



DERBY CITY COUNCIL

APPENDIX 3

# Animal Boarding Establishments Act 1963

Derby City Council

Dog Boarding Licence Conditions 2009

**REVISED 2009**



# **ANIMAL BOARDING ESTABLISHMENTS ACT 1963**

## **GENERAL DOG BOARDING LICENCE CONDITIONS**

### **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. Use of the term 'kennel' refers to both sleeping and individual exercise areas.
- 1.2 The licence holder must comply with these licence conditions at all times.
- 1.3 The licence holder must ensure that the premises are covered by adequate and suitable public liability insurance and where appropriate employer's liability insurance.
- 1.4 Authorised officers from Derby City Council and their representatives, e.g. Veterinary Surgeon(s), RSPCA inspector(s) must be allowed access to the premises and dog(s) at any reasonable time to carry out inspections and investigations as necessary.
- 1.5 Animals must be visited/monitored on a regular basis by the licence holder or their designated representative. If the licence holder is not present at the premises, their designated representative must be at all times within a reasonable distance from the premises for the purpose of dealing with any emergencies. A designated key holder must also be available.
- 1.6 If an animal should be lost, injured, die or contract a contagious disease then the Environmental Health and Trading Standards Division (Public Health Team) must be contacted on 01332 641962. The body should not be disposed of until contact has been made with officers from the Local Authority and must be kept at a veterinary surgeon's premises until the owner returns.
- 1.7 No person with any convictions or formal cautions for any animal welfare related offences must be involved in the business.
- 1.8 No dog(s) registered under the Dangerous Dogs Act 1991 shall be kept at the premises without the written approval of the Local Authority.
- 1.9 Dog Hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf hybrids) shall not be kept at the premises without the written approval of the Local Authority.

## 2. Number of Dogs Permitted

- 2.1 The maximum number of dogs to be kept at any one time is determined by the Local Authority. This relates to the number and size of the kennels. Each dog must be provided with a separate kennel except where two dogs from the same household may share a kennel with the written consent of the dog's owner.
- 2.2 Holding pens may be provided for temporarily kennelling a dog for not more than 24 hours. Holding pens, if provided, must comply with conditions as required for main kennels except for condition 8.3. Holding pens must be a minimum area of **2.3 sq. metre (25 sq. ft)**.
- 2.3 All dogs entering the establishment must wear a collar and tag identifying the name and address of the owner.
- 2.4 No animals other than dogs are to be boarded within the licensed facilities without the written approval of the Local Authority.
- 2.5 Stray dogs must not be boarded without the written approval of the Local Authority.

## 3. General Construction

- 3.1 The establishment must, at all times, be laid out and operated in accordance with an approved plan. Before carrying out any alterations the plans must be submitted to and approved by the Local Authority.
- 3.2 Wood must not be used in the internal construction of walls, floors, partitions, door frames or doors in the dog kennelling area. **Where it has been used in existing construction it must be covered with a durable, smooth, impervious material other than paint if it is likely to come into contact with the animal.** There must be no obstructions liable to cause injury.
- 3.3 Where galvanised weld mesh is used the wire diameter must not be less than **2.0mm (14 standard wire gauge)** excluding any covering and the mesh size must not exceed **5.0cm (2")**
- 3.4 Sleeping areas of kennels must be so isolated as to prevent extremes of temperature.
- 3.5 The construction must be such that the security of the dog is ensured. If kennels are open top they must be covered with suitable mesh. Where galvanised weld mesh is used the wire diameter must not be less than **2.0mm (14 standard wire gauge)** excluding any covering and the mesh size must not exceed **5.0cm (2")**

#### **4. Walls**

- 4.1 The interior surfaces of all buildings must be of smooth impervious materials capable of being easily cleansed.
- 4.2 Where concrete or other building blocks or bricks are used, they must be so sealed as to be smooth and impervious and resealed annually, or as necessary.
- 4.3 Junctions between vertical and horizontal sections must be covered. If impractical in existing premises, all joints must be sealed with waterproof flexible grouting.
- 4.4 Partition walls between kennels must be of solid construction to a minimum height of **1.1m (4ft)**.

#### **5. Floors**

- 5.1 Floors of all buildings, exercise areas and kennels, must be of smooth, impervious materials, capable of being easily cleansed and in **new** kennels must incorporate a damp proof membrane.
- 5.2 Floors of all kennels and related exercise areas must be laid to a minimum fall of **1 in 80** leading to a covered drainage channel, and must provide sufficient grip for the dog to walk or run without sustaining injury. Floors of kennels and individual exercise areas must be constructed and maintained in such a condition as to prevent pooling of liquids.
- 5.3 Drainage must not pass towards sides and partitions, so that contamination takes place between kennels.

#### **6. Ceilings**

- 6.1 Ceilings, where provided, must be constructed of smooth, impervious materials and be capable of being easily cleaned.

#### **7. Doors**

- 7.1 Kennel doors must be strong enough to resist impact and scratching and must be close fitting, and capable of being effectively secured.
- 7.2 Where metal bars and frame are used, they must be of suitable gauge (**approx. 10-12mm**) with spacing adequate to prevent small dogs escaping or becoming entrapped via nose or paw. Where plastic surfaced doors with metal edging are used, the strip metal edges must be adequately chamfered to prevent injury to the dog.
- 7.3 Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.
- 7.4 Doors must open inwards towards the kennel.

## **8. Windows**

- 8.1 All windows which pose a security risk must be escape proof at all times. Such windows must be protected by weld mesh, or be made of reinforced glass, polycarbonate or other impact resistant material.

## **9. Kennel Size, Layout and Exercise Facilities**

- 9.1 Each kennel must be provided with a sleeping area which is compatible to the size of dog being boarded. Suitable bedding equipment that allows the dog to be comfortable and which is capable of being easily and adequately cleaned and sterilised must be provided. This equipment must be sited out of draughts. All bedding material must be maintained in a clean, parasite free and dry condition.

- 9.2 Each kennel must be provided with an exercise area of at least **2.6 sq. m (28 sq. ft)** which is separate from the bedding area and **exclusive** to that kennel, for free use by the dog at all times except when bedded down for the night. This exercise area must be roofed to a minimum of half the area, sufficient to give the dog protection against the weather. The remaining area must be covered with suitable mesh.

Each kennel must have a combined floor area and exercise area, of at least **4.5 sq. metres (48 sq. ft)**

- 9.3 Kennels must have a minimum height of **1.8m (6ft)**.
- 9.4 Kennels and exercise areas must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 9.5 Exercise areas must not be used as bedding areas.
- 9.6 Where dogs are exercised outside of the exercise area attached to the kennel the dog must be kept on a lead at all times. They must have a tag on that provides the boarding establishment and the owners contact details.
- 9.7 Only people over 16 years of age are allowed to walk the dogs in public places.

## **10. Drainage**

- 10.1 The establishment must be connected to mains drainage or an approved localised sewage disposal system.
- 10.2 The floor of every kennel must be constructed so as to provide a proper fall to a covered drainage channel sited to take floor washings from each kennel and discharging to a trapped gully which connects to the foul drainage system. Severn Trent Water's policy on disposal of animal faeces to the foul sewer is that permission for disposal to the foul sewer

will not be given. Dog faeces can be potentially contaminated with toxocara parasite and as such its discharge to the foul sewer can compromise the sludge disposal routes at the receiving sewage treatment works. Therefore dog(s) faeces must be placed directly into the foul water drainage system to the premises without the written permission of the local water authority.

## **11. Temperature in Kennels**

- 11.1 The bedding area of the kennel must be maintained at a suitable temperature (This would obviously depend on the breed of dog). A minimum temperature of **10°C (45°F)** and a maximum of **22°C (75°F)**.
- 11.2 In isolation kennels there must be a means of maintaining the temperature at a level suitable for the condition of the dog and dependant upon veterinary advice. However, the temperature in the isolation kennel must not be allowed to rise above **26°C (79°F)** or fall below **13°C (60°F)**.
- 11.3 A 'minimum - maximum' thermometer must be provided in each kennel block and isolation unit.

## **12. Ventilation**

- 12.1 Permanent ventilation must be provided to the sleeping and exercise areas without the creation of excessive localised draughts in the bedding area.

## **13. Lighting**

- 13.1 During daylight hours lighting must be provided to exercise areas so that all parts of the area are clearly visible. Where practicable this must be natural light.
- 13.2 Artificial lighting must be provided in the exercise areas so that all parts of the area are clearly visible if these areas are to be used after daylight hours.
- 13.3 Lighting must be available at all times to sleeping areas so that all parts of the area are clearly visible.

## **14. Cleanliness**

- 14.1 All kennels, corridors, common areas and kitchens must be kept clean and free from accumulations of dirt and dust. They must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
- 14.2 Each kennel must be cleansed daily. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary.

- 14.3 All bedding areas must be kept clean and dry.
- 14.4 Each kennel must be thoroughly disinfected and dried upon vacation or every seven days whichever is the shorter. All fittings and bedding must also be thoroughly cleansed and disinfected prior to re-use.
- 14.5 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 and the final disposal route for all such waste must be incinerated.
- 14.6 Arrangements must be made with the Waste Collection Authority or an approved waste management contractor who is authorised to remove waste from the establishment under the Environmental Protection Act 1990. Foul waste water must be disposed of by discharge to the approved drainage system, (see appendix 1).
- 14.7 All vehicles used by the establishment for the transport of dogs must be regularly serviced and kept clean. They must be fitted with cages of adequate size for the safe transportation of dogs and be provided with adequate ventilation. All vehicles must be secure.

## **15. Food and Water Supplies**

- 15.1 All boarded dogs must be adequately supplied with suitable food. Wholesome drinking water must be available at all times and changed daily. Eating and drinking vessels must be secured to prevent spillage and be capable of being easily cleansed and sterilised. They must be maintained in a clean condition.
- 15.2 Eating vessels must be cleansed after each meal.
- 15.3 Drinking vessels must be cleansed at least once daily.

## **16. Kitchen Facilities**

- 16.1 Exclusive facilities (separate room or area) must be provided for the storage and preparation of food for the dogs.
- 16.2 Food storage and preparation areas must be hygienically constructed and be kept clean.
- 16.3 Refrigeration facilities must be provided where fresh and cooked meats are stored. Food contamination must be avoided.
- 16.4 A sink with hot and cold water must be provided for the washing of food equipment and eating/ drinking vessels. Suitable facilities for staff to wash their hands should be made available and reasonably accessible. These need not necessarily be within the kitchen itself.

- 16.5 Containers must be provided for the storage of foods and shall be so constructed and kept in such good order, repair and condition as to be proofed against insects and other pests.
- 16.6 Eating and drinking vessels must be made of a material which is capable of being easily cleansed and sterilised.
- 17. Disease Control and Vaccination**
- 17.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 17.2 Boarded dogs and resident dogs must be accompanied by an up to date record of vaccination which must be kept on site throughout the period that the dog is boarded. **Four weeks** is the **maximum** time for vaccines to become fully effective. A shorter time period is acceptable if suitable veterinary evidence is provided based on manufacturers' instructions.
- 17.3 Suitable isolation facilities must be provided. The management of the kennels, in cases of disease, should be properly organised with a written procedure for dealing with such outbreaks.
- 17.4 The **minimum** ratios for isolation facilities are: **One isolation facility** for every **thirty kennels** or part thereof.
- 17.5 These isolation kennels must be in compliance with the other boarding requirements but must be **separate** and **physically isolated** from the main kennels. This distance must not be less than **5m (15ft)**.
- 17.6 Adequate facilities to prevent the spread of disease between the isolation and other kennels must be provided. These must include a disinfected foot dip and the provision of personal protective equipment (PPE) for use in the isolation facility.
- 17.7 Isolation facilities must be available for the protection and isolation of bitches in season. Such facilities must prevent contact between the dogs.
- 17.8 If stray dogs are accepted by the kennels they must be kept in a separate area away from boarded dogs. Isolation facilities must not be used for this purpose. Condition 16.6 would apply to staff handling strays.
- 17.9 Measures must be taken to keep establishments free of rodents, insects (including external parasites) and other pests.
- 17.10 A veterinary surgeon must be called in cases 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.



- 17.11 A well stocked first-aid kit suitable for use on dogs must be available and accessible on site.
- 17.12 A range of muzzles of varying sizes as well as a dog-catching device, must be kept on site, and be approved by the Local Authority.

## **18. Register**

- 18.1 A register must be kept of all dogs boarded. The information kept must include the following:
- date and time of arrival and kennel number
  - name of dog, as well as any other identification mark such as microchip, number or tattoo
  - description, breed, age and gender of dog
  - name, address, telephone number and e.mail address (where applicable) of owner or keeper
  - name, address, telephone number and e.mail address (where applicable) of contact person whilst boarded
  - name, address, telephone number and e.mail address (where applicable) of dog's veterinary surgeon
  - anticipated and actual date of departure
  - health, welfare and nutrition requirements
  - details of any veterinary treatment provided or advised whilst being boarded.
- 18.2 Records must be kept available for a minimum of **24 months** and kept in such a manner as to enable an authorised officer to easily access such information. Where records are computerised, a hard copy must be kept. The register must also be available to members of staff of the establishment at all times.

## **19. Identification of Kennels**

- 19.1 Each kennel must be clearly and permanently numbered and must carry a notice giving the name of the owner, the name and a description of the dog, its date of arrival and date of departure. Other relevant information such as feeding habits and frequencies, medical treatments etc. may be stored on this fixture, but must not obscure the primary information.

## **20. Supervision**

- 20.1 A fit and proper person **aged 18 or over** must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. Dogs must be visited at such regular intervals as are necessary for their health, safety and welfare.

## **21. Fire Precautions**

21.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies. The name, address and telephone number of the licensee must be permanently displayed on the premises. Fire protection advice must be sought from the Fire Prevention Officer (tell: 01332 345440) and implemented.

21.2 The fire-fighting equipment must be maintained in good working order and serviced at least annually by a competent person.

A list of keyholders must be lodged with the Local Authority Public Health Team, Environmental Health and Trading Standards, Celtic House, Heritage Gate, Friary Street, Derby, DE1 1QX, listing key holder's full name, address and contact number.

21.3 A proper emergency evacuation plan and fire warning procedure must be drawn up and posted on the premises. This must include an instruction as to where dogs are to be evacuated to in the event of a fire or other emergency.

21.4 All electrical installations and appliances must be maintained in a safe condition. There must be an automatic electrical cut-out system (e.g.RCD) on each block of kennels, (see appendix 2).

21.5 Heating appliances must not be sited in a location or manner where they may present a risk of fire or risk to dogs.

21.6 Precautions must be taken to prevent any accumulation which may present a risk to fire.

21.7 There must be adequate means of raising an alarm in the event of a fire or other emergency.

## **22. Transportation of Livestock**

22.1. When receiving stock, the licensee must make every effort to ensure that it is transported in a suitable manner.

22.2 A record of the registration number of vehicles transporting livestock should be kept.

22.3 Livestock must be transported and supplied to purchasers in suitable containers.

22.4 Any livestock received or consigned shall be transported according to the regulations laid down by the Transit of Animals (General) Order 1973 (As Amended) or other relevant legislation or recommendations.

**23. Legislation**

23.1 The licence holder must ensure that the operation of the business does not create a statutory nuisance under the terms of the Environmental Protection Act 1990.

23.2 The licence holder must ensure that they comply with the requirements of The Dogs (Fouling of Land) Act 1996, The Animal Welfare Act 2006, Health and Safety at Work Act 1974 and any other associated legislation or regulations.

**24. Licence Display**

24.1 A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in, on or about the boarding establishment.

## APPENDIX 1

WASTE DISPOSAL – Under section 34 of the Environmental Protection Act, as a business that produces waste you are under a legal 'duty of care' obligation to ensure that you take all reasonable measures to ensure that:-

An offence is not committed under Section 33 of the above Act in that waste from your business is not illegally deposited (i.e. fly-tipped), and that you prevent the escape of waste from your control or that of any person, and where waste you produce is transferred to another person:-

That the transfer is only to an authorised person or to a person for authorised transport facilities, and that there is transferred such a written description of that waste that will enable other persons to avoid a contravention of section 33 of the above Act and to comply with the duty as respects the escape of waste.

In relation to your trade (controlled) waste you have two options for disposing of it. The first is to allow a licensed waste carrier to take it for you, where they are obliged to give you receipts for the waste they have taken on your behalf. This is normally in the form of controlled waste transfer notes, receipts or a contract. The other option is for you to take your own waste to a licensed trader waste disposal site where you should pay for the disposal yourself and obtain a receipt.

**A person cannot and must not dispose of trade waste in any other place than a site that is legally authorised to accept it, nor can you dispose of the waste in the household bin or at a household waste site.**

**Section 33, Part 1 (c), Environmental Protection Act 1990, a person cannot treat, keep or dispose of controlled waste in a manner to cause pollution or harm to public health.**

You must retain written records (waste transfer notes) of all commercial waste you have transferred to an authorised person or tipping records/receipts if you have disposed of waste yourself at an authorised trade waste disposal site. These records must be kept for a minimum of two years and the Council has that authority to require you to produce these records for inspection on request.

An offence under section 33 of the Environmental Protection Act 1990 (fly-tipping) carries the following penalties:

On summary conviction, up to 12 months imprisonment or a fine not exceeding £50,000 or both; or on conviction up to 5 years imprisonment or a fine or both.

Contraventions of section 34 of the Environmental Protection Act 1990 in relation to your duty of care carry a maximum fine of £5,000 and/or imprisonment.

## **APPENDIX 2**

In order to comply with the Electricity at Work Regulations 1989, all electrical circuits and appliances must be maintained in a safe condition. To achieve this, a programme of preventative maintenance must be set up to identify and remedy defects before they can cause danger.

The fixed installation should be inspected and tested in accordance with the current Institute of Electrical Engineers (IEE) Wiring Regulations. All earthed portable appliances that are used on the premises should also be tested and you should record such testing. This record should contain the following information: - the date of testing, a description of the appliance, the type of tests carried out, the specific results, the electrician's comments and the next test date.

**All defects that are identified as requiring urgent attention must be completed immediately.**

A copy of the inspection report and the appliance record should be kept on the premises and a copy given to the local authority enforcement officer.

The installation and appliances should be regularly checked at intervals as recommended by your contractor. As a guide, the installation should be looked at every 5 years and the portable appliances on a yearly basis.