

**Body:** General Licensing Committee  
**Date:** 18<sup>th</sup> January 2010  
**Subject:** Raising of Standards in Licensed Home Boarding Establishments

**Report Of:** Karen Plympton, Licensing Manager  
**Ward(s)** All  
**Purpose**

- 1) To advise the Licensing Committee of the current position in relation to the licensing of home boarding establishments, and related activities.
- 2) Review and amend the Council's current licence conditions relating to home boarding establishments in the Borough
- 3) Aim to raise standards and adopt a range of new operating conditions as part of this process.

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## **1. Introduction**

- 1.1 Local Authorities issue licences to proprietors for a range of animal activities which are defined as licensable under a broad range of legislation. This includes the Animal Boarding Establishments Act 1963
- 1.2 Currently, Eastbourne Borough Council licences 5 which home boarding establishments, catering for dogs.

## **2.0 The Eastbourne Context**

- 2.1 Historically, the Eastbourne Borough Council has licensed animal boarding establishments covering and stipulates its own licence conditions. These were last revised in 2007.
- 2.2 These conditions are broad in scope and aim to ensure:
  - that animals are kept in suitable accommodation.
  - that animals are fed and watered adequately.
  - that the licence holder shall take all reasonable steps to prevent the spread of infectious or contagious disease.
  - that appropriate steps will be taken in the event of an emergency.
- 2.3 The licence holder is also required to ensure that the safety of animals, and that proper records are kept. A copy of the current licence conditions relating to home boarding are attached at Appendix 1.

### **3.0 Animal Boarding Establishments Act 1963**

- 3.1 Establishments where the boarding of animals is being carried on as a business are subject to the 1963 Act and need to be licensed by the Local Authority.
- 3.2 For the purpose of this Act the keeping of such establishments is defined as the carrying on at any premises, including a private dwelling, of a business of providing accommodation for other people's cats and dogs.
- 3.3 The licence is granted at the discretion of the Local Authority, taking into account the suitability of the accommodation alongside wider animal welfare issues.

### **4.0 Review of Home Boarding Conditions**

- 4.1 In 2007, the General Licensing Committee met and agreed revisions to pet shop licence conditions, animal boarding, home boarding and animal breeding conditions.
- 4.2 Since 2007, further best practice has been identified through LACORs, issued to Local Authorities in October 2009 regarding the Home Boarding Conditions. This document seeks to offer clarification to Licensing Authorities and members of the Trade regarding home boarding conditions, in turn, raising standards.

### **5.0 Consultation**

- 5.1 Following on from the LACORs Guidance in October 2009, sites currently licensed by the Borough as home boarding establishments were written to and feedback sought regarding revisions to the existing conditions. . A copy of this correspondence is included at Appendix 2.
- 5.2 Following this consultation exercise, no feedback has been received. Further slight revisions have been made to the wording of the conditions to improve understanding and associated compliance with the conditions.

### **6.0 Modifications To Home Boarding Conditions**

- 6.1 A copy of the proposed additions, along with any revisions and removed conditions is included at Appendix 3. The changes are identified in bold font and in summary relate to the following:
  - The accommodation of dogs from multiple households
  - Dog welfare issues
  - Details to be included in the Boarding Register
  - Control and supervision of the site

### **7.0 Implementation**

- 7.1 It is proposed to allow for a transitional period to facilitate implementation and compliance. This is to enable sites already licensed within the Borough to continue to trade and to take any action required to meet any new conditions. It is proposed that any steps will be taken and works completed no later than 30<sup>th</sup> December 2010.

7.2 It is proposed that the new conditions have immediate effect where there are new sites seeking to be licensed within the Borough and that these must meet the proposed conditions from the outset.

## **8.0 Financial Implications**

8.1 The cost of any new regime is largely recovered by way of a licence fee. Applicants and/or licensed site operatives may also be required to meet the additional costs of veterinary fees and/or the instruction of a specialist where it is deemed necessary by the Licensing Authority in ensuring the health, safety and well being of any animal.

## **9.0 Human Rights Act 1998-Implications**

9.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions.

9.2 Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property. Article 8 - which relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

## **10.0 Conclusion**

10.1 There are currently a range of establishments licensed in the Borough. The public have a right to expect that all of these premises satisfy basic standards for the health, safety and welfare of animals.

10.2 It is also equally important that the premises proprietors have a clear understanding of the minimum standards to be attained and the proposed revisions set a benchmark standard, responding to concerns expressed by the industry, enforcement authorities and those concerned with animal welfare, aiming to raise standards and some degree of consistency of approach.

## **11.0 Recommendation**

The Full Licensing Committee is asked to:

- (a) Amend the Council's current licence conditions relating to home boarding establishments in the Borough, with a view to raising standards.
- (b) Adopt the new conditions as per Appendix 3

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## **Background Papers**

- Animal Welfare Act 2006
- Pet Animals Act 1951 & Model Conditions
- Animal Boarding Establishments Act 1963
- LACORS Guidance To Local Authorities – Update and Clarification Of Home Boarding Conditions - October 2009
- DEFRA – Advice Section
- Wealden District Council – Model Conditions