

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 & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 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 held an animal boarding establishment licence with this Authority for the boarding of up to 4 dogs from the same household since 7th November 2017. To date no complaints or concerns have been received.

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 Mrs Leary has held an Animal Boarding Licence issued by City of Lincoln Council allowing her to board up to 4 dogs from one household since 7th November 2017. To date no complaints or concerns have been raised about the operation of this licence.
- 2.5 In considering the animal boarding establishment (home boarding) licence application the Committee has a number of options;
- To grant the licence application subject to the Council's standard home boarding licence conditions – this would allow only dogs from the same household to be boarded.
 - To grant the licence application subject to a variation of the Council's standard home boarding conditions – this would allow dogs from up to 4 households to be boarded.
 - To reject the licence application.

3. Animal Boarding Establishment Act 1963

- 3.1 The Council's policy is that applications for 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.
- 3.2 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.
- 3.3 Within the City of Lincoln Council boundary we do not currently have any home boarding licences that permit dogs from different households.

In determining whether to grant a licence under this Act the Committee are asked to have particular 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

Without prejudice to their discretion to withhold a licence on other grounds.

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 additional 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.

4.3 In the application submitted by Mrs Leary and supported by Vippies, documentation of how they intend to achieve the above measures is set out. The documents can be found in Appendix C - I.

5. Supplementary Information

5.1 The applicant is an employee of 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.

- 5.2 The Licensing Officer has received documents from the applicant relating to the measures intended to be put in place to ensure the animals safety and adequate provision of care is met at all times. This is attached at Appendices C - I. The committee needs to determine if these measures are substantial enough.
- 5.3 It is understood from the applicant that their intention is to have a maximum of 3 dogs from different households with the 4th space being only for emergencies should owners be delayed in collecting their pet.
- 5.4 The Licensing Officer assisted by the Animal Warden from the Public Protection and Anti-Social Behaviour Team are due to inspect 58 Wolsey Way on Thursday 12th April 2018. This has been delayed due to illness of the applicant. The committee will be updated of the findings once the inspection is complete.

6. Options Available to the Committee

- 6.1 1. To grant the licence application subject to the Council's standard home boarding licence conditions – this would allow only dogs from the same household to be boarded.
- 6.2 2. To grant the licence application subject to a variation of the Council's standard home boarding conditions – this would allow dogs from up to 4 households to be boarded.
- 6.3 3. To 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 7.1B above then it is recommended that the standard conditions be varied to reflect the decision to allow dogs from multiple households and that the requirements recommended by LACORS in 2009 (set out in 4.2 above) be incorporated onto the licence.
- 7.3 In addition, 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 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 conditions.

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 Licensing 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
Appendix J – Inspection report of 58 Wolsey Way – *to Be circulated following inspection on 12th April.*

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