

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON MONDAY 23 MAY 2011 FROM 7.00PM TO 7.35PM**

Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Gore, Mike Haines, Philip Houldsworth, Abdul Loyes, Ken Miall, Chris Singleton and Dee Tomlin

Also present:-

Julia O'Brien, Principal Environmental Health Officer (Licensing)

Madeleine Shopland, Senior Democratic Services Officer

PART I

5. MINUTES

The Minutes of the meetings of the Committee held on 10 January 2011 and 19 May 2011 were confirmed as a correct record and signed by the Chairman.

6. APOLOGIES

Apologies for absence were submitted from Councillors Sam Rahmouni and Bob Wyatt

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. PUBLIC QUESTION TIME

There were no public questions.

9. MEMBER QUESTION TIME

There were no Member questions.

10. PRIVATE HIRE VEHICLE AGE RESTRICTION

The Committee were informed that existing Private Hire Vehicle drivers had sought an amendment to the current Hackney Carriage and Private Hire Licensing Policy to allow the maximum age limit for Private Hire vehicles to be more than 8 years of age in exceptional circumstances and provide guidance on the criteria that vehicles would have to meet.

During the discussion of this item the following points were made:

- Currently no Private Hire Vehicle was licensed if it 8 years old or more. A number of drivers felt that this was unfair for a number of reasons. These reasons included that there was no parity between the Hackney Carriage and Private Hire vehicle age limits, Private Hire vehicles were often high quality, expensive vehicles which if properly maintained could remain in excellent conditions for longer and the eight year maximum age limit placed an undue financial burden on drivers.
- The Licensing and Appeals Committee had considered the maximum age limit for Private Hire Vehicles in 2005 and 2006 and had resolved to keep the age limit at eight years. However, it was felt that there may on occasion be exceptional circumstances for a vehicle to be licensed beyond the current age limit.
- It was suggested that requests to exceed the current age limit be put in writing to the Principal Environmental Health Officer – Licensing at least 60 days before the expiry of the licence. The criteria to be considered for exceptional circumstances would include one or a combination of full documented service history, low mileage for its age,

excellent condition throughout, wheelchair accessibility and vehicle in as original supplied condition as possible.

- Members looked at the positions taken with regards to the maximum age limit for Private Hire Vehicles, taken by nearby authorities such as Reading and Windsor and Maidenhead.
- The Committee also examined the proposed further guidance to be used when considering exceptional circumstances. The Committee asked for clarification regarding the section entitled 'Abnormally Low Mileage' and questioned whether there was a need to relate the vehicle's mileage to its age. The Principal Environmental Health Officer – Licensing reminded Members that it was proposed that in the majority of cases vehicles were no longer licensed once they reached 8 years old and the guidance could be referred to when ascertaining whether, in exceptional circumstances, a vehicle could be licensed beyond this time frame.
- It was noted that there would be an appeal process should the driver not agree with the Officers' decision.
- Several Members felt that the condition of the car was a more appropriate means of gauging whether a vehicle should or should not be on the fleet than its mileage.
- A Member was concerned that older vehicles may be allowed onto the fleet and allowed to deteriorate.
- The Committee agreed that there should be an amendment to the existing policy, that existing drivers should be consulted and that the implementation of the amendment be monitored.

RESOLVED: That

- 1) there be an amendment to the existing Hackney Carriage and Private Hire Licensing Policy to provide for an exemptions policy to the maximum age allowed for Private Hire Vehicles in exceptional circumstances;
- 2) The suggested criteria for the exceptional circumstances (Appendix 1 to the report);
- 3) That existing drivers are consulted on the amendment and criteria with a view to bringing the responses back to a future meeting of the Licensing and Appeals Committee.

11. MAXIMUM AGE FOR HACKNEY CARRIAGE VEHICLES TO BE BROUGHT ONTO THE FLEET

At its meeting in January the Committee had considered the maximum age for Hackney Carriage Vehicles to be brought onto the fleet. Members had felt that consideration should be given to implementing a maximum age of 5 years and that existing drivers should be consulted on this.

During the discussion of this item the following points were made:

- All existing Operators and Dual and Private Hire drivers had been written to (approximately 320) and their views on the proposed change asked for. 60 responses had been received of which 45 were from Hackney Carriage Vehicle owners. 11 drivers had indicated that they wanted a change and 48 had indicated that they did not. The drivers' comments were summarised in Appendix 1 of the report.
- The Principal Environmental Health Officer – Licensing informed the Committee that vehicles coming onto the fleet had to pass a vehicle test which was more stringent

than the MOT test. The condition of the vehicle's bodywork was taken into account during this test.

- It was noted that the maximum age for Hackney Carriage Vehicles first brought onto the fleet in Reading, Slough and Windsor and Maidenhead was 5 years and 4 years for those licensed by Bracknell Forest Council. At present there was no limit for vehicles licensed by Wokingham Borough Council. Some Members questioned whether this might encourage those with older vehicles to work in the borough Wokingham and agreed that a maximum age for Hackney Carriage vehicles to be brought onto the fleet should be introduced.
- Vehicles in poor condition reflected poorly on the Wokingham borough.
- In response to a question regarding the intention for a transfer/change in owner of a vehicle to be classified as a new application the Principal Environmental Health Officer clarified that the majority of Hackney Carriage drivers were independent and did not work for Operators.
- A Member questioned whether the age of a vehicle was the most appropriate means of gauging whether it should be brought onto and kept on the Council's fleet.
- A Member suggested that it be agreed that vehicles be a maximum of 5 years old when they were brought onto the fleet but that this limit be reviewed in 18 months time.
- Members agreed that the change to the existing policy should come into effect in 6 months time to ensure that existing drivers were aware of the amendment.

RESOLVED That

- 1) The existing Hackney Carriage/Private Hire Licensing Policy be changed with regards to the maximum age of a Hackney Carriage to first be brought onto the fleet to 'When making a Hackney Carriage vehicle licence application, a vehicle must be less than 5 years old from the date of first registration unless the application is for the renewal of a licence.' The intention would be that a transfer/change in owner of a vehicle would be classified as a new application.
- 2) That the amendment to the policy comes into effect in 6 months time.

These are the Minutes of a meeting of the Licensing and Appeals Committee

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LICENSING AND APPEALS COMMITTEE
HELD ON WEDNESDAY 4 JULY 2011 FROM 7PM TO 9PM

Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Lee Gordon-Walker, Mike Gore, Mike Haines, Abdul Loyes, Ken Miall, Sam Rahmouni, Chris Singleton, and Bob Wyatt

*Also present:-
Steve Richardson, Environmental Health and Licensing Manager
Madeleine Shopland, Senior Democratic Services Officer*

PART I

12. APOLOGIES

Apologies for absence were submitted from Councillors Annette Drake, Philip Houldsworth and Dee Tomlin.

13. DECLARATIONS OF INTEREST

No declarations of interest were submitted.

14. PUBLIC QUESTION TIME

At the request of the Chairman the Environmental Health and Licensing Manager clarified that the Council had a duty to apply the Animal Boarding Establishments Act 1963. The home boarding trade had developed over recent years and has not been regulated by the licensing authority. This growth had been part of a national picture and as a result of licensing authorities seeking advice, national guidance had been produced on this matter by the Local Authority Coordinators of Regulatory Services' (LACORS) Companion Animal Focus Group. This group was made up of officers from Licensing authorities, the Chartered Institute of Environmental Health, DEFRA and the RSPCA. The latest advice had been issued in January 2011. However, this was not received until after the Licensing and Appeals Committee had met on 10 January and had approved the draft conditions to be taken for consultation. The report contained revised proposed draft conditions for home boarders and recommendations for the Committee to consider which had been produced following the consultation exercise. The legislation was not adoptive or discretionary, i.e. it is in force without the Council having to adopt it. It was however a matter for the authority to adopt the standard it will apply, but this had to be based on the requirements of the Act.

Clause 4.2 of the proposed conditions '*Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household*' had created a lot of criticism from consultation respondents. It had been amended by later advice from LACORS which now suggested that dogs from more than one household could be boarded together subject to various caveats.

In accordance with the agreed procedure the Chairman invited members of the public to submit questions.

QUESTION NUMBERS L&AP 1, 3, 4, 11, 12 & 19

Question 1

Sue Caldwell has asked the Chairman of the Licensing and Appeals Committee the following question.

Should the Council progress following this consultation and implement a licence where Pet Sitters are restricted in terms of the number of dogs allowed to board. How can the Council justify the loss of incomes and potential closures of many healthy and professional businesses that in turn will affect many other working people who currently rely heavily on those Pet Sitters to enable them to earn a living themselves?

Question 3

Mrs Miranda Sambles asked the Chairman for Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

Why are the Council imposing this rule on local residents rather than leaving them to decide who is capable and qualified to leave their animals in the care of? Clause 4.2 in particular is completely unworkable and will result in worse welfare for the animals not better.

Question 4

Mrs Elaine Hale has asked the Chairman for the Licensing and appeals the following question.

I would like to ask the Council what arrangements they intend to put in place if they do not agree to animals being boarded with responsible minders in their own homes. Just where will these animals go when owners go on holiday. Is this not asking for yet more strays to be dumped on the side of the road or in graveyards? Why change a system that works so well for dog and cat owners such as myself who would not consider putting our dogs into any kennels. To quote a relevant saying "if it ain't broke why fix it".

This consultation is a totally stupid waste of tax payers money and perhaps the cost of this consultation would be better spent on finding the heartless people who dump their animals by the wayside and not looking at a system that works for the caring animal owners such as myself who have found a great, reliable and caring person to leave their dogs with where they are well cared for, loved, exercised, fed etc and have a great chance to socialise with other dogs and make them better behaved dogs.

Question 11

Mrs Sarah Huxford has asked the Chairman for the Licensing and Appeals Committee the following question.

I should like to ask what has prompted this review of dog boarding in the borough? Why is now the time to start regulating this service offered to people privately? Will ironing and cleaning services be next for more red-tape?

Question 12

Ann Cavalli has asked the Chairman for Licensing and Appeals Committee the following question.

We would like to know what precipitated the need for this proposal. We should be grateful if you would explain fully the background and rationale to this proposal.

Question 19

Mr Noel Billing has asked the Chairman for the Licensing and Appeals Committee the following question.

In these times of reduced budgets and cut-backs of essential services provided by local Councils, we ask how you can justify the allocation of scarce resources to investigate and seek to control private arrangements for pet sitting, mainly in the case of dogs?

Answer

The Animal Boarding Establishments Act 1963 has been applied to conventional kennels and catteries since the Act was passed. Over recent years the trade of home boarding has developed which has not been regulated by the licensing authority. This growth has been part of a national picture and as a result of licensing authorities seeking advice national guidance has been issued on this matter, the latest advice being issued in January of this year, after our consultation exercise began.

The legislation is not adoptive or discretionary, i.e. it is in force without the Council having to adopt it. It is however a matter for the authority to adopt the standard it will apply, but this has to be based on the requirements of the Act.

There has been some challenge about whether the legislation applies to domestic premises. It is quite clear in the legislation that it does; in the interpretation of the Act

The Act specifies that the Licensing Authority should consider the size of the accommodation and the number of occupants. The proposal is that the maximum number of permitted animals be set in conjunction with the applicant and veterinary advice. It is not anticipated that home boarding businesses will be forced out of business unless of course they are keeping dogs in conditions which do not meet their needs or cause problems for their neighbours.

QUESTION NUMBERS L&AP 2, 5, 6, 7, 13, 14, 15, 16, 25, 26, 27 & 39**Question 2**

Mrs Sue Locke has asked the Chairman for the Licensing and Appeals Committee the following question.

Re clause 4.2 (only dogs from the same household may be boarded at any one time): Please could the chairman and/or panel justify the decision to include clause 4.2 in the proposal by providing proof points and expert opinion that it's in the best interests of the dogs.

Question 5

Mrs Barbara Hooper asked the Chairman for the Licensing and Appeals the following question which was deemed to be taken in her absence.

How is anybody expected to have a business like this if they are restricted to one household pet at a time/ where else are we meant to go for somebody to look after our dog especially as in the past we have had a bad experience with so called "professional" kennels?

Question 6

Mrs Eileen Copeman has asked the Chairman for the Licensing and Appeals Committee the following question.

I have a dog that is on lots of tablets. Niki can cope with all medical issues and I have lots of confidence in her. Our vet recommends her to everyone. Why are you thinking of now allowing such a good person not to have more than one dog if not from the same family????

Question 7

Mrs Rosemary Smith asked the Chairman for the Licensing and Appeals following question which was deemed to be taken in her absence.

If the owners of a dog or cat are happy for their animal to be boarded in a home with other dogs and cats, and are prepared to confirm that in writing after a trial familiarisation of the domestic premises, then why should you object to that?

Question 13

Tania Clentworth has asked the Chairman for the Licensing and Appeals Committee the following question.

I have a question regarding Clause 4.2 of the proposed Animal Boarding Establishments Act 1963 Licence Conditions For Home Boarding (Dogs). The proposed Clause 4.2 states: "Only dogs from the same household may be boarded at any one time....." My question; what justification has the council found for imposing such a clause that appears to me to be overly restrictive and totally impractical?

Question 14

Gill Fraser asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

Since dogs are by nature pack animals and would, if left in their natural state form a pack, why on earth would you even consider introducing a clause in your consultation that denies them this opportunity, and in doing so, would cause the most devastating impact on not only those people that run superb home boarding facilities, but to those who use them also? These people provide an essential service to members of Wokingham's tax paying community and should be applauded, nor thwarted.

Question 15

Mr Ian Stone asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in his absence.

Under Section 4.2 - "Only dogs from the same household may be boarded at any one time." This would put dog carers out of business, as they house dogs from several homes at any one time. Does the Council intend to close dog carers who have been housing dogs from several families at one time for many years and therefore ruin a perfectly good business and service to the community?

Question 16

Lynne Hunt has asked the Chairman for the Licensing and Appeals Committee the following question.

Why are you trying to limit the number of dogs when dogs are pack animals and like being with other dogs?

Question 25

David Taylor has asked the Chairman of the Licensing and Appeals Committee the following question.

What is the logic behind stipulating that only pets from the same home can be boarded at one time? Surely the effect will be to reduce or eliminate such boarders as the economics of providing such a service will be destroyed? We very much value such boarders as a better alternative to kennels.

Question 26

Jennifer O'Dare asked the Chairman for Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

By removing the option of the dog going to a dog sitter, then my human right of choice is being taken away from me as the only other option would be to put the dog in kennels, therefore no choice. This is based on the grounds that to have only dogs from the same household boarding at any one time with a dog sitter would make the service not financially viable to operate. Do you agree?

Question 27

Ruth Steele asked the Chairman for Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

I would like to know what the current proposal is regarding the inclusion of clause 4.2 in the suggested regulations relating to dog boarding in Wokingham. As mentioned before this service is vital to the dog owning community and the restrictions of this clause would cause problems for the businesses and their clients.

Question 39

Ms Deidre Manning asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

Why can't more than one dog at a time be kept at a petsitter's house so long as this has the consent of the owner?

Answer

The Council has no intention of removing the option of using a dog sitting service. The proposal is to bring the Council into line with current, existing legislation.

The original consultation document was based on the Model Conditions issued by The Local Authority Coordinators of Regulatory Services (LACORS) which we have already had explained to us:

Clause 3.2 Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.

Following the issue of the Wokingham Consultation Document further advice was received and that has been changed to:

Dogs from different households
Condition 3.2 of the LACORS model licence conditions for home boarding states that:

“Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.”

But the model condition is intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area or corner of a room).

LACORS is aware that some Councils are choosing to relax this requirement provided the licensee is able to meet a number of additional requirements or licence conditions. Examples of additional requirements include:

- Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
- A mandatory, trial familiarisation session for all dogs prior to stay and that will be documented.
- Separation of dogs from different households in secure areas when left unattended.
- Separate feeding of dogs to minimise the likelihood of dispute and aggression.

Both the overall number of dogs to be boarded, and the number of dogs from different households to be boarded, will usually be dependent on the size of the premises and outside area. As with any decisions relating to the number of dogs allowed to be boarded, consideration is also given to whether the premises are constructed to allow:

- Adequate space for dogs
- Sufficient space available to be able to keep dogs separately if required
- The separation of dogs showing signs of disease

Measures put in place to ensure disease control will be particularly important in circumstances where dogs from more than one household can be boarded together. To minimise the risk and spread of disease, it is vital that all dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis, Canine Parvovirus and other relevant diseases. LACORS is aware that some Councils are additionally requiring that dogs boarded together are vaccinated against Bordetella Kennel Cough. Where necessary, councils should seek veterinary advice on vaccination, worming and flea treatment.

It is also recommended that the Licensee check that their Public Liability Insurance Company will cover dogs from different households.

We will be taking this into account in discussions later on.

Supplementary Question

Mrs Sue Locke asked the following supplementary question:

Is it your intention to adopt this, in effect to get rid of the original 4.2 and replace it?

Supplementary Answer

Councillor Patman responded as follows:

This is one of the difficulties I have, in that this is a meeting where I have Members and I ask their opinions and then we vote on it, so I can't tell you what their decision is going to be until we have had the meeting, but I am sure that the information that we have received in here will receive favourable support.

QUESTION NUMBERS L&AP 8 & 10

Question 8

Mr John Day has asked the Chairman for the Licensing and Appeals Committee the following question.

In correspondence with Philip Mirfin, Leader of Wokingham Town Council, Steve Richardson, Environmental Health and Licensing Manager, stated that "there has recently been national guidance on the issue of home boarding". Who issues this guidance?

Question 10

Mr Robert Davis has asked the Chairman for the Licensing and Appeals Committee the following question.

I can find no mention in the Animal Boarding Establishment Act 1963 of any stipulation that animals boarded should be from the same household. Why has the Council sought to include this clause, if not in response to vested interest pressure?

Answer

This clause was inserted exactly as advised by the national guidance issued by the Local Authority Coordinators of Regulatory Services. You might think that's a body that is trying to do all sorts of minor things but in fact they are the organisation that issues guidance to Councils on things like environmental rubbish collection and all those sorts of things and the actual group is made up of officers from licensing authorities across the country, people from the Chartered Institute of Environmental Health, from the Ministry, DEFRA and from also from the RSPCA. Their latest advice issued in January this year after this Committee considered their previous advice amends this requirement and has led to an amended draft standard which will be considered as part of the report at this meeting.

Supplementary Question

Mr John Day asked the following supplementary question:

When was this guidance first introduced?

Supplementary Answer

Steve Richardson responded as follows:

The original guidance was issued in 2005, right at the end of 2005. The revised guidance was issued by LACORS on 7 January this year. We didn't receive it until about a week later and the Committee that considered the consultation draft met on 9 January so LACORS issued the guidance, and then 2 days later we had our meeting and a few days after that we received the guidance after the consultation draft had gone out.

QUESTION NUMBERS L&AP 9 & 20

Question 9

Mr Geoff Ridout asked the Chairman for Licensing and Appeals Committee for following question which was deemed to be taken in his absence.

What funds and plans has Wokingham Borough Council put in place to allow me to place my pet in a situation that is "Exactly like Home Boarding" if the regulations change in the future?

I look forward to hearing your response

Question 20

Mr Richard Hampton has asked the Chairman for the Licensing and Appeals Committee the following question.

What are the Council's plans to provide additional animal sitting services if this licensing scheme causes current providers of animal home boarding services to stop?

Answer

It is not for the Council to provide funds for boarding of pet animals. The standard proposed has been amended following further national advice, and in the light of consultation responses and can be found in the report elsewhere on this agenda.

The decision where to place a boarded pet remains with the owner of the pet. The Council's role is to ensure that traders meet the minimum standard required by the licensing legislation.

QUESTION NUMBER L&AP 17

Question 17

Michelle Rowan asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

Pet sitters provide a caring family environment for dogs on a small scale. Kennels provide an impersonal environment for dogs as a commercial operation. How does this align with the objectives to put animal welfare first, by pushing more dogs into the unfamiliar, possibly more stressful environment that kennels provide?

Answer

The intention of introducing a set of conditions for licensing is to achieve compliance with legislation. The revised standard which is to be considered by this Committee is designed to ensure animal welfare and follows national guidance issued in this regard.

QUESTION NUMBER L&AP 18

Question 18

Mr Phil Lepp asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in his absence.

I would like to ask how much you intend to monitor those within the Council's catchment area who board "for a friend" to ensure that the full time and professional boarders are not

being unfairly disadvantaged (by having to pay an annual fee and be compliant with whatever regulations are to be put in place.). Will the Council tax payer be funding this monitoring and if so to what extent?

Answer

The Animal Boarding Establishments Act 1963 requires licensing when a premises is used as a business. Informal arrangements by neighbours or friends would not be caught by this definition. If money changes hands however it would indicate that the activity was by way of business:

References in this Act to the keeping by any person of a boarding establishment for animals shall, subject to the following provisions of this section, be construed as references to the carrying on by him at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals:

Monitoring of unlicensed businesses would be way of complaints and intelligence gathered.

The Council receives licensing income, a proportion of which is used for enforcement activity against unlicensed operators. If legal action is taken in these circumstances we would apply to the court for our costs in bringing the case.

QUESTION NUMBER L&AP 21

Question 21

Sue Carlaw asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

What would be the cost implications for administrating this scheme and would the licence fee charge be adequate to cover this cost?

Answer

The Council may charge 'such fee as may be determined by the local authority' (Animal Boarding Establishments Act 1963).

The fee level is to be determined by the Licensing and Appeals Committee and would be set to recover our costs only. As part of the fee setting process we would also consider the impact on traders and the fee levels of other authorities.

QUESTION NUMBER L&AP 22

Question 22

Sue Istead has asked the Chairman of the Licensing and Appeals Committee the following question.

Why do the Council think that they are in a better position to determine how many dogs a boarder can take, point 4.1 of the consultation, when there are boarders who have been very successfully running their own businesses with multiple dogs from different families with owners' consent and knowledge for almost two decades?

Answer

The Animal Boarding Establishments Act 1963 stipulates those matters that should be covered by licence conditions. One of these issues relates to the number of occupants and the size of the accommodation. Part of the section is set out below:

In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing—

(a)that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.

QUESTION NUMBER L&AP 23

Question 23

Nicola Elder asked the Chairman of the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

Question

My question is whether comprehensive studies have been undertaken by the consultation committee in order to fully assess the potential detriment to local free enterprise and economy if the requirements set out in the consultation document are passed unamended?

Statement from questioner:

The reason for my questions is two-fold. The Council would be frustrating the ability of the consumer to access services from their preferred existing provider and the businesses that already happily co-operate with the licensing authorities within existing framework may be forced to close, thus affecting the local economy - and I thought that the aim of Government (including local government) was to support and encourage small businesses, not put in place unworkable measures.

Finally, I must reiterate that the focus of this consultation should be that boarding licensees should be allowed to continue to operate the invaluable services they provide to the community, whilst continuing to co-operate with the licensing authorities within mutually agreed parameters to ensure the welfare of the boarded animals.

Answer

The Council has a duty to fulfil certain functions, one of which is the application of the Animal Boarding Establishments Act 1963. This duty is not discretionary or adoptive.

Rather than simply adopt the national model standard as many other authorities have done, by undertaking this consultation exercise we have sought the views of those involved in this trade to ensure that we apply a reasonable standard.

The draft conditions which formed the basis of the consultation exercise have been extensively reviewed following the responses received and will be considered by the Licensing and Appeals Committee.

QUESTION NUMBER L&AP 24

Question 24

Sharon Way asked the Chairman of the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

My question is why are you trying to stop this service when the only people it concerns are against it?

Answer

The Council has a duty to fulfil certain functions, one of which is the application of the Animal Boarding Establishments Act 1963. This duty is not discretionary or adoptive.

The consultation exercise received a wide range of responses, many of which were in favour of licensing conditions being applied.

QUESTION NUMBER L&AP 28**Question 28**

Richard Booty has asked the Chairman for Licensing and Appeals the following question.

Does the council recognise the need for a different type of license for boarding businesses that operate along the same lines as dog days?

Answer

The advice from Local Government regulations previously LACORS is that agencies do not require a licence whereas the actual boarders do as the licence is for the boarding establishment ie the actual premises where the boarding takes place. The full advice runs into a number of paragraphs – would you like us to provide us with a copy of this rather than us going through? I will send you a detailed copy of the advice from LACORS.

Supplementary Question

Mr Richard Booty asked the following supplementary question:

The proposals that have been put forward in respect of individual boarders not having to have a licence if they're boarding less than 2 dogs to be honest I think deals with my question because the majority of our employees will board 2 or less dogs so by implication they won't need licensing under the terms of this licence so if that's the case that's my question answered. I guess my question to the Panel is, is that the case and I don't think you can answer it until you've had your meeting.

Supplementary Answer

Councillor Patman responded as follows:

That's the nature of the way that we're working here. We did try and find a way where we could get round it but whichever way someone ends up being disenfranchised in some way or another.

QUESTION NUMBER L&AP 29**Question 29**

Suzanne Gerstner has asked the Chairman for Licensing and Appeals the following question.

Is the reason this proposal has come up at this time because there has been a large outbreak of serious dog illness among those who board in homes?

Answer

We have not received any notification of serious dog illness from home boarders. The licensing arrangements are a requirement of legislation, not something the Council has decided to do.

QUESTION NUMBERS 30, 34 & 38

Question 30

Mrs Aimee Gill asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

Why haven't the licensing department contacted existing pet-sitters in order to seek professional advice to ensure the well-being of dogs as well as maintaining a viable business?

Question 34

Mr David Shinegold has asked the Chairman for the Licensing and Appeals Committee the following question.

How have current pet sitters' views and expertise contributed to the construction of the original procedures?

Question 38

Mr Scott Staples has asked the Chairman for the Licensing and Appeals Committee the following question.

Can you confirm whether assistance or advice was sought from experienced animal boarders in the Wokingham area?

Answer

The original draft conditions were taken from the national guidance issued by the LACORS Companion Animal Focus Group. To ensure that the final conditions were as informed as possible the Council undertook a consultation exercise with those involved in the home boarding trade in Wokingham, including the 45 known home boarders, in addition to the existing kennels and catteries, the National Association of Petsitters, the RSPCA and all the veterinary surgeries operating in the Wokingham Borough.

Supplementary Question

Mr David Shinegold asked the following supplementary question:

You've already said that the guidance was issued by LACORS and I understand that Wokingham Borough Council has flexibility on how it interprets the thinking of this guidance. As there have been no complaints the industry in Wokingham is clearly regulating itself extremely satisfactorily and it is therefore regrettable that neither LACORS nor Wokingham Borough Council has sought the advice from owners or petsitters in drawing up its proposals. What is clear is that even though self regulation has worked so well the Council is intending to propose considerable fee levels above those of some other authorities. Why is that the case?

Supplementary Answer

Steve Richardson responded as follows:

As part of our consultation exercise we've obviously taken the views of LACORS into account in the recommendations here. We consulted with the National Petsitters Association and we trawled every information source we could find and we identified 45 petsitters in the borough and we asked them for their views. We also asked the views of the RSPCA and all the veterinary surgeries and the existing kennels and catteries that operate in the borough. The issue of why have the legislation at all – that isn't discretionary

the Local Authority has a duty to enforce legislation. If something had gone wrong and I take your point that we haven't had complaints from people, but if there were a complaint and we as an authority had failed in our duty to control the matters then we as an authority would quite rightly criticised because we have a statutory duty to apply this piece of legislation. What we are trying to do this evening is find a sensible way of applying it rather than just adopting the national standard. If I could just say I understand some of the emotions but the other authorities that have adopted home boarding conditions simply adopted the national model standards as they stood. We at Wokingham undertook quite a large consultation exercise and we've taken those views into account and we're one of the few authorities that have, so if you can just bear that in mind for what we're doing, most authorities just took the LACORS standard and put their name at the top and adopted it as it stood. We haven't taken that view because we want to work with the people who know what the industry is about hence our consultation exercise and why I said earlier on that I said we're delighted that we had so many responses because we want to have something, we have to have something, it's not discretionary. We want to have something which is sensible and to take on the views of people. So that's where we are, we're trying to do exactly the point that you're asking. What we can't do is ignore the law, we have an obligation to apply the legislation and if someone came to us and said well it's your job you didn't control that boarding establishment, they would be entirely right and they could probably sue us for damages. We're not going to be in that place.

QUESTION NUMBER 31

Question 31

Mrs Louise Jepson has asked the Chairman for the Licensing and Appeals Committee the following question.

I have been boarding my dog, Rosie, via a home boarding solution for many years and it has helped her become well socialised and calm (mixing with dogs from a number of other households) because my boarder I believe to be an expert by experience in the field of dog's natures and needs. My boarder listens to her customers' home from home requirements and has been very successful in her business for over 18 years providing a very valuable service to our community. How will these licensing regulations being proposed affect her business and her customers? We are all very concerned. Something that works so well for so many people should be respected.

Answer

The views of the consultation responders and the revised guidance on these matters will be discussed at the Licensing and Appeals Committee later on this evening.

Traders who provide a good service should have nothing to fear from this process which is necessary to ensure compliance with the legislation as it stands.

QUESTION NUMBER 32

Question 32

Mrs Liz Saunders asked the Chairman for the Licensing and Appeals Committee the following question which was deemed to be taken in her absence.

My main concern about this document is condition 4.2

Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.

I firmly believe that any decision made which will determine the future of how I manage my dog's holiday cover should be based on clear, scientific evidence. To date I am not aware of any evidence from a recognised source (The Kennel Club, Royal College of Veterinary surgeons etc) which suggest that dogs from different households should not be boarded together. Indeed I believe that regular socialisation of dogs with other, non-familiar dogs is positively beneficial to developing and maintaining a well adjusted dog.

So to that end my question regarding this consultation is - please can you supply the references to the to clear evidenced based research which supports this stipulation that only dogs from the same household should be boarded at any one point in time. This should be from a credible source which dog owners such as myself can read and evaluate for ourselves.

Having made such a statement in the consultation I trust that such evidence exists and I look forward to hearing back from you regarding these sources.

Answer

The content of Paragraph 4.2 was written by the Companion Animal Focus Group of LACORS, comprising licensing officers from various authorities and representatives of the Chartered Institute of Environmental Health, DEFRA and the RSPCA. There original guidance was amended earlier this year, the full revised advice on this matter is set out below: - (Note the numbering of our consultation draft is different from the LACORS numbering)

Dogs from different households

Condition 3.2 of the LACORS model licence conditions for home boarding states that:

"Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household."

The model condition is intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc. As dogs in home boarding situations have the freedom to move around, there are risks that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area/corner of a room).

LACORS is aware that some Councils are choosing to relax this requirement provided the licensee is able to meet a number of additional requirements/ licence conditions. Examples of additional requirements include:

- Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
- A mandatory, trial (documented) familiarisation session for all dogs prior to stay.
- Separation of dogs from different households in secure areas when left unattended.
- Separate feeding of dogs to minimise the likelihood of dispute and aggression.

Both the overall number of dogs to be boarded, and the number of dogs from different households to be boarded, will usually be dependent on the size of the premises and

outside area. As with any decisions relating to the number of dogs allowed to be boarded, consideration is also given to whether the premises are constructed to allow:

- Adequate space for dogs (condition 4.3)
- Sufficient space available to be able to keep dogs separately if required (condition 4.5)
- The separation of dogs showing signs of disease (condition 5.6.1)

Measures put in place to ensure disease control will particularly important in circumstances where dogs from more than one household can be boarded together. To minimise the risk and spread of disease, it is vital that all dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis, Canine Parvovirus and other relevant diseases (as stated in condition 5.5.2). LACORS is aware that some Councils are additionally requiring that dogs boarded together are vaccinated against Bordetella kennel cough. Where necessary, councils should seek veterinary advice on vaccination, worming and flea treatment.

It is also recommended that the Licensee check that their Public Liability Insurance Company will cover dogs boarded from different households.

QUESTION NUMBER 33

Question 33

Mrs JA Christian has asked the Chairman for the Licensing and Appeals Committee the following question.

RE pet home boarding clause 4.2 prior to the council meeting on 4th July to discuss this issue I would like to ask why the council have suddenly decided to impose this.

Answer

Clause 4.2 in the draft conditions formed part of a consultation exercise which sought the views of those involved in the animal boarding trade, it is not being imposed.

The content of clause 4.2 was part of the original guidance from LACORS, which was amended by them in January of this year. The Licensing and Appeals Committee will be considering this revised guidance and the consultation responses before determining the conditions to apply to home boarders under the Animal Boarding Establishments Act 1963.

QUESTION NUMBER 35

Question 35

Mr Adam Berezaï has asked the Chairman for the Licensing and Appeals Committee the following question.

How are you going to police this operation to ensure that people are not running pet sitting businesses without a license and what punishments will be applied to those found to be running businesses unlicensed?

Answer

Monitoring of unlicensed businesses would be way of complaints and intelligence gathered.

Operating an Animal Boarding Establishment without a licence is an offence. Section 3 (1) of this Act which sets out the penalty for the offence, which can only be issued following summary conviction by the courts. The current maximum penalty is a £500 fine and/or a period of imprisonment for up to three months.

QUESTION NUMBER 36

Question 36

Mr Oliver Shinegold has asked the Chairman for the Licensing and Appeals Committee the following question.

What is the licensing fee going to be spent on?

Answer

The Animal Boarding Act 1963 allows the Council to charge 'such fee as may be determined by the local authority. The Licensing and Appeals Committee will be considering the fee level to set. In addition to the fee the actual charge for a veterinary inspection is charged, usually this takes place every three years.

The fees are to cover the cost of administration and inspection of animal boarding establishments.

Supplementary Question

Mr Oliver Shinegold asked the following supplementary question:

Will it solely be licence fee that will cover the cost or will Council tax, other people's council tax, also have to cover the administration costs and vet bills and other stuff?

Supplementary Answer

Councillor Patman responded as follows:

Wherever we can we try to make it cost neutral as far as the Council is concerned in these issues. I don't know whether Steve wants to add anything?

Steve Richardson responded as follows:

Later on in the agenda there is a proposed fee schedule which the Members will be considering. We're very conscious of the fact that we as an authority don't want to make any money out of this neither do we want to lose any money out of this and to an extent because we haven't inspected these premises so far we've estimated what we think our costs will be hence the fee which is suggested. We've also taken into account our neighbouring authorities and Bracknell who have already adopted this scheme our proposed fee is exactly the same as theirs because they've had some experience.

The proposed fee and it hasn't been set as the Members will have to debate this is that for an animal boarder who has between 3 and 6 dogs because as we've already discussed the proposal is that less than 3 dogs doesn't require a licence. So between 3 and 6 dogs is £124 a year with £104 for a renewal. Between 7 and 10 dogs £200 in the first year, £150 renewal. Then we jump to 11 to 50 dogs and that's the existing fee for the reason I say that is because it is a single fee schedule for all animal boarding establishments, not just home boarders. Those of you that do have access to page 18, you'll see that the second table on that page is our existing schedule of fees for kennels and catteries and those fees

remain unchanged. At the foot of page 18 I've given some comparative fees for other authorities. It wasn't done very scientifically. I just went in on Google and put in 'fees' and these were first 7 or 8 that I picked up; Bracknell I'm suggesting we charge the same as them, Sheffield the fee is £200 for a home boarder, Salford £106, South Staffordshire £192, Wakefield £93.80 but they have a maximum of 2 dogs, they don't allow home boarding for any more than 2 dogs, Trafford £149 and Lewes £68. So we've taken a mid figure. What will happen in subsequent years if we find that we're recovering too much we will reduce the figure and if we're not recovering enough we'll increase the fee level. We have to start somewhere.

QUESTION NUMBER 37

Question 37

Ms Jo Cranford has asked the Chairman for the Licensing and Appeals Committee the following question.

How is the experience of the home boarders being taken into consideration when determining how many dogs can be boarded at any given time?

Answer

When considering the maximum number of dogs that can be boarded at one time the local authority must have regard to the requirements of the Animal Boarding Establishments Act 1963 which requires it to consider: *that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness*

It is proposed that the maximum number will be set in consultation with the licence applicant and veterinary advice.

QUESTION NUMBER 40

Question 40

Dr Peter Watkins has asked the Chairman for the Licensing and Appeals Committee the following question.

I currently travel frequently with my job and have been using a dog sitter for 9 years where he is extremely happy when I'm away. My dog gets extremely stressed when left at the traditional kennels and I could not put him through that experience on a regular basis. I therefore would like to know what alternatives the panel thinks are available to me to sustain my livelihood and take the best care of my dog.

I know many people who use pet sitters to great effect and am surprised at Wokingham's intention to change the regulations.

Answer

The legislation is not adoptive or discretionary, i.e. it is in force without the Council having to adopt it. It is however a matter for the authority to adopt the standard it will apply, but this has to be based on the requirements of the Act.

It can be seen from the report that is being considered by the Licensing and Appeals Committee that we will be taking national advice into account as well as the views of those that responded to the consultation exercise before any standard licence conditions are agreed.

15. MEMBER QUESTION TIME

There were no Member questions.

16. HOME ANIMAL BOARDING – APPLICATION OF THE ANIMAL BOARDING ESTABLISHMENTS ACT 1963

The Environmental Health and Licensing Manager presented the report. The Committee were reminded that the relevant legislation was not adoptive or discretionary. There had been some debate regarding whether the legislation applies to domestic premises. Members were informed that the interpretation section of the Animal Boarding Establishments Act 1963 referred to 'private dwellings.' The Environmental Health and Licensing Manager emphasised that whilst no complaints had been received to date regarding conditions that dogs are boarded in, the Council was obliged to apply the Act.

Bracknell Forest Council had adopted the original national standard without change. Other Berkshire authorities were awaiting the outcome of the Wokingham consultation exercise before they adopted their own provisions.

Over 270 responses were received from the consultation exercise which followed on from the consideration of the draft conditions by the Licensing and Appeals Committee in January 2011. A summary of these consultation responses was included in the agenda and Members had also been sent redacted copies of all consultation responses. The report presented options for the main issues raised during the consultation for Members to consider. One of the main issues which arose from the consultation exercise was that many of those that responded disagreed with the requirement that dogs from more than one household are not boarded in the same home. Many others believed that the Council should not stipulate the number of dogs allowed to be boarded. The Health and Protection Manager informed the Committee that the revision to national guidance made in January, addressed these issues and referred the Members to the revised section of the guidance.

Members looked at the licence conditions for home boarders, originally proposed. Feedback from the consultation exercise relating to the relevant section was included in brackets. The Environmental Health and Licensing Manager had produced a number of recommendations relating to specific conditions following the consultation.

- **Recommendation 1 – Licensing should be required for any period of boarding which is operated as a business.**
 - Condition 1.2 had stated that 'In these conditions Home Boarding relates to the keeping of dogs in your home from another household for periods in excess of 12 hours as a business. This period may be overnight, or for a whole day even if not overnight. Home Boarding is sometimes known as Petsitting.' Whilst opinions had varied on the appropriate period beyond which licensing should be applied the RSPCA believed that any period should require a licence. Others had suggested that overnight stays would be more appropriate.
 - Councillor Miall questioned whether a 'business' needed to be further defined and if there needed to be a minimum number of days that the dog was cared for in total before a licence became appropriate. The Environmental Health and Licensing Manager commented that those caring for animals as a favour for friends or relatives who did not charge for caring for the dog. Councillor Firmager asked if those who cared for a friend's pet occasionally and charged for expenses would be affected.

- Councillor Gordon Walker stressed that it was important that conditions were enforceable. He commented that it would be difficult for Officers to check time limits within private dwellings and that he supported the recommendation.
- The Environmental Health and Licensing Manager agreed that specific time limits would be difficult to enforce and that Officers would have to take the boarders' word for it.
- **Recommendation 2 – Add – Planning permission will be considered for each case on its merits. Contrary to popular belief it is not the case that permission is only needed for more than six dogs.**
 - With regards to condition '*Planning permission may not be required for the home boarding of animals on the scale proposed, however you should check with the Development Management service of Wokingham Borough Council to confirm the situation with your particular premises*' it was recommended that it be added that planning permission would be considered for each case on its merits. Planning permission would be required if a substantial change of use was required at the property.
 - The Environmental Health and Licensing Manager confirmed that he had consulted with Planning on this condition.
- **Recommendation 3 – That puppies under 6 months of age should be allowed to be boarded at the discretion of both the owner and the boarder.**
 - Councillor Bowring questioned whether it should be clarified that puppies under 8 weeks should not be taken from their mother. The Committee felt that this was not required and that most people were aware of this fact.
 - Councillor Singleton suggested that those pet owners who wished to board their puppies should be made aware if their puppies were to be boarded with dogs from other households.
- **Recommendation 4 – That this condition require that whole males and whole females not be boarded at the same premises at the same time.**
 - Many of those who had responded to the consultation had felt that condition 1.7 '*Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs*' would be difficult to enforce as it was often difficult to determine when a bitch may come into season. The Environmental Health and Licensing Manager suggested that whole males and females should not be boarded together to resolve the issue of boarders and owners trying to determine whether a bitch was in season or not.
- **Recommendation 5 – That the Licensing Authority will set the maximum number of dogs following consultation with the licensee and veterinary advice.**
 - The Licensing Authority was required to set the maximum number of dogs to be kept at any one time. The Environmental Health and Licensing Manager suggested that the licensee and vets be consulted when determining this.
- **Recommendation 6 – That the specific written consent of each household showing confirmation that they are content for their dogs to be boarded with other dogs, and cats as appropriate, be obtained prior to boarding.**

- Members agreed that it was important that written consent was obtained from all households prior to boarding when dogs from more than one household were to be boarded together.
- **Recommendation 7 – That the word ‘residents’ be replaced with ‘households’**
 - With regards to condition 5.1 *‘There must be direct access to a suitable outside area. The area/garden must only be for use by the licensee (not shared with other residents). The area must be kept clean’* it was suggested that the word ‘households’ in place of ‘residents’ was more appropriate.
- **Recommendation 8 – Delete clause 5.3**
 - Condition 5.3 stated *‘If there is a pond, it must be covered to prevent access by dogs.’* The Committee agreed that this was already covered by condition 5.2 which required to keep gardens safe.
 - Councillor Singleton suggested that 5.2 be amended to read *‘The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be locked **except during access.**’* The Committee agreed with this suggestion.
- **Recommendation 9 – That the collar may be removed when the dog is in the boarders premises, subject to the consent of the owner, and that a collar be worn at all other times which carries the contact details of the boarder.**
 - Condition 5.4 *‘Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.’*
 - Many of those that responded to the consultation did not want their dog to have to wear a collar at all times, particularly indoors.
 - The RSPCA had stated that collars were essential at all times unless a vet had stated that dog did not have to wear a collar for medical reasons.
 - The Committee agreed that including the details of the boarding establishment rather than the owner’s details on an identity tag attached to collars would be helpful should a dog escape.
 - Councillor Miall indicated that he agreed with the condition but questioned whether the wearing of collars could be at the owner’s discretion.
- **Recommendation 10 – That the Animal Warden should be informed as soon as possible if a dog is lost.**
 - Condition 5.5 stated that *‘The Licensing Authority must be informed within one working day if a dog is lost.’* However, it was considered more appropriate that the Animal Warden be informed as soon as possible should a dog become lost.
- **Recommendation 11 – That comfort be included.**
 - Condition 6.1 stated *‘There must be adequate space, light, heat and ventilation for the dogs.’* It had been suggested that ‘comfort’ be added. The Chairman questioned how ‘comfort’ was defined.
- **Recommendation 12 – Delete the last sentence of this clause.**
 - Condition 7.2 read *‘All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities*

for animal waste must be agreed with the Licensing Authority.' Informing the Licensing Authority was considered unnecessary.

- **Recommendation 13 – Delete the first and last sentences of clause 7.4.**
 - Condition 7.4 read *'Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.'*
- **Recommendation 14 – That clauses 9.1 and 9.2 be combined.**
 - These conditions both referred to the storage of food.
- **Recommendation 15 - That no more than four dogs be exercised in a public place at one time.**
 - Condition 10.1 stated *'Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.'*
 - Members were informed that complaints had been received regarding people exercising large numbers of dogs. Some people found packs of dogs intimidating. Complaints had also been received regarding people exercising large numbers of dogs not collecting up the dog waste.
 - It was thought that a person could feasibly control four dogs but no more.
 - The Committee agreed that it should be clarified that no more than four dogs per person could be exercised in a public place at one time.
 - The Environmental Health and Licensing Manager indicated that he was not aware of legislation which applied to dog walkers but he would look into the matter.
- **Recommendation 16 - That vaccination against Kennel Cough be included in the list and that subject to boarders and the owners of all boarded dogs agreement, non-vaccinated dogs could be boarded provided written agreement is reached prior to booking.**
 - Some Members expressed concern at the idea of vaccinated and non vaccinated dogs being boarded together even if all owners had agreed to this.
 - Councillor Miall questioned whether boarders could be required to board only one non vaccinated dog at a time.
 - Councillor Haines stated that vaccinated and non vaccinated dogs socialised in the community.
- **Recommendation 17 - That the first-aid kit for dogs be separate from any human first aid provision.**
- **Recommendation 18 – Amend this clause to require complete premises treatment when an infestation is identified.**
 - Condition 11.7 stated *'The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.'*
 - It was recommended that properties should be treated only when an infestation had been identified.
- **Recommendation 19 – That separation be by complete physical means to facilitate 'barrier nursing'.**

- Condition 12.1 stated *'Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.'* Many of those who responded to the consultation believed that dogs showing signs of disease should be physically separated from other dogs and that simply putting the dog showing symptoms in a crate or cage was not sufficient.
- **Recommendation 20 – Written emergency instructions are only required when there are employees working at the premises.**
- **Recommendation 21 – A suitable sized extinguisher and fire blanket be provided in the premises.**
 - Councillor Firmager commented that there were different types of extinguishers for different types of fires. Members agreed that the word 'sized' should be removed.
- **Recommendation 22 – Delete this clause.**
 - Condition 13.6 *'All doors to rooms must be kept shut at night'* was thought to be unnecessary.
- **Recommendation 23 – That the emergency arrangements should be notified to owners prior to booking in order that the owner may make an informed decision about risk.**
 - Some of those who had responded to the concern had expressed concern regarding the security of having emergency contact details on the outside of the premises. Members were informed that stables were required to have emergency contact details on the outside of the stable walls. Some Members felt that this should also apply to home boarders.
 - The Committee agreed that owners should be informed of the premises' emergency procedures prior to making a booking in order to help inform their decision.
 - Councillor Miall commented that in cases of emergency the emergency services were often able to access the premises without a key.
- **Recommendation 24 – That these items be included in the register.**
 - Boarders were required to keep a register containing information on the dogs in their care. Feedback from the consultation suggested that this information should also include permission to be boarded with dogs from other households, agreement for non-vaccinated dogs to be boarded, permission for dog to be let off the lead when exercising, permission to seek veterinary treatment, waiver should the dog die during boarding and record of allergies.
 - In response to a question regarding a waiver should the dog die during boarding, the Environmental Health and Licensing Manager clarified that this related to the owner covering the cost of storing the animal's body until they were able to claim it. Members thought that should not be included.
- **Recommendation 25 – To insert 'reasonable' before 'times'.**
 - Condition 14.2 read *'Such a register is to be available for inspection at all times by an officer of the Licensing Authority or a veterinary surgeon.'* It was thought that adding the word 'reasonable' before 'times' would ensure that the condition was more feasible.

- **Recommendation 26 – That this list [of legislation] be extended to cover these additional legal requirements.**
- **Recommendation 27 – That an additional clause be inserted to stipulate that any premises where boarded dogs are present should not be left unattended for more than three hours.**
 - This additional condition had been requested by the RSPCA.
 - Several Members felt that three hours was too long to leave a dog unattended. Others felt that it was impossible to enforce. Councillor Wyatt suggested that it be recommended that dogs were not left unattended for more than three hours as opposed to stipulated.
- **Recommendation 28 – That a clause regarding welfare needs be included.**
 - The RSPCA has asked that a clause be inserted that the five Welfare Needs be added as the standard for all dog boarding premises as required by the Animal Welfare Act 2006 which imposes a legal duty of care.

The Committee discussed when the licensing arrangements should begin. It was recommended that the licensing arrangements start from 1 April 2012, to allow home boarders and customers sufficient time to make arrangements. Whilst some Members felt that these arrangements should come into effect at an earlier date it was agreed that they would begin 1 April 2012.

Members were informed that the Council could charge ‘a fee as may be determined by the local authority’. The existing fee schedule in place had been devised for kennels and was banded, the lowest band being for up to 50 dogs. A revised schedule has been drafted which would apply to all Animal Boarding Establishments, whether they are private dwellings or otherwise. The Committee considered the proposed fee schedule, set out in Appendix 2 to the report. Councillor Bowring commented that the figures may not be relevant by April 2012. Councillor Gordon-Walker asked what the initial fee and the renewal fee covered. The Environmental Health and Licensing Manager stated that it covered administration and a visit to the premises by the Animal Warden. The fee would also cover enforcement costs. In addition the licensee would be charged the cost of an independent veterinary inspection. It was the Council’s current practice to require this inspection every three years. Less work was usually required for a renewal. Councillor Gordon-Walker asked why the fee for seven to ten dogs was £200 whilst the fee was three to six dogs was £124 and questioned whether the fee for seven to ten dogs should be lower. Several Members felt that the initial fee for a licence for boarding seven to ten dogs should also be £104. The Environmental Health and Licensing Manager emphasised that we had no experience of licensing home boarders at present and that this was a first attempt at producing a fee schedule. The Committee agreed that the fee schedule proposed should be implemented and reviewed at a later date. With regards to a question relating to a refund process, the Environmental Health and Licensing Manager informed Members that there was a refund process which could be implemented after the licence was granted. The Council tended not to receive frivolous applications. If a home boarder decided to stop boarding mid way through their licence half of the licence fee would be kept to cover administration. The other half of the fee would be split into twelve portions. If the boarder stopped boarding four months into the year of their licence they would receive the other eight portions.

It was recommended that licensing is not applied to boarding premises which board up to two dogs at any one time. Members agreed that this was reasonable.

RESOLVED That the Committee:

- 1) agree the various recommendations as set out in Appendix 1 to the report subject to the following amendments;
 - a) that 5.2 be amended to read *'The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be locked **except during access;***
 - b) that 10.1 be amended to read *'Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission. **No more than four dogs per person to be exercised in a public place at one time;***
 - c) that 13.5 be amended to read *'Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top and bottom of the staircase, or other appropriate location. **A suitable extinguisher and fire blanket be provided in the premises;***
 - d) That 'waiver should the dog die during boarding' not be included on the register kept by home boarders;
 - e) That an additional condition be inserted which reads *'**The RSPCA recommends that any premises where boarded dogs are present should not be left unattended for more than three hours.***
- 2) agree to apply the licence conditions with effect from 1 April 2012;
- 3) adopt the fee schedule as set out in Appendix 2 to the report; and
- 4) agree that licensing only be required when more than two dogs are boarded at the same time.

These are the Minutes of a meeting of the Licensing and Appeals Committee

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