

WEST OXFORDSHIRE DISTRICT COUNCIL
MISCELLANEOUS LICENSING SUB-COMMITTEE

1 MAY 2018

AMENDMENT TO LICENCE CONDITIONS FOR HOME BOARDING (DOGS) AND
AN APPLICATION FOR THE GRANT OF A LICENCE TO KEEP AN ANIMAL
BOARDING ESTABLISHMENT

REPORT OF THE GROUP MANAGER OF ENVIRONMENTAL AND REGULATORY
SERVICES

(Contact: Alison Gardner, Tel: (01993) 861000)

(The Sub-Committee's decision on this matter will be a resolution.)

1. PURPOSE

- (a) To consider an amendment to the current Licence Conditions for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963 and the grant of an Animal Boarding Establishment Licence.
- (b) If appropriate, to consider an application for a licence under the Act.

2. RECOMMENDATIONS

- (a) That the Sub-Committee approves the amended condition with immediate effect and apply it to any future applications for Home Boarding (Dogs) under the Animal Boarding Establishments Act 1963.
- (b) That, should the Sub-Committee decide not to approve the recommended amendment to the current licence conditions, Members consider and determine the application set out in the report.

3. BACKGROUND

- 3.1. 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 West Oxfordshire District, of the 26 licensed dog boarding establishments, 23 are home boarders. All such licences are granted subject to standard conditions to ensure the health, welfare and safety of the animals during their stay.
- 3.2. West Oxfordshire District Council's licence conditions (Appendix A) were approved in 2005 and follow the Model Conditions published by LACORS in November 2005. Whilst most of these conditions remain 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.
- 3.3. The Condition which is considered to require amendment is Condition 5.8.3 which states 'No home where there are children under 5 years of age will be licensed'.
- 3.4. 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). 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.

3.5. Many other Local Authorities have addressed this either by amending the condition or requiring risk assessments as part of the application process.

3.6. It is considered that Condition 5.8.3 as it currently stands is impractical to enforce and unclear in its objective. The following condition, to replace the existing condition is proposed:-

Condition 5.8.3

Children under 5 years of age must be supervised at all times when in contact with any dog that is boarded at the premises and a written risk assessment must be provided.

3.7. Should the Sub-Committee decide not to approve the recommended amendment to the current licence conditions, Members are invited to consider and determine the application set out at Appendix B which seeks an individual variation to the current licence conditions.

3.8. The applicant, who has not previously held a licence with this Authority, seeks to obtain an Animal Boarding Licence to board up to 2 dogs at her premises. The applicant has a 19 month old child who resides at the premises. Condition 5.8.3 of the current Conditions for Home Boarding (Dogs) prevents her from being able to obtain a Licence with this Authority.

3.9. Officers recommend that a licence be granted subject to the completion of a satisfactory inspection.

4. LEGAL IMPLICATIONS

The Council has discretion to make licence conditions and ensure that the proposed amended conditions are appropriate, precise and enforceable.

5. FINANCIAL IMPLICATIONS

An applicant has a right of appeal to the Magistrates Court if the application is not granted. Any appeal to the Magistrates' Court could result in the Council having to bear the legal costs to defend its action.

6. RISKS

Condition 5.8.3 as it currently stands is difficult to enforce and would require continual monitoring to ensure compliance. Currently 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.

7. REASONS

The Council exercises control Animal Boarding Establishments in accordance with the provisions of the Animal Boarding Establishment Act 1963 to ensure the health, safety and welfare of the animals during their stay and, as a secondary issue, matters of personal safety (particularly as regards young children residing at the premises in question).

Group Manager of Environmental and Regulatory Services

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Date: 18 April 2018