

Report of:	Meeting	Date	Item no.
Mark Broadhurst, Service Director Health and Wellbeing	Licensing Committee	23 February 2017	4

Animal Boarding Establishments Act 1963
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## 1. Purpose of report

- 1.1 To consider the adoption of conditions for Commercial Day Boarding Establishments for dogs, licensed under the terms of the Animal Boarding Establishments Act 1963 and to agree licensing arrangements, including an appropriate fee.

## 2. Outcomes

- 2.1 To adopt conditions to be attached to licences for Commercial Day Boarding Establishments for dogs, issued under the terms of the Animal Boarding Establishment Act 1963.

## 3. Recommendations

- 3.1 i) That members adopt the conditions attached as Appendix 1 to this report for Commercial Day Boarding Establishments for dogs licensed under the terms of the Animal Boarding Establishments Act 1963 and
- ii) to agree an appropriate fee for the licence.

## 4. Background

- 4.1 The Animal Boarding Establishments Act 1963 requires any business providing accommodation for other people's dogs to be inspected and licensed by the Council.  
Exceptions exist only if animals are held where the main activity is not the provision of accommodation (e.g. a dog surgery or a dog grooming service), or they are held for disease prevention purposes.
- 4.2 Each local authority must set its own conditions based on the requirements of the Animal Boarding Establishment Act 1963 and the CIEH Model Standards. Wyre Council has licensed and conditioned dog

boarding establishments that provide care in the established overnight traditional commercial “kennels” for many years. However due to changes in lifestyle, dog owners now require a range of options to care for their animals.

- 4.3** Due to an increase in the number of home dog boarding premises, where a small number of dogs are boarded in the licensee’s home in exchange for payment, these establishments are now licensed by the Council.
- 4.4** In a further development, the licensing department has been approached by the owner of a commercial property who wishes to open a facility that would provide daytime accommodation for a number of dogs, whilst their owners are at work, or away from the home. Day boarding of dogs is an activity that has not previously been licensed by Wyre.
- 4.5** The Animal Boarding Establishments Act 1963 requires that no person shall keep a boarding establishment for animals without a licence from the local authority. Keeping a boarding establishment is defined as:  
*“the carrying on by a person at premises (including a private dwelling) of a business of providing accommodation for other people’s animals”*.  
In this case ‘animals’ only refers to cats and dogs.
- 4.6** Dog boarding kennels and catteries in commercial premises have been licensed by this authority for many years. However, in recent years the practice of boarding a larger number of dogs during the day in bespoke premises has become more prevalent. In the case of Commercial Day Boarding Establishments, dogs would NOT be permitted to board overnight. This is because facilities and conditions are different and the amount of space allocated to individual dogs is less than a traditional kennels.
- 4.7** The determination as to whether this activity needs to be licensed is centred around the consideration of whether or not they are running a business and boarding dogs in the true sense of the meaning. The Act does not specify that dogs need to be boarded ‘overnight’, just that ‘accommodation’ is provided.
- 4.8** Traditional dog boarding kennels look after dogs from individual households in their own exercise and sleeping areas for an extended period of time (including overnight), typically whilst the owners are on holiday.
- 4.9** Commercial dog day care establishments offer day supervision of a specified number of dogs from different households, allowing interaction in a communal area. No overnight accommodation will be offered but the proposed conditions state that there should be separated rest areas for at least 50% of the total number of dogs licensed. As a ‘play’ area is provided the accommodation is for sleeping, rest or just a chance for a dog to be separated from others if required, therefore the accommodation sized in the proposed conditions reflect this. See section 2.0 of the

proposed conditions.

- 4.10** The licence holder must pre-screen all dogs to ensure that they are suitable to join the group. In addition, continual supervision of the dogs will be required. This setting provides dogs with varied activities including exercise and socialisation. This type of business is aimed at dog owners who, due to work or family commitments, are unable to care for their dogs during the day, and is therefore different to traditional dog boarding establishments.
- 4.11** The purpose of the licensing conditions is to ensure satisfactory animal health and welfare at the premises. Whilst the general dog boarding establishment conditions and the domestic dog boarding conditions continue to apply to those premises, they do not fully take into account the specific needs and ways of operating day boarding of dogs. It is therefore proposed to introduce a new set of conditions for day dog care boarding establishments. These are also based on national model licensing conditions produced by the Chartered Institute of Environmental Health in conjunction with the British Veterinary Association, the Pet Care Trust and others. The proposed conditions are given in **Appendix 1**.

## **5. Key issues and proposals**

- 5.1** The Animal Boarding Establishment Act 1963 requires anyone wanting to board dogs commercially to be licensed by their local authority. However the standard licence conditions for traditional dog boarding establishments were not written with dog day care centres in mind and consequently the current licensing conditions do not adequately cover such premises.
- 5.2** In order to provide suitable conditions that can be attached to a Commercial Day Boarding Establishment, model conditions have been adapted from existing conditions to accommodate the needs of dogs that will be cared for in this type of premises.
- 5.3** The adoption of such will ensure acceptable standards of animal health and welfare are maintained. All such premises will be subject to an inspection by the Council's animal welfare officer on application and on annual renewal.
- 5.4** A benchmarking exercise has been carried out on all Lancashire authorities to establish the presence of similar schemes, but to-date only one authority has been approached to licence such premises. Similar schemes do however exist across the Country and their conditions have also researched to create the condition template that is proposed for adoption.
- 5.5** It is proposed that the licence fee for Commercial Day Boarding for dogs is set at the same level as the fee for a commercial Animal Boarding Establishment Licence. That, currently being £140.00.

- 5.6** It is further proposed that this Authority adopt the conditions provided at **Appendix 1** and attach them to Commercial Day Boarding for dogs establishment licences issued by the Council, following receipt of the fee and a positive premises inspection.
- 5.7** Members may however choose not to licence Commercial Day Boarding premises. If this were the case then no checks would be carried out on the premises and irresponsible proprietors may not provide the best facilities for animals in their care. This could lead to cross infection of animals, detrimental facilities and possible harm to dogs left in their care.

<b>Financial and legal implications</b>	
Finance	There are no financial implications directly associated with the adoption of conditions and licence arrangements. All inspections would be met within existing resource.
Legal	The Animal Boarding establishments Act 1963 Section 1(3) empowers local authorities to attach conditions that have regard to issues identified in that section. The proposed conditions satisfy this requirement. There is a right of appeal against any condition, subject to which a boarding establishment licence is proposed to be granted.

#### **Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

<b>risks/implications</b>	<b>✓ / x</b>
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

<b>risks/implications</b>	<b>✓ / x</b>
asset management	x
climate change	x
data protection	x

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<b>List of background papers:</b>		
name of document	date	where available for inspection

**List of appendices**

Appendix 1-Proposed licence conditions

arm/rg/lic/cr/17/2302cf1

**Animal Boarding Establishments Act 1963**

**Licence conditions for establishments providing:**

**Commercial Day Boarding for Dogs**

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 commercial day boarding of dogs.

<b>1.0</b>	<b><u>General licence conditions</u></b>
<b>1.1</b>	The licence holder shall not make or cause or permit to be made any material change to the premise or licensed activity without the prior consent of the Local Authority.
<b>1.2</b>	A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises and can be easily read.
<b>1.3</b>	Insurance shall be maintained at all times to a sufficient level to cover the maximum number of dogs boarded. Employers Liability and Public Liability Insurance shall be maintained at a sufficient level at all times. The certificates of insurance shall be suitably displayed in a prominent position within the premises and can be easily read.
<b>1.4</b>	The licence applicant must provide evidence of competence to the licensing authority, prior to any licence being granted. Evidence of competence must comprise of experience, relevant training and/or qualifications.
<b>1.5</b>	No dog registered under the Dangerous Dogs Act 1991 must be accepted for boarding. Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for boarding. Stray dogs are not to be accepted for boarding.
<b>1.6</b>	All dogs attending the establishment shall wear a collar and tag Identifying the name and contact number of the premises.
<b>1.7</b>	There shall be no overnight boarding of dogs at the premises.
<b>1.8</b>	The premises shall be operated in such a way as to avoid nuisance to occupiers of neighbouring properties.
<b>1.9</b>	A register of dog fights must be kept and any injuries so noted.
<b>2.0</b>	<b><u>Number of animals</u></b>
<b>2.1</b>	The number of dogs permitted at an establishment will be determined by the suitability of the premises including size, available space and staff/supervision levels.

<b>2.2</b>	The maximum number of dogs boarded at any one time is shown on the licence.
<b>2.3</b>	The minimum number of separated rest areas to be made available for dogs shall be 50% of the maximum number dogs allowed on the licence. The size of an individual rest area shall not be less than 1 cubic metre (1m <sup>3</sup> ) irrespective of the size of the dog. The method of construction and materials used shall effectively separate dogs.
<b>2.4</b>	A written procedure must be in place for any potential new day care boarders to be comprehensively assessed for temperament and suitability by a competent person. This assessment must be documented and must include information on the dog and its ability to mix with other dogs. This written procedure must be provided to the Licensing Authority on request.
<b>2.5</b>	Entire males and bitches in season, or bitches due to be in season during the boarding period, must not be boarded together.
<b>2.6</b>	Puppies under 6 months of age may be boarded, at the establishment managers discretion, provided that they are suitably vaccinated and a trial socialisation period has taken place.

<b>3.0</b>	<b><u>Construction</u></b>
<b>3.1</b>	The premises, buildings, grounds and perimeters must offer a safe and secure environment for boarders.
<b>3.2</b>	All external structures including the walls, doors and roof will be maintained in a suitable durable and weather proof condition and without risk of injury to persons or animals. The construction shall be such that the security of boarded dogs is ensured at all times.
<b>3.3</b>	All internal surfaces used in the construction of walls, doors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury. Ceilings must be also be kept clean
<b>3.4</b>	Junctions between vertical and horizontal sections must be suitably sealed.
<b>3.5</b>	The premises shall have its own entrance and must not have shared access e.g. communal stairs, reception areas, kitchens or toilets.
<b>3.6</b>	Where there is an outside area, the area must only be for exclusive use by the Licensee and be totally secure from the public, safe and animal escape-proof.
<b>3.7</b>	Where wood has been used in the construction it must be smooth and treated to render it impervious. Only products which are not toxic to dogs may be used and do not contain phenols. There must be no projections liable to cause injury.
<b>3.8</b>	All internal and external doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.
<b>3.9</b>	The establishment must be connected to mains drainage or an approved, localised sewage disposal system with the floor laid to a fall of 1:80 to prevent pooling.
<b>3.10</b>	Adequate light shall be provided to all exercise, sleeping, external, and ancillary areas so that all parts are clearly visible. Where practicable this shall be by natural light. Adequate supplementary lighting shall be provided to allow safe working conditions.
<b>3.11</b>	Adequate ventilation shall be provided to all interior areas.
<b>3.12</b>	Adequate heating facilities must be provided to indoor areas, and the ambient indoor temperature must be maintained to at least 10°C / 50°F at all times. A thermometer must be provided in the indoor areas to enable the temperature to be checked.

<b>4.0</b>	<b><u>Cleanliness</u></b>
<b>4.1</b>	The premises shall be kept clean, dry and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.
<b>4.2</b>	All excreta, urine, and soiled material(s) must be removed immediately from communal areas used by dogs and from all areas regularly throughout the day.
<b>4.3</b>	All cleaning chemicals and materials (mops, brushes etc.) used must be suitable for use around dogs and must not contain phenols. Such chemicals and materials used must always be stored in a secure cupboard.
<b>4.4</b>	Facilities must be provided for the proper storage and legal disposal of all waste. A Duty of Care contract may be required.
<b>4.5</b>	Adequate measures must be taken to keep establishments free of rodents, insects, and other pests. Any supplies of food must be kept in vermin proof containers.

<b>5.0</b>	<b><u>Kitchen facilities</u></b>
<b>5.1</b>	Suitable designated kitchen facilities, hygienically constructed and maintained, shall be provided for the storage and preparation of food for the animals, and for washing, disinfecting and storing all food and drink receptacles. This must include adequate washing facilities with hot and cold (or suitably mixed) running mains water.
<b>5.2</b>	Adequate hand washing facilities must be provided, to include hot and cold (or suitably mixed) running mains water, soap and hygienic hand drying provision. Hand wash basins must be connected to the mains drainage system or an approved localised sewage disposal system.
<b>5.3</b>	All sinks used for partial cleaning of soiled blankets or bedding must be connected to the mains drainage system or an approved, localised sewage disposal system.
<b>5.4</b>	Adequate facilities are to be provided for the effective cleaning and disinfection of all laundry, articles, equipment, toys, furniture etc. used within the boarding facility.
<b>5.5</b>	Where raw or cooked meat or fish are stored, refrigeration facilities must be provided.
<b>5.6</b>	Isolation facilities should have a separate kitchen for food preparation.

<b>6.0</b>	<b><u>Animal welfare</u></b>
<b>6.1</b>	Fresh drinking water from a potable source shall be available to dogs at all times and change frequently throughout the day.
<b>6.2</b>	Dogs shall be supplied with suitable food in accordance with the owner's prior agreement. All dogs, if fed on site, must be fed in isolation from other dogs.
<b>6.3</b>	All animals must be provided with a bedding area large enough and suitable to allow the animal to lie comfortably. Where bedding is used it should be maintained in a clean and dry state.
<b>6.4</b>	Any sick or injured animal must receive appropriate care and treatment without delay. Veterinary advice should be sought whenever necessary.
<b>6.5</b>	All dogs must be adequately exercised during the day.
<b>6.6</b>	Suitable, separate facilities must be available to keep all dogs separate when necessary, particularly in the case of an attack incident.



6.7	A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site.
6.8	A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site, and during exercising off site.

7.0	<b><u>Disease control and vaccinations</u></b>
7.1	Adequate precautions must be taken to prevent and control the spread of disease and parasites amongst the dogs. Following an episode of infectious disease during any stay the premises must undergo a reasonable quarantine period before new boarders are admitted.
7.2	This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon. A record must be maintained of each episode of infectious disease together with details of the implemented quarantine period.
7.3	The Licensee must inform the licensing Authority on the next working day if a dog develops an infectious disease.
7.4	Proof must be provided that dogs boarded have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis ( <i>L. canicola</i> and <i>L. icterohaemorrhagicae</i> ) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with the manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
7.5	The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
7.6	Suitable isolation facilities shall be provided in compliance with the other boarding conditions, to house any sick or injured dog until such time as it can be returned to its owner or transported to a vet. They must be separate and physically isolated from the main areas used, by a minimum distance of 5m (15ft).

8.0	<b><u>Supervision and management</u></b>
8.1	In the absence of any documented assessment the staff ratio shall be no less than one person for every 5 dogs. Staff employed must be made aware of the requirements of the licence conditions, operational and emergency procedures and the information contained on the registers.
8.2	A fit and proper person shall always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence. The licence holder must always be contactable in case of an emergency. Boarded dogs must not be left unsupervised or unattended at any time.
8.3	A Fire Risk Assessment (as required by the Regulatory Reform (Fire Safety) Order 2005) must be undertaken and kept available for inspection. Suitable fire detection and firefighting equipment must be provided in accordance with the findings of the risk assessment.
8.4	All electrical installations and appliances must be maintained in a safe condition, with no loose or trailing cables or wires. All heating appliances must be free from risk of fire, so far as is reasonably practicable. There must be no use of free standing gas,

	oil, or electrical heating appliances.
<b>8.5</b>	A fire evacuation and emergency plan must be documented and displayed prominently within the establishment. This must be brought to the attention of all employees. The plan must include information and instructions on how dogs are to be evacuated in the event of any emergency and where they will be housed in an emergency situation.
<b>8.6</b>	A written management plan must be compiled to include information on how the licence holder will deal with the management of the number of dogs allowed under the licence, and in particular emergency situations. This must be updated as necessary and displayed prominently within the establishment. The plan must be brought to the attention of all employees with a book signed and dated by the employee when read.
<b>8.7</b>	A written training policy must be provided and records kept of all staff training given. All staff must undergo initial induction training and / or refresher training as necessary. Untrained staff must not be left alone with any boarded dogs at any time.
<b>8.9</b>	The Licensing Authority must be informed of the death of any boarded dog, within 24 hours of the death occurring.
<b>8.10</b>	The Licensing Authority must be informed of any attack incident (both dog on dog or dog on person) involving any boarded dog, within 24 hours of the attack occurring.
<b>8.11</b>	The Licensing Authority must be notified immediately (and in any event, the same day) of any dog that escapes or becomes lost.

<b>9.0</b>	<b><u>Register</u></b>
<b>9.1</b>	A record must be kept of all dogs boarded. The information kept must include the following:
<b>9.2</b>	Date / time of arrival and actual time of departure.
<b>9.3</b>	Name of dog, any identification system such as microchip number or tattoo.
<b>9.4</b>	Description, breed, age and gender of dog.
<b>9.5</b>	Name, address and telephone number of owner or keeper.
<b>9.6</b>	Name and telephone number of local contact person whilst boarded.
<b>9.7</b>	Name and address and telephone number of the dog's veterinary surgeon.
<b>9.8</b>	Proof of current vaccinations, medical history and requirements.
<b>9.9</b>	Health, welfare and nutrition requirements.
<b>9.10</b>	Signed authorisation for any dog to mix with other dogs.
<b>9.11</b>	Signed authorisation for any dog to be walked on/off the lead outside of the establishment. The maximum number of dogs to be walked outside of the establishment shall not exceed the amount currently allowed by the Wyre Council.
<b>9.12</b>	If medication is to be administered, this must be recorded.
<b>9.13</b>	The register shall be kept readily available for a minimum of 2 years and must be available for inspection at all times by an authorised officer of the council or police constable.
<b>9.14</b>	Where records are computerised, a back-up copy must be kept and preferably off-site.

<b>10.0</b>	<b><u>Establishment specific conditions</u></b>
<b>10.1</b>	The operating hours for this establishment shall be shown on the licence
<b>10.2</b>	The operating days for this establishment shall be shown on the licence

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