

Bath & North East Somerset Council

MEETING: **Licensing Committee**

DATE: **07 April 2014**

AGENDA
ITEM
NUMBER

TITLE: **Adoption of revised model conditions for Animal Boarding Establishments.**

WARD: **All**

AN OPEN PUBLIC ITEM

List of attachments to this report:

- Annex A: Current Animal Boarding Establishment Licence Conditions
- Annex B: Proposed Cat Boarding Establishment Licence Conditions
- Annex C: Proposed Dog Boarding Establishment Licence Conditions

1 THE ISSUE

- 1.1 Local Authorities in England & Wales issue licences to proprietors of Animal Boarding Establishments under the provisions of the Animal Boarding Establishments Act 1963. Before granting the licence the Local Authority must be satisfied that the animals are kept in suitable accommodation and are being looked after in a way that does not cause them any harm.
- 1.2 The Local Authority may attach conditions to licences and inspect Animal Boarding Establishments at all reasonable times in order to ensure that the premises are suitable and that the animals are being well looked after.
- 1.3 The Council has a set standard of conditions for Animal Boarding Establishments which were adopted over 10 years ago. In 2013 the Chartered Institute of Environmental Health, together with the Pet Care Trade Association and a number of other associations, issued model conditions for both cat and dog boarding establishments. These model conditions outline the basic minimum standards considered necessary to ensure the health, safety and welfare of animals at boarding establishments.

2 RECOMMENDATION

- 2.1 That the Council adopt the model conditions provided in Annex B and Annex C of this report, and attach the conditions to all new and renewed Animal Boarding Establishment licences issued by the Council.

3 FINANCIAL IMPLICATIONS

- 3.1 As the adoption of the proposed conditions is a straight replacement for the existing conditions then there are no financial or resource implications for the Council arising from their approval.
- 3.2 Licence fees are charged on a full cost recovery basis and include officer time for processing an application, the inspection of the premises and the enforcement of the conditions attached to the licence. The licence fee is currently £263 for a new application and £107 for a renewal application. This fee is reviewed on an annual basis to ensure that all of the Council's costs are recovered. The initial application also includes the cost of an inspection of a veterinarian with specialist knowledge of pet animals; the cost of the inspection is included in the cost of a licence.

4 THE REPORT

- 4.1 The Council administer and issue applications for boarding establishment licences, under the Animal Boarding Establishments Act 1963 (the Act). Licences are issued for a maximum period of 1 year.

- 4.2 Under the Act, every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified—

- under this Act, from keeping a boarding establishment for animals; or
- under the Pet Animals Act 1951, from keeping a pet shop; or
- under the Protection of Animals (Amendment) Act 1954, from having the custody of animals,
- under section 34 (2), (3) or (4) of the Animal Welfare Act 2006.

and on payment of such fee as may be determined by the local authority, grant a licence to that person to keep a boarding establishment for animals at such premises in their area as may be specified in the application and subject to compliance with such conditions as may be specified in the licence.

- 4.3 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 objectives specified in paragraphs (a) to (e).

- 4.4 Any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates' court; and the court may on such an appeal give such directions with respect to the issue of a licence or, as the case may be, with respect to the conditions subject to which a licence is to be granted as it thinks proper.
- 4.5 Under the Act animal means any cat or dog.
- 4.6 All premises are inspected in respect of new applications and renewal applications by a trained and authorised Council officer from the Public Protection and Health Improvement service. The purpose of this inspection is to ensure that adequate arrangements have been made for animal welfare in compliance with the licence conditions. With regard to new applications and where there are substantial changes to an existing licensed premises then a suitably qualified veterinary surgeon will also carry out an inspection of the premises.
- 4.7 Further inspections may take place during the term of the licence in order to react to and investigate complaints and allegations.

- 4.8 It is the Council's responsibility, through actions of suitably qualified officers to enforce licence conditions, principally in the interests of protecting the health and welfare of the relevant animals, but also to provide other essential controls in respect of conservation, pollution control and where relevant, human safety.
- 4.9 Under the Act the Council has the power to adopt its own set of standard conditions to be attached to each licence. The current standard conditions were adopted over ten years ago, and are attached at Annex A.
- 4.10 The proposed set of model conditions, as recommended by the Chartered Institute of Environmental Health and other relevant bodies, is attached at Annex B and the proposed set of model conditions, as recommended by the Pet Care Trade Association and other relevant bodies, is attached at Annex C.
- 4.11 This report is to enable members to consider and adopt a new set of standard licence conditions to be applied to all existing and new animal boarding establishment licences issued and administered by the Council.
- 4.12 As well as providing an opportunity to update existing licence conditions, the proposal will also allow conditions to be attached in line with nationally accepted standards.

5 RISK MANAGEMENT

- 5.1 The proposed set of conditions, once adopted, will ensure all animal licensees within the Council's area will be operating to the latest best practice and legal standards, ensuring a higher standard of animal care and welfare and better facilities for those people using these services.
- 5.2 The proposed conditions have been established by a number of recognised bodies including the Chartered Institute of Environmental Health, the British Veterinary Association, Defra, the Royal Society for the Prevention of Cruelty to Animals, the Dogs Trust, Cats Protection, the Reptile and Exotic Pet Trade Association, the Ornamental Aquatic Trade Association and others working together to produce a best practice document.
- 5.2 If the proposal was not adopted it would leave the Council with the existing out-dated set of conditions, meaning the Council would be out of line with nationally accepted modern standards.
- 5.3 The proposed new conditions have been drafted to establish a fair balance between adopting modern, nationally accepted standards of animal welfare and minimising the impact on small businesses.

6 EQUALITIES

- 6.1 An Equalities Impact Assessment has been carried out and there are no issues arising from the assessment.

7 CONSULTATION

- 7.1 No consultation was required as the proposed new or revised conditions are based on nationally recommended conditions from DEFRA and the Chartered Institute of Environmental Health.
- 7.2 This report has not been sent to the Trades Union because they would have no involvement in this application.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Human Rights Act and Other Legal Implications

8.1.1 Section 1 and Schedule 1 Part 1 and 11 of the Human Rights Act 1998 apply.

8.1.2 Article 1 - Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest.

8.1.3 Article 6 - That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal by law.

9 ADVICE SOUGHT

- 9.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director – Business Support) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Alan Bartlett, Team Leader (Licensing) Tel: 01225 477563
Background papers	The Chartered Institute of Environmental Health Model Conditions for Cat and Dog Boarding Establishments 2013. The Pet Care Trade Association Model Conditions and Guidance Notes for Dog Boarding Establishments.