



DERBY CITY COUNCIL

GENERAL LICENSING COMMITTEE
14 DECEMBER 2005

Report of the Director of Corporate Services

ANIMAL BOARDING ESTABLISHMENTS ACT 1963 – DOG SITTING

RECOMMENDATION

1. To approve the conditions for the licensing of animal boarding at domestic properties under the Animal Boarding Establishments Act 1963.

SUPPORTING INFORMATION

- 2.1 Animal Boarding Establishments are premises of any nature (including private dwellings) used for the business of providing accommodation for other people's animals (cats and dogs).
- 2.2 No person may keep an animal boarding establishment unless they are licensed by the local authority. The local authority may on application, and if the applicant is not disqualified grant a licence to a person to keep a boarding establishment subject to compliance with such conditions that are specified in the licence. The local authority can attach conditions to a licence that it considers necessary or expedient for ensuring; the welfare of the animals and the public, preventing the spread of disease and compliance with relevant legislation. A fee is payable, and the licence remains in force to the end of the year in which it is issued. A person aggrieved by the refusal of a licence or its conditions can appeal to a magistrates court.
- 2.3 When considering an application for such a licence, a local authority needs to have regard to factors affecting the animal's welfare, including:
 - Nature and size of accommodation and its environment
 - Provision of food, water, bedding and exercise
 - Preventing the spread of infectious or contagious diseases
 - Protecting animals from fire or other emergencies
 - The need to maintain a register
- 2.4 The local authority must specify licence conditions to ensure that these requirements are maintained if a licence is granted. These conditions may also include other requirements which the local authority considers appropriate, such as the prevention of statutory nuisance associated with the business (such as barking dogs), or the protection of individuals from risks to their health and safety.
- 2.5 At present there are five Animal Boarding Establishments in the Derby City area, four of these are for cats and the other for both cats and dogs. All of these businesses are run from premises used solely for the boarding of animals. The

current licence conditions for animal Boarding Establishments are targeted specifically towards this type of operation.

- 2.6 The Environmental Health and Trading Standards Division has now received two requests for licences to undertake animal boarding (dogs only) at domestic premises. This proposal for 'dog sitting' envisages one or two dogs being kept within a normal domestic environment in the same way as family pets, leading to more individual service for the animals.
- 2.7 At an earlier committee there was a request that other local authorities were contacted to establish their policies and license conditions with regard to this type of business. Seven local authorities responded to the Divisions request for information. None of the local authorities had a policy of not issuing licences, but all attached conditions. The conditions varied enormously.
- 2.8 The Local Authorities Coordinators of Regulatory Services (LACORS) in October 2005 issued an opinion about who may require a licence when providing home boarding for pets. The guidance confirmed that the boarding of dogs at a domestic premises do require a license. They have also issued model licence conditions. The conditions in appendix one incorporate those model conditions.
- 2.9 Although the Animal Boarding Establishment Act 1963 recognises that domestic dwellings can be licensed for this purpose, the Council's current licence conditions do not address this approach. It is proposed therefore, that an additional set of conditions for boarding at domestic premises is approved. The draft conditions are attached in Appendix 2.
- 3.0 The current Animal Boarding Establishment licence fee is £77 per annum (£79 from January 2006). It is proposed that this fee level is also applied to domestic dwellings since the work licensing process (inspection and administration) will be the same.

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Background papers:	None
List of Appendices:	Appendix 1 Implications Appendix 2 Conditions

IMPLICATIONS

Financial

1. None. The current licence fee of £77 (£79 from January 2006) will cover the cost of the licensing process.

Legal

- 2.1 Any person aggrieved by the refusal of a local authority to grant a licence, or by any condition attached to a licence, may appeal to the Magistrates Court.
- 2.3 It is an offence for any person to keep an Animal Boarding Establishment without a licence or to breach any conditions attached to a licence.

Personnel

3. None.

Equalities

4. All applications are considered having regard to the current licensing conditions.

Corporate Objectives and Priorities for change

5. Licensing of animal boarding establishments contributes to the Council's objective of **providing healthy, safe and independent communities**.