

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

Status: For Publication

Report to: Cabinet
Full Council

Date: 17th November 2010
15th 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 27th 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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Background Papers	
Document	Place of Inspection
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

LICENCE CONDITIONS FOR HOME BOARDING DOGS

1. INTRODUCTION

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the home boarding of dogs.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Council reserve the right to contact immediate neighbouring properties when considering re-licensing of premises. A licence may be refused or withdrawn if there is evidence of substantiated nuisance complaints of breaches of these conditions.
- 1.4 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.5 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.6 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.7 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.
- 1.8 The Licensee's attention is drawn to the Animal Boarding Establishment Act 1963, which gives an authorised officer power to enter and inspect licensed premises at any time. The council may visit premises at any time within the licence period without notice.
- 1.9 The Council reserves the right to include any specific localised conditions pertaining to a premise on renewal of licences.

2. LICENCE DISPLAY

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each boarder.

3. NUMBERS OF ANIMALS

- 3.1 The maximum number of dogs permitted for home boarding is _____ as determined by the Council's Animal Welfare Officer at the time of application. **This is limited to a maximum of 4 dogs including resident dogs.**
- 3.2 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.
- 3.3 Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog(s) must also be gained following a trial familiarisation session.

Responsible	Environmental Health	Version Status	Final
Responsible Author	Health and Housing Manager	Date Agreed	TBC
Date last amended	29.09.10	Agreed at	TBC
Due for review	30.06.15	Page	1 of 6

3.4 The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property. This written risk assessment should be made available on request of the Local Authority.

4. CONSTRUCTION

4.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.

4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.

4.3 There must be adequate space, light, heat and ventilation for the dogs.

4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.

4.5 There must be sufficient space available to be able to keep the dogs separately if required.

4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

5. MANAGEMENT

5.1 TRAINING

5.1.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

5.2 CLEANLINESS

5.2.1 All areas where the dogs have access to, including the kitchen etc. must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

5.2.2. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary so as to prevent a nuisance. Disposal facilities for animal waste must be agreed with the Licensing Authority.

5.2.3 All bedding areas must be kept clean and dry.

5.2.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

5.2.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

5.3 FOOD AND WATER SUPPLIES

5.3.1 All dogs shall have an adequate supply of suitable food as directed by the client.

Responsible	Environmental Health	Version Status	Final
Responsible Author	Health and Housing Manager	Date Agreed	TBC
Date last amended	29.09.10	Agreed at	TBC
Due for review	30.06.15	Page	2 of 6

- 5.3.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.
- 5.3.3 Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.
- 5.3.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

5.4 KITCHEN FACILITIES

- 5.4.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.
- 5.4.2 All bulk supplies of food shall be kept in vermin proof containers.

5.5 DISEASE CONTROL AND VACCINATION

- 5.5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 5.5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and Canine Parvovirus, Bordatella kennel cough and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 5.5.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.
- 5.5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.
- 5.5.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
- 5.5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.
- 5.5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 5.5.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

Responsible	Environmental Health	Version Status	Final
Responsible Author	Health and Housing Manager	Date Agreed	TBC
Date last amended	29.09.10	Agreed at	TBC
Due for review	30.06.15	Page	3 of 6

5.6 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.

- 5.6.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.
- 5.6.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.
- 5.6.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.
- 5.6.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeons premises until the owners return.

5.7 REGISTER

- 5.7.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date of arrival
 - Name of dog, any identification system such as microchip number, tattoo
 - Description, breed, age and gender of dog
 - Name, address and telephone number of owner or keeper
 - Name, address and telephone number of contact person whilst boarded
 - Name, address and telephone number of dog's veterinary surgeon
 - Anticipated and actual date of departure
 - Proof of current vaccinations, medical history and requirements
 - Health, welfare nutrition and exercise requirements
- 5.7.2 Such a register is to be available for inspection at all times by an officer of Licensing Authority, veterinary surgeon.
- 5.7.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 5.7.4 If medication is to be administered, this must be recorded.
- 5.7.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.8 SUPERVISION

- 5.8.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.
- 5.8.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis.
- 5.8.3 No home where there are children under 5 years of age will be licensed.
- 5.8.4 Only people over 16 years of age are allowed to walk the dogs in public places.

Responsible	Environmental Health	Version Status	Final
Responsible Author	Health and Housing Manager	Date Agreed	TBC
Date last amended	29.09.10	Agreed at	TBC
Due for review	30.06.15	Page	4 of 6

5.9 EXERCISE

- 5.9.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owners written permission. The licensee shall clear up any faeces, which is deposited in public areas by any dog in their care.
- 5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the home owner (not shared with other residents). The area must be kept clean.
- 5.9.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be secured.
- 5.9.4 If there is a pond, it must be covered to avoid drowning.
- 5.9.5 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.
- 5.9.6 The Licensing Authority must be informed on the next working day if a dog is lost.

5.10 FIRE / EMERGENCY PRECAUTIONS

- 5.10.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.
- 5.10.2 The occupier of the property must be aware of the location of the dogs in the property at all times.
- 5.10.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.
- 5.10.4 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises is rendered uninhabitable.
- 5.10.5 Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top and bottom of the staircase, or other appropriate location.
- 5.10.6 All doors to rooms must be kept shut at night.
- 5.10.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.
- 5.10.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of free standing gas or oil appliances.
- 5.10.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available

Responsible	Environmental Health	Version Status	Final
Responsible Author	Health and Housing Manager	Date Agreed	TBC
Date last amended	29.09.10	Agreed at	TBC
Due for review	30.06.15	Page	5 of 6

to the local police and the Licensing Authority. The emergency key holder shall be aware of the Licensee's emergency procedure.

The following section is intended as advice for Licensees of home boarding establishments only.

Covenants, Deeds and Leases

The Licensee should check all house title deeds and/or attached covenants to confirm properties are suitable. For rented properties, the Licensee should check with their landlord before submitting an application.

Planning permission

This licence does not give any permission or approve any development under planning legislation. The operator is advised to ensure that the home boarding of animals does not require planning permission by contacting the **Planning Services Team at Rossendale Borough Council**.

Nuisance Complaints

This licence does not give any exemption from the requirements of the Environmental Protection Act 1990 provisions on statutory nuisances, particularly those relating to odour or noise. The operator is advised to ensure that the business is run in such a manner as to ensure there are no grounds for complaint.

Health and Safety

The operator is reminded of their responsibilities under the Health and Safety at Work Act 1974, in particular to the requirements for risk assessments. These assessments need to include for the potential impact of the business on those who are not their employees, especially family members including children.

Responsible	Environmental Health	Version Status	Final
Responsible Author	Health and Housing Manager	Date Agreed	TBC
Date last amended	29.09.10	Agreed at	TBC
Due for review	30.06.15	Page	6 of 6