
TITLE: DRAFT ANIMAL LICENSING POLICY

COMMITTEE: LICENSING COMMITTEE

DATE: 14 NOVEMBER 2016

AUTHOR: SENIOR LICENSING OFFICER

[R109]

1.0 ISSUE

1.1 To approve the revised Animal Licensing Policy following consultation.

2.0 RECOMMENDATION(S)

2.1 That Members consider the information in the report and resolve to:

- (i) approve the draft version of the Animal Licensing Policy, to include the suggested amendments shown as tracked changes in **Appendix 1** in their entirety, and the amended Doggy Day Care condition 5.6 which can be found in paragraph 3.9 of this report, to come into effect immediately.

3.0 BACKGROUND

3.1 At its meeting of 20 July 2016 Members of the Licensing Committee resolved to publish a draft animal licensing policy, instructing Officers to invite comments on this draft policy via a consultation exercise that was to run from 21 July to 26 October 2016.

3.2 Officers published the draft policy, and consulted as requested with licence holders, trade bodies, and members of the public. During the consultation period only one formal consultation response was received. This response (**Appendix 2**) contained three bulleted points. Points one and two relate to licence fees, and therefore, they should not be considered by Members at this time.

3.3 Although point 3 relates to the policy being consulted upon, it is almost a statement despite being ended with a question mark. However, Officers believe this point raised by Mr Bridges is born out of a misunderstanding of the consultation document. For Members clarification, insurance and supervisor eligibility were not listed in the table of proposed changes in the original report and consultation letter for home boarding and doggy day care because these items were already in force for home boarding, and doggy day care did not have historical conditions that needed amending. For the benefit of all, Officers can confirm that all establishments will have supervision and insurance requirements if the Officers recommendation to Members in this report is followed.

- 3.4 Although only one formal response was received during the consultation period, whilst conducting premises inspections during this time period Officers received informal feedback from licence holders. This feedback suggested certain conditions needed clarification, and certain conditions seemed to be at odds with best practice. Due to this feedback it was felt that the wording of those conditions should be amended to ensure that the intention was clear, and that they also reflected best practice. The amendments have been tracked for ease of purpose in **Appendix 1**, and the reason for the amendments is laid out in the following table for Members information.

Licence type	Paragraph	Amendment
Dog Boarding	4.1.3 pg12	Clarification regarding size requirement of holding kennels.
Dog Boarding Cat Boarding	5.2.2 pg13 5.2.2 pg20	Correction to include omitted maximum temp.
Dog Boarding	5.8.1 pg15	Change of wording to reflect legal change regarding micro-chipping.
Dog Boarding	5.10.2 pg16	Firming up of condition to require checks to be recorded.
Home Boarding – Dogs Home Boarding – Cats	5.3.3 and 5.3.4 pg26 5.3.3 and 5.3.4 pg31 & 32	Change of condition to reflect best practice and licence holder concerns. It is now considered unhygienic to bring owners items into a controlled environment.
Doggy Day Care	6.9.2 pg39	Change of wording due to original wording contradicting condition 6.9.3.
Doggy Day Care	6.9.7 pg39	Removal of the word cushioned from the condition to simplify the conditions intention.
Doggy Day Care	6.9.8 pg39	Measurement in m ² added.
Dog Breeding	5.2.2 pg45	Clearer wording used for minimum and maximum temperature range.

- 3.5 Feedback was also received concerning the new doggy day care condition 5.6 (below) which can be found on pg 36 of **Appendix 1**:

There must be separate kennelling for at least 50% of the capacity of day boarded dogs. These kennels shall be at least 2.5m², and comprise of a sleeping area, an area for defecating (which is secure and can be accessed voluntarily), and which shall be constructed so as to comply with the Council's conditions for dog boarding establishments.

- 3.6 The feedback raised concerns that the space required to comply with this condition was impossible to achieve, and would severely affect the ethos of what “Doggy Day Care” is trying to achieve.
- 3.7 Following this feedback Officers checked numerous Council websites, and found approximately 50% of them used the proposed condition 5.6. Some of the other Councils used a more relaxed version of this condition (set out below), and some did not have this control measure in place.

There must be sufficient space available to be able to keep the dogs separately if required.

- 3.8 The reason for proposed condition 5.6 is to promote safety at times when circumstances occur which may cause the normal management and supervision protocols to fail, such as, a member of staff calling in sick, or a member of staff going home sick which increases the number of dogs needing to be supervised per staff member above the required five dogs to one employee ratio required by condition 6.8.2 pg39 of the draft policy, or aggression flares between some of the dogs on the premises.
- 3.9 Officers do not consider it appropriate to remove the safeguard that condition 5.6 provides in its entirety, however, if Members consider that condition 5.6 is excessively restrictive, Officers recommend the following wording could be used to strike a balance:

There must be sufficient facilities available to separate the boarded dogs:

- i) in case of an emergency, or*
- ii) at times when the normal levels of supervision required to comply with condition 6.8.2 cannot be achieved due to circumstances outside of the licensee’s control.*

These facilities do not have to be formal kennelling, but any facilities shall be suitable in size for the breed of dog, shall be maintained clean, dry, and within a suitable temperature range of between 10°C (50°F), and 26°C (82°F), and must provide enough separation to remove any bite hazard. These facilities must only be used in cases where sub-paragraph i) and ii) apply, and must not be used for routine boarding activities.

4.0 CONCLUSION

- 4.1 The results of the consultation exercise suggest that the policy has been well received, although as mentioned in paragraph 3.4 above, it was felt that additional clarification on the intention of certain conditions would be helpful to all parties.

4.2 Implementing the recommendation in paragraph 2.1(i) of this report will address all of the issues raised through the consultation period, and it will provide a framework for all parties involved in this important area of licensing.

5.0 IMPLICATIONS

5.1 It is not considered that the implementation of the policy will have a major implication on those who already hold a licence with the Council, as the proposed changes to conditions are minor, and all responses both formal and informal from the public consultation have been addressed in this report's recommendations.

6.0 FINANCIAL IMPLICATIONS

6.1 The proposed policy and changes to conditions will only have a minor financial impact on those licence holders who do not currently obtain insurance to cover the activity they conduct, as no other condition amendment requires a financial outlay to be made.

6.2 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations.

7.0 APPENDICES

7.1 Appendix 1 Draft Animal Licensing Policy with tracked changes

7.2 Appendix 2 Formal consultation response

7.3 Appendix 3 Equality Impact Assessment (EIA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
The Pet Animals Act 1951	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616287
The Animal Boarding Establishments Act 1963		
The Breeding of Dogs Act 1973/1991 (as amended by the Breeding and Sale of Dogs (Welfare) Act 1999)		
The Dangerous Wild Animals Act 1976		
The Riding Establishments Act 1964/1970		
The Zoo Licensing Act 1981		
Animal Welfare Act 2006		