



TAXI AND GENERAL SUB COMMITTEE – 9TH DECEMBER 2021

SUBJECT: LICENSING OF ANIMAL BOARDING ESTABLISHMENTS

REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT

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1. PURPOSE OF REPORT

- 1.1 In accordance with the Animal Boarding Establishments Act 1963, (the Act) no person shall keep a boarding establishment in Wales except under the authority of a licence granted in accordance with the provisions of this Act.
- 1.2 The aim of Animal Boarding licensing is to ensure the welfare of the animal in order that they are kept in suitable accommodation, adequately supplied with necessary food and drink, are appropriately exercised, precautions taken to avoid spread of disease and that appropriate steps are taken to protect the animal in the event of emergency. The Authority shall specify such conditions in the licence as appear to the local authority to be necessary or expedient in securing the above.

2. SUMMARY

- 2.1 To consider the application for the Renewal of an **Animal Boarding Establishment Licence** in respect of Miss Angelique Thomas and Mrs Jennie Thomas trading as Springfield Boarding Kennels & Cattery which upon application to renew its licence for 2022 has submitted a request for the Council to depart from the guidance for 3.3.4 of its adopted conditions of licence for purposes of Commercial Dog Boarding Kennels. Condition 3.3.4 specifically relates to the provision of communal exercise area's within a commercial dog boarding establishment, which states that 'Communal facilities must not be used by more than one dog at any one time unless they are from the same household.

3. RECOMMENDATIONS

- 3.1 Subject to confirmation of compliance with recommended conditions as suggested by the council's vet, that the application for the licence to keep an Animal Boarding Establishment and departure from condition 3.3.4 be approved.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The applicant has proposed an alternative business model which does not meet the council's existing conditions of licence. Officers have sought the opinion of the council's vets who have indicated that the proposed business model is achievable subject to additional premises specific conditions being placed on the licence, as such it is recommended that the request to depart from conditions is granted.

5. THE REPORT

- 5.1 Miss Angelique Thomas and Mrs Jennie Thomas trading as Springfield Boarding Kennels and Cattery, Penpedairheol Farm, Pontllanfraith applied for the renewal of their licence for a Boarding Establishment for Animals on the 10th November 2021.
- 5.2 From prior contact with the applicants, Officers were aware that they wished to provide a Boarding Establishment which would not meet the Authority's conditions of licence in relation to communal exercise areas for boarded dogs.
- 5.3 The Authority's current Conditions of licence for Animal Boarding Establishments were based on the Chartered Institute of Environmental Health Model Licence conditions which were formally adopted on the 20th April 2010 following a report to the then Licensing & Appeals Committee.
- 5.4 The Licensing Authorities current conditions are reproduced for Members information as **Appendix 1**.
- 5.5 In a letter submitted with the application, the applicants have formally requested that the Authority depart from its standard conditions of licence and guidance to allow communal exercise areas within their establishment be used by dogs from different households while boarded. A copy of the letter is included as **Appendix 2**.

The applicants have also provided plans which are included as **Appendix 3a and 3b**, which show the field where they wish to exercise the dogs boarded with them on a communal basis. The Authority's existing conditions / guidance for Commercial Boarding Establishments advocate that communal exercise areas should be discouraged because of the risk of spread of disease and fighting between dogs. Currently for this request to be permitted the applicant would be required to apply for and be granted a Commercial Day Boarding licence (Doggy Day Care) as well as the Commercial Boarding licence as by its very nature in doggy day care dogs from multiple households are boarded in a group environment and allowed to play and mix together.

- 5.6 In the letter, referred to above, the applicants have requested that condition 3.3.4 be removed from their conditions of licence to enable the socialisation of dogs from different households giving dogs the opportunity to interact with other suitable dogs to improve their welfare during their stay at the establishment. They have made reference to dogs which are boarded in a Commercial Day Boarding Establishment or Home Boarding environments which are both licensable by this authority and dog walking (which is not a licensable activity) where dogs are permitted to be socialised and mix together. Reference is also made to the conditions of licence within other local authorities in Wales.
- 5.7 The Authority's conditions of licence for Commercial Boarding Establishments mirror some other Authorities across Wales. However the conditions adopted by this

Authority have not been subject to review for at least 11 years and Officers are aware that other authorities in Wales have adopted revised conditions which do not specifically discourage communal areas being used by dogs from different households. This authority also licences Commercial Day Boarding Establishments and Home Boarding Establishments. The licence conditions for Home Boarding Establishments were also adopted in April 2010 and the licence conditions for Commercial Day Boarding were adopted in June 2014. It is acknowledged that over time boarding provision and business models will change.

- 5.8 On the 22nd November 2021 Officers undertook an inspection of the premises subject to the application. The field which the applicants wish to use for the communal exercise area was also inspected. The field as shown in **Appendix 3a** is approximately 2.3 acres and is securely fenced on all sides with mesh fencing to a height of 1.8m and is buried below ground level to prevent dogs escaping.
- 5.9 Officers recognise the conditions for Commercial Boarding are overdue a review, as a number of other authorities have adopted revised conditions which could allow communal exercise areas. Following the advice provided by the councils' veterinary inspector, it is considered that subject to the conditions as set out in **Appendix 4** (which are in addition to the standard conditions as set out in Appendix 1) the licence could be granted without the requirement to segregate dogs from different households. Condition 1 to 11 were recommended by the authorities' veterinary inspector and condition 12 & 13 have been added by officers to mirror conditions currently in place in a Commercial Day Boarding Establishment. These conditions include the provisions of effective supervision of communal areas; obtaining written permission from the owner for the group socialisation/exercise; controls on boarding only dogs that are fully vaccinated (including kennel cough); and restrictions regarding entire males / bitches in season etc.
- 5.10 The Animal Boarding Establishments Act 1963 allows any person aggrieved by the refusal of a local authority to grant such a licence, or by any condition subject to which such a licence is proposed to be granted, may appeal to a magistrates court; the court on such an appeal give such directions with respect to the issue of a licence or as the case may be with respect to the conditions subject to which a licence is to be granted as it thinks proper.
- 5.11 If the Sub Committee is of a mind to refuse to grant a licence, it must give valid reasons for its decision and the applicant has a right of appeal to the Magistrates Court within 21 days of written notification of the decision.

5.12 **Conclusion**

Determination of this application issue rests with the Taxi and General Licensing Sub-Committee.

6. **ASSUMPTIONS**

- 6.1 No assumptions have been made in the preparation of this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 Not applicable.

8. FINANCIAL IMPLICATIONS

8.1 None.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications.

10. CONSULTATIONS

10.1 This report has been sent to the Consultees listed below.

11. STATUTORY POWER

11.1 Animal Boarding Establishments Act 1963

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Consultees: Legal Services

Background Papers: None

Appendices:

- Appendix 1 Conditions of Licence
- Appendix 2 Applicant letter
- Appendix 3a Aerial view of exercise field
- Appendix 3b Layout of Boarding Establishment
- Appendix 4 Proposed conditions