



PLANNING AND LICENSING COMMITTEE

8TH AUGUST 2018

AGENDA ITEM (9)

AMENDMENT TO LICENCE CONDITIONS FOR HOME BOARDING (DOGS)

Accountable Members	Planning and Licensing Committee
Accountable Officer	Alison Gardner Licensing Officer 01285 623000 alison.gardner@publicagroup.uk

Purpose of Report	To consider an amendment to Condition 5.8.3 of the Council's current Licence Conditions for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963.
Recommendations	<p>(a) That Condition 5.8.3 of the Council's Licence conditions for Home Boarding (Dogs) be amended to read:</p> <p>'If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.'</p> <p>(b) that the amended Condition be applied to future applications for licences for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963.</p>
Reasons for Recommendation	Condition 5.8.3 as it currently stands is difficult to enforce and would require continual monitoring to ensure compliance. Consequently it is likely that some home boarding establishments are not complying fully with these conditions and some may be operating without a licence as they are not willing to comply with Condition 5.8.3. By introducing risk assessments and supervision rules the risks can be adequately addressed and the proposed amendment ensures that the conditions are precise, proportionate, and capable of being met.

Ward Affected	All
Key Decision	No
Recommendation to Council	No

Financial Implications	There are no financial implications arising directly from this report. An applicant has a right of appeal to the Magistrates Court if an application is not granted. Any appeal to the Magistrates Court could result in the Council having to incur legal costs to defend its action.
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Legal and Human Rights Implications	The Council has discretion to make licence conditions; but needs to ensure that conditions are appropriate, precise and enforceable.
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	None
Equalities Analysis	No effect on protected groups identified.

Related Decisions	None
Background Documents	(i) Animal Boarding Establishments Act 1963 (ii) LACORS Model Licence Conditions for Home Boarding (Dogs) (iii) Cotswold District Council Licence Conditions for Home Boarding (Dogs)
Appendices	None

Performance Management Follow Up	(i) Implement Committee decision(s). (ii) The Council's Licence Conditions for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963 will be kept under review.
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Background Information

1. The Animal Boarding Establishments Act 1963 requires any person who keeps a boarding establishment for cats and/or dogs to be licensed by the Local Authority. It is now popular for some households to offer dog boarding services in their own homes for other people's dogs (this is known as "Home Boarding"). People providing home boarding are also required to be licensed. Home boarding has become nationally popular over the last few years. In the Cotswold District, of the 35 licensed dog boarding establishments, 24 are home boarders. All such licenses are granted subject to standard conditions to ensure the health, welfare and safety of the animals during their stay.

2. Cotswold District Council's Licence Conditions (Appendix A) were approved in 2005 and follow the Model Conditions published by LACORS in November 2005. While most of these conditions are still relevant, it is considered that one of the conditions should now be amended to make it more appropriate and enforceable, and to allow the grant of licences to a wider market.

3. The Condition which it is considered requires amendment is Condition 5.8.3, which currently states:-

'No home where there are children under 5 years of age will be licensed.'

4. Whilst the main purpose of the Animal Boarding Establishments Act 1963 is to ensure the welfare of the animals (and the conditions attached to a licence reflect this), as a secondary issue, they also deal with matters of personal safety (and, in this context, children are considered to be particularly at risk).

5. The issues of concern with the existing condition 5.8.3 are:-

- the condition is not consistent with other comparable (non-licenced) businesses - for example dog walking, dog grooming and, in particular, Ofsted-registered childminders;
- the condition is not specific to the risk it addresses;
- the condition is unfair, as it impacts on the ability of expectant mothers and parents of young children to maintain their home boarding business;
- enforcement would be problematic, as it would be necessary to monitor the number and age of the children in the property.

6. Many other local authorities have addressed these issues either by amending the condition or requiring risk assessments as part of the application process. Forest of Dean and West Oxfordshire District Councils have both amended their conditions.

7. It is considered that Condition 5.8.3 as it currently stands is impractical to enforce and unclear in its objective.

8. On 1st October 2018, The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 will come into effect - these draw together and update existing provisions regarding animal welfare. With regard to the age restriction, the new regulations have addressed this matter by placing responsibility upon applicants to demonstrate that appropriate arrangements will be put in place and include a requirement that, if any person aged under 16 resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

9. It is therefore proposed that the existing condition is amended to reflect this change, with the following wording recommended:-

Condition 5.8.3

If any person aged under 16 years resides at the home, there must be procedures in place to regulate the interactions between the dogs and that person.

(END)