

**TO: LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011**

**ANIMAL BOARDING ESTABLISHMENTS: LICENCE CONDITIONS
(Chief Officer: Environment and Public Protection)**

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 1995.

2 RECOMMENDATION(S)

- 2.1 **That the Committee determines that the CIEH Model Licence Conditions for Boarding Establishments shall be used for the purposes of applying appropriate conditions in respect of new animal boarding establishment licences with immediate effect; and**
- 2.2 **That a further report is brought to the Committee in respect of the existing licences with a proposed timeframe for compliance with the new conditions having regard to the extent of the works, the associated risks to animal welfare and the potential cost.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The contents of the CIEH Model Licence Conditions are nationally accepted as representing the minimum standards to be applied in order to ensure appropriate standards of health, safety and welfare in such establishments. Officers are of the view that the Council's current licence conditions are outdated and no longer fit for purpose.
- 3.2 It is recommended that the introduction of the conditions for existing licensed businesses be delayed to enable officers to work with the businesses and allow adequate time to carry out any works required to comply with the new conditions.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The licence conditions currently in use need to be replaced and the proposal to allow for their phasing in 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 Licensing Officer. 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 specifying the number and type of animals that can be boarded. The current conditions issued by the Council can be found at Annex A.
- 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 The Model Licence Conditions for Dog Boarding Establishments can be found at Annex B, and for Cat Boarding Establishments at Annex C.

5.4 This proposal does not affect those persons licensed to board dogs in their own home. The Council has already adopted the model conditions in respect of home boarders of dogs.

5.5 There are three current licence holders and all were consulted as part of the review. One response was received and is provided in full at Annex D. The response raises a number of points about the document, with the key points as follows:

- (a) Important aspects in the model conditions are significantly out of date
- (b) The CIEH document is too detailed
- (c) Officers may not interpret or apply the standards sensibly and appropriately

The response goes on to say that the document should be adopted when it has been fully updated and asks that all surrounding authorities should adopt the same standards.

5.6 The view of officers in respect of the response from Oakwood Park Kennels is that the current conditions in place are inadequate and should be replaced as soon as possible. It is not the intention that all of the conditions will be applied in their entirety to each licence but rather that it is used as a pool of conditions to be applied as required. Officers will also discuss the possibility of all Berkshire authorities adopting the same standards through the Berkshire Licensing Group.

5.7 The proposed phasing in of the new conditions for existing businesses will allow for officers to carry out the routine inspection in late 2011 and then work on the proposed conditions and report to a future meeting of the Committee with a recommended timeframe for implementation and compliance.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

6.2 There are no significant financial 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 strategic risk management implications arising from the recommendation in this report.

Other Officers

- 6.5 Not applicable.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Holders of existing animal boarding establishment licences were consulted. There are three such establishments in the Borough.

Method of Consultation

- 7.2 A letter was sent on 30 June 2011 seeking comments by 9 September 2011.

Representations Received

- 7.3 One response was received from Dr and Mrs Carpenter of Oakwood Park Kennels. A copy of the response is attached at Annex D.

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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