

**SUBJECT: APPLICATION FOR THE GRANT OF A LICENCE TO KEEP AN ANIMAL BOARDING ESTABLISHMENT**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: FRANCESCA BELL – PUBLIC PROTECTION, ASB AND LICENSING SERVICE MANAGER**

## **1. Purpose of Report**

- 1.1 The Licensing Committee is asked to consider the grant of an Animal Boarding Establishment Licence under the Animal Boarding Establishments Act 1963.
- 1.2 The purpose of this Report is to assist the Committee in determining the outcome of the home boarding licence application.
- 1.3 This Report outlines an application for the grant of a licence for a home boarding establishment for dogs made by Mrs Leary in respect of the premises known as 58 Wolsey Way, Lincoln, LN2 4SJ.
- 1.4 Under the Animal Boarding Establishments Act 1963 a licence is required if a person carries on a business of providing accommodation for other people's animals (dogs and cats). The requirement for a licence includes those businesses that provide dog day boarding facilities. This includes boarding of dogs in a home environment.
- 1.5 The Applicant has not previously held an animal boarding establishment licence with this Authority.

## **2. Executive Summary**

- 2.1 An application has been received from Mrs Leary in respect of the premises known as 58 Wolsey Way, Lincoln, LN2 4SJ. The applicant seeks a licence to board dogs from different households under an Animal Boarding Establishment Licence.
- 2.2 The current model condition for an animal boarding licence states that '**only dogs from the same household may be boarded at any one time**'. The applicant is seeking a variation to this model condition to allow her to be able to board 4 dogs from different homes at the same time.
- 2.3 The committee should consider if the applicant should be granted this exception and be allowed to board dogs from different households.
- 2.4 On the 22nd September 2017 the Licensing team received an application from Mrs Leary for the grant of an Animal Boarding Establishment licence permitting her to board 4 dogs at her property, at 58 Wolseley, Lincoln, LN2 4SJ.

### **3 Animal Boarding Establishment Act 1963**

3.1 In considering the animal boarding establishment (home boarding) licence application the Committee has a number of options;

- Grant the licence application subject to the Council's standard home boarding licence conditions.
- Grant the licence application subject to a variation of the Council's standard home boarding conditions.
- Reject the licence application.

3.2 The Council's policy is that applications animal boarding establishment licences will normally be determined by Licensing Officers acting under delegated powers. Where there are specific concerns regarding a particular premise or application the matter shall be brought before the licensing committee.

3.3 The current model home boarding licence conditions, used by the council, prohibit dogs from different homes from being boarded at the same time. The applicant is asking the Authority to relax this condition in order to allow the boarding of dogs from different homes at the same time.

### **4. Other applicable Policy**

4.1 The LACORS 2005 model licence conditions for home boarding state that:

- Only dogs from the same household may be boarded at any one time.

This model condition was intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area/ corner of a room).

4.2 In October 2009 LACORS issued further guidance for local authorities. Stating that they were aware that some local authorities were choosing to relax the requirement for dogs to be from the same household provided the licensee was able to meet a number of addition requirement / licence conditions. Examples of those additional requirements include:

- 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.

## 5. Supplementary information

- 5.1 The applicant is supported by Vippies and is proposing to be affiliated with Vippies Ltd. Vippies Ltd are a Lincolnshire based company providing pet care such as home boarding, dog walking, pet sitting and pet foster care. Further information can be found on the Vippies website at: [www.vippies.co.uk](http://www.vippies.co.uk).
- 5.2 The Licensing Officer has received documents from the applicant relating to the measures intended to be put in place to prevent this. This is attached at Appendices C - I. The committee needs to determine if these measures are substantial enough.

## 6 Options available to the Committee

- 6.1 1. Grant the licence application subject to the Council's standard home boarding licence conditions.
- 6.2 2. Grant the licence application subject to a variation of the Council's standard home boarding conditions.
- 6.3 3. Reject the licence application.

## 7 Options explored in further detail

- 7.1 The Committee could grant the application for an animal boarding establishment (home boarding) licence. With a maximum number of 4 dogs. There should be a maximum of 2 additional resident dogs, that is pets who normally reside in the house, should the applicant have more than 2 resident dogs the number of boarding dogs may need to be reduced accordingly. The committee are to consider whether the licence is granted;
- A. Subject to the Council's standard home boarding licence conditions, **including** the requirement that only dogs from the same household may be boarded at any one time, or
- B. Subject to the Council's standard home boarding licence conditions, **excluding** the requirement that only dogs from the same household may be boarded at any one time.
- 7.2 If the licence is granted, excluding the requirement to only board dogs from the same household, as outlined in 7.1A above then it is recommended that the standard conditions be varied to reflect the decision to allow dogs from multiple households.
- 7.3 Also, if the Committee is minded to allow the boarding of dogs from different households at the same time, then the Committee may wish to indicate that:
1. The relaxation of the dogs from one household requirement, in this particular case, will only initially be for a trial period until the end of

2018.

2. During the period from now until the end of 2018 the premise should be subject to interim inspections and reports by an Officer of this Authority. The Committee to decide on an appropriate intervals (e.g. four or six monthly) for the inspections.
3. Any licence renewal application, relating to a licence with an expiry date of 31 December 2018, to be submitted by the applicant at least six weeks in advance of the licence expiry date. The purpose of this early application period being to review the success or not of the arrangements for the boarding of dogs from different homes.
4. The licence renewal application, relating to a licence with an expiry date of 31 December 2018, will be determined by the General Licensing Committee rather than Officers acting under delegated powers.
5. Any complaints or concerns raised relating to this licence be brought before the licensing committee for consideration.
6. The committee may consider reducing the number of dogs to be boarded during the trial period.

## **8. Summary**

- 8.1 The Licensing Committee is presented with an application for an animal boarding licence, to board dogs from different household instead of the boarding of dogs from the same household.
- 8.2 The Licensing Committee is also asked, if minded to grant the licence applied for, to consider amending the model condition.

## **9. Considerations**

### **9.1 Human Rights**

Article 1, Protocol 1 – peaceful enjoyment of possessions

“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 and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

The right to engage in commercial activities under the benefit of a licence or registration is a possession

Tre Traktor Aktiebolag v Sweden 1989

## **10. Organisational Impacts**

### **10.1 Legal Implications**

- 10.2 If the Applicant does not agree with a decision of the Licensing Committee to refuse the application she is able to appeal the decision to the Magistrates' Court. The licensee has 28 days from the date of refusal to appeal.

**11. Financial Implications**

- 11.1 The cost of any appeal cannot be assessed but any costs incurred would have to be met from the Legal Expenses budget.

**12. Equality & Diversity implications**

- 12.1 The potential for any Equality and Diversity issues to arise has been considered and it is concluded that no issues relating to this, nor the Human Rights Act 1988 are relevant.

**13. Recommendation**

- 13.1 That the committee consider the application and provide reasons for their decision.

**How many appendices does the report contain?**

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**List of Background Papers:**

Appendix A – Animal Boarding Model Conditions  
Appendix B – Application for an Animal Boarding Licence  
Appendix C - Vippies – General Notes  
Appendix D – Vippies – Foster Care and Day Care  
Appendix E – Vippies – Visit Details  
Appendix F – Vippies – Pet Details  
Appendix G – Vippies – Pet Care Medication Sheet  
Appendix H – Vippies – If a Dog goes Missing  
Appendix I – Vippies – Emergency Procedure

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