

**TO: LICENSING AND SAFETY COMMITTEE
13 JULY 2017**

**ANIMAL BOARDING ESTABLISHMENTS: LICENCE CONDITIONS
(Public Protection Manager)**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to consider adoption of the Model Licence Conditions for Boarding Establishments as published by the Chartered Institute of Environmental Health (CIEH) in 2013 (cats) and 2016 (dogs).

2 RECOMMENDATION

- 2.1 **That the Committee approves the adoption of the Model Licence Conditions document at Annexes C and D as follows:**

- i) **with immediate effect for any new licences issued, and**
- ii) **from 1 January 2018 for any existing licence holders.**

3 REASONS FOR RECOMMENDATION

- 3.1 The contents of the CIEH Model Licence Conditions are widely accepted as representing the minimum standards to be applied in order to ensure appropriate standards of health, safety and welfare. The current conditions are based on CIEH Model Licence Conditions published in 1995, and can be found at Annex A and Annex B. These were approved for use by the Licensing Committee at their meeting on 13 October 2011.
- 3.2 The revised Model Licence Conditions can be found at Annex C and Annex D. These replace the original versions published in 1995. Since then there have been developments in the understanding of animal welfare and also the introduction of the Animal Welfare Act 2006. The documents have therefore been revised and updated to better reflect the legal and animal welfare considerations that Councils should consider when licensing boarding establishments.
- 3.3 At the meeting on 6 October, this Committee approved a consultation exercise with existing licence holders on the Model Licence Conditions documents. This consultation commenced on 23 November 2016 and closed on 15 February 2017. One comment was received and is provided in full at Annex E. The response raises a number of points where the requirements may not be entirely appropriate, and suggests that while the *“standards provide excellent guidance for new businesses and new constructions...phasing in for existing establishments needs to be discussed on a case by case basis and with respect for the financial and practical implications to the businesses.”*
- 3.4 The existing licences are next due for renewal on 1 January 2018. Should the recommendation in 2.1 be approved, officers can look at any compliance issues with the business at the time of the next programmed inspection, and discuss any potential amendments to the conditions on a case by case basis.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None, officers are of the view that best practice is to adopt the most recent version of the CIEH Model Licence Conditions. This view is supported by the City of London Animal Health Inspector who assesses the licensed premises for compliance. The proposal to allow for their phasing in and use as a pool of model conditions seeks to ensure that this is done in a reasonable way.

5 SUPPORTING INFORMATION

- 5.1 Animal boarding establishments are licensed on an annual basis following an inspection by a City of London Animal Health Inspector. A licence is granted subject to conditions being attached that relate to conditions to protect the welfare of the animals being cared for as well as the number and type of animals that can be boarded.
- 5.2 Under section 3 of the Animal Boarding Establishments Act 1963, a local authority can attach licence conditions to ensure:
- i) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
 - ii) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
 - iii) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
 - iv) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
 - v) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act.
- 5.3 Under the Animal Welfare Act 2006, those responsible for animals including boarding establishments must take reasonable steps to meet the welfare needs of animals in their care which would include
- i) its need for a suitable environment
 - ii) its need for a suitable diet
 - iii) its need to be able to exhibit normal behaviour patterns
 - iv) any need to be housed with, or apart from, other animals
 - v) its need to be protected from pain, suffering, injury and disease.
- 5.4 The Model Licence Conditions produced by the CIEH cover both the requirements of the Animal Boarding Establishments Act and the provisions of the Animal Welfare Act. They are to be used as a pool of conditions to be applied as required.

- 5.5 This proposal would not amend the conditions in respect of those persons licensed to board dogs in their own home, as the Council is already using the most up to date version of the Model Licence Conditions for Home Boarders of Dogs as issued by LACORS in 2005. Revised conditions for this sector, to include day boarding, are expected in the near future and a separate report to the Committee will follow at a later stage.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 6.2 There are no implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 General public and existing licence holders.

Method of Consultation

- 7.2 A consultation was carried out on the Council's portal, and an email highlighting this was sent to all existing licence holders.

Representations Received

- 7.3 One response was received from Oakwood Park Kennels. A copy of the response is attached at Annex E.

Background Papers

Animal Boarding Establishments Act 1963

Model Licence Conditions and Guidance for Cat Boarding Establishments

Model Licence Conditions and Guidance for Dog Boarding Establishments

Contact for further information

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