

LICENSING REGULATORY COMMITTEE

Dog Boarding Establishment Licence Condition 5 June 2014

Report of Chief Officer (Health & Housing)

PURPOSE OF REPORT

For Members to consider changing a condition attached to commercial dog boarding establishment licences prohibiting dogs from different households being exercised together.

This report is public

RECOMMENDATIONS

- (1) **That Members consider allowing commercial dog boarding establishments to exercise dogs from different households together. Should Members approve the change, a number of additional conditions should be attached to the licences.**

1.0 Introduction

1.1 Under the Animal Boarding Establishments Act 1963 no person can keep a boarding establishment for animals unless they have a licence granted by the local authority. In granting a licence the local authority can stipulate a number of conditions to secure the following objectives:

- i) that dogs are kept in accommodation suitable in respect of construction, size, temperature, lighting, ventilation and cleanliness;
- ii) that dogs are adequately supplied with suitable food and drink, and are visited at suitable intervals;
- iii) that dogs are kept secure;
- iv) that reasonable precautions are taken to prevent the spread of infectious diseases;
- v) that appropriate steps are taken in the event of emergency;
- vi) that a suitable consistent level of management is maintained.

The Chartered Institute of Environmental Health (CIEH) published comprehensive guidance and model licence conditions to ensure that a consistent approach was maintained both in the issuing of licences and in the enforcement of the legislation by local authorities. Lancaster City Council adopted these model standards in full some years ago.

1.2 The CIEH document states in its guidance 'Communal exercise areas should generally be discouraged' and 'Communal facilities must not be used by more than one dog at any one time unless they are from the same household'. In line with this Lancaster City Council's conditions require that dogs from

different households must not be exercised together.

- 1.3 However, one of the licensees has requested that they be allowed to exercise dogs from different households together, in secure paddocks on their premises. They claim that this ensures the dogs have adequate physical exercise in a stimulating environment and that it results in dogs being less stressed.
- 1.4. Currently such a practice would constitute a breach of the council's conditions and hence an offence under the legislation. The licensee could however appeal to the magistrates' court against this condition being attached to next year's licence which commences 1 January 2015.
- 1.5 Members will recall that in April 2013 Lancaster City Council introduced licences for home boarding of dogs. Subject to compliance with specific conditions, home boarders are allowed to board up to 3 dogs maximum from different households at the same time, and in these circumstances dogs will normally be exercised together. Changing the commercial boarding condition as detailed in this report would result in consistency between commercial boarders and home boarders.

2.0 Proposal Details

- 2.1 The CIEH model standards state 'If variations to the model conditions are made local authorities should bear in mind that the principal aim must still be met' i.e. that the conditions in 1.1.above are still met. Therefore should Members approve communal exercising of dogs from different householders in commercial boarding establishments, it is proposed that the following additional conditions should apply:
 - i) Minimum ratio of one responsible person to be in attendance to every three dogs.
 - ii) A maximum of six dogs at any one time, including any resident dogs.
 - iii) Owners of dogs must agree in writing to their dogs being exercised with dogs from different households and to their dogs being exercised off lead.
 - iv) The proposed exercise area to be approved by Environmental Health as regards security and suitability.
 - v) Any faecal matter must be disposed of immediately to minimise risk of cross-infection.
 - vi) Dogs must be assessed by experienced and competent staff prior to communal exercise, and dogs suspected of aggressive / dominant behaviour must be exercised separately.
 - vii) Unneutered male dogs must not be exercised together.
 - viii) Bitches in season must not be exercised with unneutered male dogs and must not be exercised in communal areas.
 - ix) Puppies under six months old must not be exercised with adult dogs.
- 2.2 Any licensee wishing to exercise dogs from different households together, would have to apply to Environmental Health and, subject to compliance with the additional conditions above, would have their licence reissued with the additional conditions attached.

3.0 Details of Consultation

3.1 The other six commercial dog boarding establishments currently licensed have been contacted for their views on exercising dogs from different households together. Of the five responses received, four licensees disagree with the suggestion on the grounds that, in their view, fighting between strange dogs in a strange environment would be inevitable. They exercise dogs individually and would not consider exercising dogs from different households together. The fifth licensee would welcome the proposal, particularly for their dayboarder dogs, as many of these dogs are referred to the kennels by dog behaviourists with a recommendation that they interact with other dogs. However, this licensee has concerns that not all boarding kennel operators are trained and experienced in dog behavioural problems and the proposal could potentially put the safety of dogs at risk.

3.2 An enquiry has been sent out on the Environmental Health online forum asking if any local authorities allow dogs from different households to be exercised together in commercial boarding kennels. At the point of preparing this report few responses had been received, however further efforts will be made to survey local authorities and the results will be reported at Licensing Regulatory Committee.

4.0 Options and Options Analysis (including risk assessment)

| | Option 1: Communal exercising be approved subject to the additional licence conditions in 2.1. | Option 2: Communal exercising not approved |
|---------------|---|---|
| Advantages | <ul style="list-style-type: none"> • Potential improvements in animal welfare due to increased amount of exercise in more stimulating environment • Potential for dogs to suffer lower degree of stress and other behavioural issues • Consistent with home boarding standards. • Responds to needs of local business | <ul style="list-style-type: none"> • No increased risks to health or safety of dogs • No need to issue new licences |
| Disadvantages | <ul style="list-style-type: none"> • Risk of aggression, dominance and cross-infection – although compliance with additional conditions should minimise this • Officer time in applying additional conditions and issuing new licences | <ul style="list-style-type: none"> • Risk of unnecessary restriction on local businesses – appeal to magistrates' court could be costly. • Potential opportunity to improve animal welfare • Home boarders could have unfair advantage |

5.0 Conclusion

5.1 Members will wish to consider the information provided in this report, both for

and against changing the licence condition relating to the exercising of dogs from different households together in licensed boarding establishments.

The officer preferred option is Option 1, subject to compliance with the conditions listed in 2.1.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None identified.

LEGAL IMPLICATIONS

Section 1(4) of the Animal Boarding Establishments Act 1963 allows any person aggrieved by any condition subject to which a licence is proposed to be granted, to appeal to a magistrates' court. The court may give such directions with respect to the conditions subject to which a licence is to be granted as it thinks proper.

FINANCIAL IMPLICATIONS

If the Licensing Regulatory Committee approves the recommendation within this report, any costs, including officer time, will be met from within existing budgets.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None identified.

Information Services:

None identified.

Property:

None identified.

Open Spaces:

None identified.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted.

BACKGROUND PAPERS

- Animal Boarding Establishments Act 1963
- Chartered Institute of Environmental Health Model Licence Conditions and Guidance for Dog Boarding Establishments
- Lancaster City Council Dog Home Boarding Standards

Contact Officer: Sue Clowes

Telephone: 01524 582740

E-mail: sclowes@lancaster.gov.uk

Ref: LRC8