963 states a number of determinants for granting a licence, it does not indicate or include surrounding neighbouring properties. Steerage suggests that by notifying neighbours this could prejudice an authority's decision through unsubstantiated and perceived issues, which would be contrary to the act and leave the authority liable to challenge by the applicant.</p> |
| <p>6.0 Resident Living adjacent to Home Boarding</p> | <p>Response to conditions around home boarding of dogs.</p> <p>1. Conditions seem to be formulated for the protection of the boarded animals.</p> <p>2. Rights of adjacent occupiers are not given serious consideration other than a brief note about nuisance.</p> <p>3. Are the regulations regularly and routinely policed by Council officers or are licensees taken on trust?</p> <p>4. Any covenants attached to the property and would be breached by the home boarding premises should be considered where there would be a breach in covenant.</p> <p>5. c.5.9 Isn't this is a standard bylaw? Alternative wording of "deposited in any external area including their garden or yard by any dog in their care".</p> | <p>1. The purpose of the conditions is the welfare of animals as required by the various acts.</p> <p>2. Conditions are based around the operation standards of premises as highlighted within the Animal Boarding Establishment Act 1963 rather than the secondary aspect of location, which would be dealt with by planning legislation.</p> <p>3. Officer's of the Council can enter any such premises and inspect them and the animals within to ascertain if an offence has been or is being committed against the Animal Boarding Establishment Act 1963. The Council acts on all information received.</p> <p>4. The Council has no right to refuse a licence based on a covenant attached to the property. The grounds for refusal of a licence on these grounds would be contrary to the act and leave the authority liable to challenge by the applicant.</p> |

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| | | <p>Inclusion of guidance text within licence.</p> <p>5. Comment noted.</p> |
| <p>7.0 Resident Living adjacent to Home Boarding</p> | <p>Response to conditions around home boarding of dogs.</p> <ol style="list-style-type: none"> 1. C.1.2 - Immediate neighbouring properties contacted prior to granting initial licence. Consideration should be provided to those adjoining properties and topography. 2. C.5.9.4 Needs to be a thorough assessment of the premises. 3. C.5.7.1 Record keeping should be in line with the conditions specified in the licence. | <ol style="list-style-type: none"> 1. The revised conditions proposed by the Council state that we will contact neighbouring properties as part of re-licensing of premises where there are substantiated nuisance complaints and breaches of conditions. With regard to notifying neighbours prior to granting a licence the Animal Boarding Establishment Act 1963 states a number of determinants for granting a licence, it does not indicate or include surrounding neighbouring properties. Steerage suggests that by notifying neighbours this could prejudice an authority's decision through unsubstantiated and perceived issues, which would be contrary to the act and leave the authority liable to challenge by the applicant. 2. The licence application, review of documentation and home visit are undertaken and assessed by an animal welfare officer who considers the health and safety of the animals, owners, staff, visitors and residents in relation to the premises before granting or renewing a licence. 3. Comments noted. |
| <p>8.0 Resident Living adjacent to Home Boarding</p> | <p>Response to conditions around home boarding of dogs.</p> <ol style="list-style-type: none"> 1. C.1.2 - Immediate neighbouring properties contacted prior to granting initial licence. Deeds of the property should be checked for restrictive covenants. 2. C.1.6 Agree with end sentence but suggest is moved to end of licence. 3. C.3.1 – Define an agreed standard formula for number of dogs boarded based around size of property, rooms available, proximity to other homes, businesses, and roads. 4. C.3.2 Revert to previous condition of dogs only from a single household and thus removing the familiarisation condition, which appears unworkable. 5. C.4.5 Sufficient space should be defined. 6. C.5.1.1 Term staff is not applicable as this is home boarding. | <ol style="list-style-type: none"> 1. The revised conditions proposed by the Council state that we will contact neighbouring properties as part of re-licensing of premises where there are substantiated nuisance complaints and breaches of conditions. With regard to notifying neighbours prior to granting a licence the Animal Boarding Establishment Act 1963 states a number of determinants for granting a licence, it does not indicate or include surrounding neighbouring properties. Steerage suggests that by notifying neighbours this could prejudice an authority's decision through unsubstantiated and perceived issues, which would be contrary to the act and leave the authority liable to challenge by the applicant. The Council has no right to refuse a licence based on a covenant attached to the |

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| | <ol style="list-style-type: none"> 7. C.5.2.2 This should be “twice daily”. 8. C5.5.7 Regular needs to be defined. 9. C.5.7.1 Information could include photographs (if a dog goes missing) a log of exercise provided. 10. C.5.7.4 Key members of staff is not applicable as this is home boarding 11. C.5.8.1 Clear definition of fit and proper person. 12. C.5.8.2 Contradicts 5.8.1 and should be removed. 13. C.5.9.1 Insert “written” wishes. 14. C.5.10.1 What are appropriate steps? Fire extinguishers? 15. C.5.10.4 who is responsible for the emergency evacuation plan? 16. C.5.10.9 – Agreed 17. Proposed additional section detailed 6.0 Inspection. 18. Proposed C.6.1 Insert sentence from C.1.36 19. Proposed C.6.2 Routinely 6 month physical checks, security of doors and fences , record checks etc. | <p>property. The grounds for refusal of a licence on these grounds would be contrary to the act and leave the authority liable to challenge by the applicant. Inclusion of guidance text within licence.</p> <ol style="list-style-type: none"> 2. Comment noted. 3. Assessed on a case by case basis based on size of premises, existing number of resident dogs, and either proposed or existing welfare conditions. Only one Council stipulates number of resident dogs that can be owned. 4. Comment noted as part of Committee Report. 5. Officers’ base space requirements around cubic space currently required for external kennel facilities. 6. This is taken from the main guidance of LACORS and does not preclude home boarding being a business it states that home boarding is an alternative to traditional kennels in that an animal is treated as a family pet within the host family home. 7. Comment noted. 8. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance to amend this section. 9. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance regarding submission of records. 10. This is taken from the main guidance of LACORS and does not preclude home boarding being a business it states that home boarding is an alternative to traditional kennels in that an animal is treated as a family pet within the host family home. 11. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance regarding additional clarity around fit and proper person but would be referenced to the Animal Welfare Act 2006 and guidance issued by DEFRA. 12. This is taken from the main guidance of LACORS – sentence structure amended. 13. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance to amend this section. From existing establishment this hasn’t been an issued raised by users of the facility |
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| | | <p>14. This is taken from the main guidance of LACORS. No steerage with 2009 LACORS guidance to amend this section.</p> <p>15. This is taken from the main guidance of LACORS. Emergency evacuation plan to be complied by licensee with support sought from Fire Safety Officer as highlighted in C.10.5.5.</p> <p>16. Comment noted.</p> <p>17. Comments noted.</p> <p>18. Comments noted.</p> <p>19. Officer's of the Council can enter any such premises and inspect them and the animals within to ascertain if an offence has been or is being committed against the Animal Boarding Establishment Act 1963. The Council acts on all information received.</p> |
| <p>9.0 RBC Planning</p> | <p>Response to conditions around home boarding of dogs.</p> <p>There is no specific planning policy regarding the home boarding of dogs however, there are a several cases that have been before the Planning Inspectorate and provide examples of similar situations. Case law and discussion with other planning authorities reveals that there is no 'rule of thumb' for the number of animals that is considered to be incidental to the residential use of a property. Also, it appears that the question of whether the dogs are for hobby or business purposes does not in itself form a determining criterion <i>on its own</i> in planning terms and would depend on a variety of other relevant factors.</p> <p>It is clear that each case needs to be assessed on its own merits – considering factors such as whether the domestic character of a dwelling is being compromised (including whether the practice is in keeping with local neighbourhood amenity), whether the dogs are kept for hobby or business purposes, noise, increased comings and goings (traffic), advertisements, erection of special structures relating to the keeping of animals in the garden and employment of other people at the property. If these factors are <i>significantly changed</i> from what could be expected at the house in question, there is a strong case that the use is not incidental.</p> | <p>Comments noted.</p> |

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| | <p>We would advise that anyone considering establishing a home boarding premise contacts the Planning Team to discuss their proposal.</p> | |
| <p>10.0 Member</p> | <p>Response to conditions around home boarding of dogs.</p> <ol style="list-style-type: none"> 1. C.3.2 Condition relating to dogs from multiple households leads to disruption for those people living within the area. Mixing dogs from more than one household can also lead to friction and noise within the property used for home boarding, as many dogs are not used to sharing accommodation with pets from other households. Residential accommodation does not allow for the easy separation of pets from different families, if there is a clash between these animals. 2. A business that relies on boarding multiple animals for different household would be better accommodated in a more appropriate setting and not in a residential area. | <ol style="list-style-type: none"> 1. Comments noted. Identified within Committee Report. 2. Discussed with Rossendale Borough Council Planning Department comments regarding policy as identified within 9.0 RBC Planning. |