



REPORT OF:	HEAD OF HEALTH & WELLBEING
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TO:	REGULATORY COMMITTEE
DATE:	14 JUNE 2012

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	ALL
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SUBJECT:	LICENCE CONDITIONS FOR THE HOME BOARDING OF DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT 1963
PURPOSE OF THE REPORT:	TO CONSIDER AND ADOPT IF APPROPRIATE CONDITIONS FOR THE HOME BOARDING OF DOGS
RECOMMENDATIONS: <ol style="list-style-type: none"> 1. Adopt the LACORS model conditions for home boarding of dogs with minor amendments as set out in Annex 1 to this report. 2. Authorise the Head of Service responsible for Licensing to amend and adapt the application of the home boarding conditions, as and when necessary, following specific written veterinary advice and taking into account the specific circumstances of particular premises and the Council's licensing policy. 	
SUMMARY: <ol style="list-style-type: none"> 1. Premises boarding dogs require a licence from the Local Authority. 2. This Authority already has conditions relating to the boarding of dogs at kennels, however, the increasing demand for home boarding of dogs requires alternative conditions to be considered. 3. Model conditions have been suggested by LACORS, and following consultation some minor amendments have been suggested. 4. LACORS has stated that the model conditions are a template that may be used or amended by Councils as appropriate. 5. It is being recommended that licensing officers be given some flexibility to apply the proposed conditions in the context of written veterinary advice, specific circumstances of a particular premises, and Council licensing policy. 	

FACTORS FOR CONSIDERATION

6. Commercial boarding of cats and dogs must be licensed under the Animal Boarding Establishments Act 1963 ('ABEA63'). Animal boarding establishments are defined in section 5 of that Act as the carrying on at any premises (including a private dwelling) of a business of providing accommodation for other people's cats and dogs. This will include a home boarding service where pets are cared for in a person's own home for payment. If animal boarding is ancillary to another animal related purpose then no licence is required i.e. if the boarding occurs at a veterinary practice or dog-training establishment.
7. The ABEA63 covers 'a business of providing accommodation for other people's animals'. A licence would not be required where a relative or friend cares for the animal while the owner was away on holiday. Animal sanctuaries usually fall outside regulatory control as they are charitable concerns and not businesses, and 'dog walking' and dog sitting' services are not licensable as the sitter does not provide accommodation.
8. On 11 June 1996, in accordance with section 1(3) of The ABEA63, Reigate & Banstead Borough Council set conditions for Dog Boarding Establishments based on the model licence conditions published by the Chartered Institute of Environmental Health.
9. On 17 November 2005 LACORS (Local Authorities Coordinators of Regulatory Services) issued Model Licence Conditions for Home boarding of Dogs. A copy of these model conditions has been placed in the Members Room. LACORS did not issue similar conditions for the home boarding of cats, reporting that it was the view of both DEFRA (Department for Environment, Food and Rural Affairs) and the Feline Advisory Bureau that the home boarding of cats is not to be encouraged.
10. In October 2009 LACORS issued an update and clarification on the model licensing conditions for home boarding of dogs. A copy of this document has been placed in the Members Room.
11. The licensing department has within the last year received enquiries from a number of people concerning home boarding, including a complaint of an owner's dog being injured whilst being home boarded. An initial search of the internet indicate there will be a number of other businesses in this Borough that are offering a dog home boarding service. It is necessary to regulate these premises to ensure the welfare of the animals boarded. It is acknowledged that home boarding of dogs is not compatible with this Council's licence conditions for Dog Boarding Establishments.
12. The Council's veterinarian advisor and dog warden were consulted during the preparation for this report.

13. They were also asked to comment on feedback received from a prospective licensee concerning the proposed implementation of the home boarding conditions. A copy of the comments and responses have been placed in the Members Room.

14. The LACORS further guidance issued in October 2009 notes that:-

'The LACORS model conditions are a template which councils can choose to use, adapt or amend as appropriate. The conditions can also be amended and adapted to take account of the specific circumstances (e.g. structure, expertise) of a particular premises, in line with the views of the officer, council licensing policy and any veterinary advice.'

To avoid the need to refer applications for home boarding licences to the regulatory committee unduly it is recommended that licensing officers are given the authority to amend and adapt the application of the home boarding conditions where necessary following specific written veterinary advice, taking into account the specific circumstance of particular premises and the Council's licensing policy.

15. Annex 1 sets out a recommended model for adoption by this authority, based upon the initial LACORS guidance and subsequent update, and responses to local consultation. Where the veterinarian's comments suggest a more relaxed condition than that proposed by LACORS the more stringent LACORS condition is shown. If the Committee agrees to authorise officers to exercise their discretion, as recommended in paragraph 12 above, then it would be possible to amend specific conditions based on the vet's advice, where it is necessary and appropriate to do so, based on the specific circumstances (e.g. confidence in management) of a particular premises.

RESOURCE IMPLICATIONS

16. No resource implications have been identified.

LEGAL IMPLICATIONS

17. Any person found guilty of an offence under the ABEA63 shall be liable for summary conviction to a fine not exceeding level one on the standard scale [currently £200] or imprisonment for a term not exceeding three months or to both such fine and such imprisonment. Examples of such offences include a person keeping a boarding establishment for animals except under the authority of a licence, and contravening any condition to which a licence granted under the ABEA63 is subject. If the policy is adopted the Council will be responsible for enforcing any offences.

STATUTORY POWERS

18. Section 1(3) of the Animal Boarding Establishments Act 1963 Act provides for the setting of conditions by a Local Authority, and provides that;-

(3)In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing –

(a)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;

(b)that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;

(c)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;

(d)that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;

(e)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;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e) of this subsection.

CONCLUSIONS

19. The Committee must consider whether it is necessary and expedient to adopt the home boarding conditions shown in Annex 1 in order that they may be satisfied that dogs at establishments licensed for home boarding are suitably fed, accommodated, exercised and protected from disease and fire.
20. If having done so the Committee adopts the conditions the Committee must consider whether licensing officers should be given the authority to amend and adapt the application of the home boarding conditions where necessary following specific written veterinary advice, taking into account the specific circumstance of particular premises and the Council's licensing policy.

Background Papers:

1. The Animal Boarding Establishments Act 1963
2. Model Licence Conditions and Guidance for Dog Boarding Establishments
3. LACORS Model Conditions for Home Boarding (Dogs)
4. LACORS update and clarification on the model licensing conditions for home boarding of dogs October 2009
5. Consultee correspondence

(Copies of papers 2 to 5 have been placed in the Members Room or are available from democratic.services@reigate-banstead.gov.uk)

Annexe 1:

Recommended home boarding conditions for adoption, amended following LACORS updates and comments from consultees.



LICENCE CONDITIONS FOR HOME BOARDING (DOGS)
ANIMAL BOARDING ESTABLISHMENTS ACT 1963.

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 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 Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.6 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.

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 to be kept at any one time is [enter number].
- 3.2 Dogs from the different households may only be boarded at the same time where the following requirements are met:-
 - Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
 - A mandatory, trial (documented) 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.

The written consent and record of familiarisation session 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.

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 must be gained following a trial familiarisation session.
- 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.

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. 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.
- 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. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed and an annual booster given thereafter or in accordance with manufacturer instructions. No dog may be admitted until at least four weeks after completing a primary course or where annual boosters have not been administered. 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 in the form of a written log should be kept by the licensee for all residents dogs and cats. The owners of boarding dogs should sign a statement that they have provided treatment for fleas, ticks and parasitic worms for their dogs in the preceding 3 months.
- 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.

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.

5.7.4 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.

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.

5.9.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (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 locked.
- 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 & 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 freestanding 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 to the Licensing Authority.

