LICENSING COMMITTEE
4 MARCH 2009
HOME BOARDING OF DOGS

SUMMARY
A petition seeking the Council’s consent to the principle of home boarding of dogs was received in December 2008. This report sets out a way forward to grant the wishes of petitioners, whilst assuring good animal welfare standards are met. There are no significant financial implications.

1. INTRODUCTION
1.1 At the meeting of the Licensing Committee on 7 January 2009 a petition was presented by Miss Kim Cooper which had been signed by 341 people stating as follows:

“Guildford Borough Council do not currently favour domestic (home) premises with licences allowing private individuals to legally care for dogs within their home environment for a fee. This restricts dog owners to kennels for lawful boarding. Kennelling does not suit all dogs and many owners would prefer to have the option at least of selecting a home care facility. By adding your signature to the list below you will be stating your preference of private home owners to be able to be licensed to care for dogs for a fee within their own home. The licence would be approved upon inspection and assessment of the applicant’s premises by a vet and local authority personnel experienced in animal welfare.”

The Committee resolved that the petition be noted and that a report would be made to this meeting of the Committee.

1.2 The Animal Boarding Establishments Act 1963 provides that no person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the provisions of the Act. The local authority is empowered to issue licences for the keeping of a boarding establishment for animals and to issue such licences subject to conditions which are principally concerned with the good welfare of the animals. The definition of a boarding establishment for animals is very broad and applies to the business of providing accommodation for other people’s animals at any premises including those of a private dwelling house.

1.3 The Council currently licenses four businesses that board cats and dogs. These are all commercial businesses offering accommodation for many animals. They are required to comply with the Council’s conditions which are based upon those published by the Chartered Institute of Environmental Health and prepared with the benefit of veterinary advice. They require the construction of purpose-made kennels and/or cattery accommodation and are very detailed. It is clear from their content that they did not envisage the use of a private dwelling house for the accommodation of animals.
2. MAIN CONSIDERATIONS

2.1 The petitioners make the following points:

- The Council does not favour domestic (home) premises for the boarding of animals
- That kennels do not suit all dogs, some owners seek and indeed require the personal care offered by a home boarding service in which a dog is kept within a private house and offered very close care and attention
- That any licences should only be issued after approval by inspection and assessment by veterinary surgeon and/or local authority officer
- Miss Cooper has in separate correspondence also proposed that a reduced fee be charged for home boarding because of the smaller scale of the service that would be offered
- That home boarding would not imply any construction of kennels, would be on a small scale and avoid being brought within controls under planning legislation.

2.2 Dealing with the first point, the Council has never had a policy to reject the boarding of animals within domestic premises. Very simply the Act required that any business where boarding is offered should be licensed and in fact no application has ever been received by the Council for the purpose of home boarding. However it is recognised that the standard conditions attached to licences granted may have dissuaded potential home boarders from applying.

2.3 The proposal that some dogs and owners seek and require a home boarding facility seems to be a matter of fact and there are anecdotal reports that a service is already provided by persons who have not secured licences. There seems to be a case to make it easier for these very small businesses to become lawful by the granting of licences where suitable standards can be met. Environmental Health has experience over many years with large kennelling establishments and whilst these are generally professionally operated, from time to time problems with barking and kennel stress may arise. This is aside from the inherent risks of boarding a large number of animals together. These risks can include a greater ease of transmission of infectious diseases between animals and accordingly it is necessary for the operators of boarding premises to have very thorough veterinary care arrangements put in place.

2.4 On the third point about any licences being granted following approval by inspection, this is not an optional issue and whatever the outcome of the Committee’s deliberations it would be necessary to inspect premises prior to the granting of any licence. However, should the principle of home boarding be accepted, the need to use the services of a veterinary surgeon should be avoidable due to the domestic scale of the activity.

2.5 It is recommended that any conditions that are attached to a licence should not compromise animal welfare standards and should reasonably reflect the standards currently provided in the commercial sector. They should also clearly cap the maximum number of dogs to ensure that the number is appropriate to the nature of the premises and remains domestic in scale. Any increase above the maximum number would require licensing on a commercial basis.

2.6 A further consideration is the potential for adverse side effects from the operation of boarding establishments close to other residential property or neighbourhoods. As mentioned earlier there have been situations where allegations of nuisance from dog
barking have arisen where dogs have been boarded in some numbers. Whenever such businesses are set up there is a risk which is likely to be related to the number of dogs boarded and the proximity to other property. Setting appropriate limits on what may be legitimately conducted at licensed premises is essential to avoid secondary problems. It is also important to cap any proposal in such a way that there is not an automatic implication for our approval under planning legislation. Accordingly any proposal should recognise that an increase in scale of the use of a property could have planning implications, therefore it is recommended that a ceiling of three boarded dogs be applied to any licence issued.

2.7 A major consideration is meeting the obligations to ensure animal welfare and in this respect appropriate conditions can be applied. A useful set is published by the Local Authority’s Co-ordination Body (LACORS) and these represent a simplified set of conditions and are shown in the Appendix attached with minor amendments.

2.8 Enquiries have been made of neighbouring councils in Surrey and the table below sets out the position. It can be seen that three councils have made arrangements for recognising home boarding but it appears that those remaining have not.

1) Do you licence boarding of dogs within dwelling houses? If so, do you have a published policy concerning the process?
2) Do you recognise or licence daytime only care of dogs, if so are there any issues to consider?
3) If you do, which conditions do you use: a) CIEH model set, b) modified set following LACORS advice or c) locally derived conditions?
4) What annual fee do you charge?
5) How many premises are licensed and what are the limits on numbers?
6) Do you require any inspection by a veterinary practitioner, if so how do you deal with the costs?

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<tbody>
<tr>
<td>Waverley</td>
<td></td>
<td>Not at present.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>Woking</td>
<td>Yes, Pet Care Trust conditions</td>
<td>Yes, if dogs accommodated in house. No for dog walkers</td>
<td>Combination of CIEH and Pet Care Trust</td>
<td>£73.57 - same as commercial boarding establishment</td>
<td>2 premises - 3 dog limit</td>
<td>No</td>
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<td>Elmbridge</td>
<td>Yes</td>
<td>No.</td>
<td>Locally derived conditions</td>
<td>£218 plus vet fee for initial inspection</td>
<td>1 premises - 3 dog limit</td>
<td>Initial inspection incurs fee</td>
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<td>Runnymede</td>
<td>No.</td>
<td>N/A</td>
<td>N/A</td>
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<td>Tandridge</td>
<td>Yes</td>
<td>CIEH based conditions</td>
<td>£110 (£190 for commercial)</td>
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<td>Spelthorne</td>
<td>No.</td>
<td>No.</td>
<td>N/A</td>
<td>N/A (Commercial renewal is £144.90; new is £231.50)</td>
<td>None</td>
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3. FINANCIAL IMPLICATIONS

3.1 The current position is that the charge for licensing under the Animal Boarding Establishments Act is an initial fee of £223, payable upon first licensing and then on subsequent renewals a fee of £84 is payable. The main work is administrative although occasional checks will be arranged through the Council’s dog warden. The initial higher fee reflects the fact that a veterinary inspection is commissioned. It is thought unlikely that home boarding will generate many applications, e.g. Woking has only two such businesses. The amount of work involved should, therefore, be modest. It is considered that the amount of work necessary to process an application
for home boarding should be minimal and not necessarily involve a veterinary surgeon, which is not obligatory. Accordingly a fee of £81.20 is recommended for both the initial application and subsequent annual renewals.

4. **LEGAL IMPLICATIONS**

4.1 The Animal Boarding Establishments Act makes it clear that any business at which boarding accommodation is offered for animals as a business must be the subject of a licence issued under the Act. Permitting home boarding of dogs and indeed cats is permissible under the Act although it rests with the local authority to decide and attach any conditions. The operation of such a business without a licence or in breach of the conditions attached to a licence is a criminal offence.

4.2 It is not open to the Council to have a blanket policy of refusal to licence domestic premises, as any application received must be considered on its merits. There is a right of appeal to the Magistrates’ Court against a refusal to grant a licence or against any condition attached to a licence. It is therefore important that the Council has standard conditions and procedures in place, so that it can respond appropriately to any applications received.

4.3 When setting a fee, the Council is legally empowered to recover its costs of issuing the licence and any enforcement necessary, but may not set the fee with a view to making a profit.

5. **CHILDREN ACT 2004**

5.1 There are no obvious implications under the Children Act. However, it would seem appropriate to ensure that should any licences be granted, they should only operate at premises at which young children under the age of five are not resident. The purpose of this is to ensure that young children are not brought into close proximity with unfamiliar dogs and dogs which may not be used to children. This is also necessary to ensure the welfare of those dogs which may not be used to children. Accordingly, an appropriate condition will apply as set out in Appendix A.

6. **CONCLUSIONS**

6.1 The proposal for home boarding appears to be supported by a wide base of consumer demand with genuine reasons for securing this type of service at a domestic level. There is no legal impediment to the granting of licences so long as appropriate conditions are attached to provide for the welfare of the animals and avoid any adverse secondary effects. To keep the scale of home boarding consistent with the average person’s understanding of what might be acceptable in an ordinary dwelling, it is considered that a maximum of three dogs should be permitted in any licensed premises. In order to avoid nuisance problems, it is considered that certain classes of residential property may be inappropriate; these include flats, multi-occupied property and those premises which do not have the single use of an entrance or exit.

6.2 The cost of licensing should be realistic in terms of fee recovery and the fee of £81.20 is recommended to fully cover administrative costs and occasional checks on premises. It is considered that such a fee would not deter potential operators from applying on grounds of cost. Anyone not securing a licence would be committing an offence which could be the subject of legal proceedings in the Magistrates Court.
7. **RECOMMENDATION**

The Committee is invited to resolve:

(I) That the Council adopts a policy of granting home boarding licences for dogs subject to the conditions set out in Appendix A attached.

(II) That the fee for home boarding licences shall be £81.20, both for the initial licence and subsequent annual renewals.

(III) That authority be delegated to the Head of Environmental Health and Licensing Services to approve appropriate premises in accordance with the advice set out in this report and the conditions set out in the attached Appendix.

**Reasons for Recommendation:**
To enable wider choice for dog owners in the provision of animal boarding facilities and to provide a simplified route for small boarding businesses to start-up.

**Originator:**
Clifford Bell, Head of Environmental Health and Licensing Services
Telephone: (01483) 444370
E-mail: Clifford.Bell@guildford.gov.uk
1. GENERAL CONDITIONS

1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs at a residential property only. Boarding of dogs is not permitted in property constructed as flats, premises in multiple occupation, caravans or mobile homes or premises not of masonry or brick construction.

1.2 No dog registered under the Dangerous Dogs Act 1991 may be accepted for home boarding.

1.3 Dog hybrids registered under the Dangerous Wild Animals Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.

1.4 Entire males and bitches in season or bitches due to be in season or bitches due to be in season during boarding, including resident dogs, should not be boarded together.

1.5 Puppies must not be boarded with other dogs until completion of initial inoculations.

1.6 No children under the age of five may be resident on the premises whilst dogs are being boarded.

1.7 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance, employer’s liability insurance and pet insurance.

2. LICENCE DISPLAY

2.1 A copy of the licence and its associated conditions must be made available to any customer on request.

3. NUMBERS OF ANIMALS

3.1 The maximum number of dogs kept as boarders at any one time shall not exceed three.

4. CONSTRUCTION

4.1 Boarded dogs must live in the house as family pets. There must be no external construction of buildings, cages or runs for the purpose of boarding of dogs.

4.2 The premises shall have its own entrance and not share access with another property e.g. communal stairs.
4.3 There must be adequate space, light, heat and ventilation for the dogs.

4.4 As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access must be free of physical or chemical hazards that may cause injury to dogs.

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

4.6 The licensee, if not the owner of the house at which the animal boarding is conducted, must have the written permission of the owner of the property prior to commencing in business.

5. **CLEANLINESS**

5.1 All areas that the dogs have access to, including the kitchen, must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

5.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary.

5.3 All bedding areas must be kept clean and dry.

5.4 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.

5.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

6. **FOOD AND WATER SUPPLIES**

6.1 All dogs shall have an adequate supply of suitable food as directed by the client.

6.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily.

6.3 Suitable bedding, bowls, grooming materials etc must be provided. These items must be cleaned regularly to prevent cross-infection.

6.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

7. **KITCHEN FACILITIES**

7.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.

7.2 All bulk supplies of food shall be kept in vermin proof containers.
8. **DISEASE CONTROL AND VACCINATION**

8.1 Boarded and resident dogs must have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record of vaccination must be kept on-site throughout the period that the dog is boarded.

8.2 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be followed.

8.3 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

8.4 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Written records must be maintained of all routine and emergency treatment for parasites given to the dogs whilst at the premises.

8.5 The premises shall be treated for fleas and parasites with an effective product as necessary.

8.6 Veterinary advice must be sought in relation to the use of cleaning substances to avoid harmful effects to any animals at the licensed premises.

9. **ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.**

9.1 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.

9.2 The Licensee must inform their veterinary surgeon without delay if a dog develops an infectious disease.

9.3 Following an episode of infectious disease during any stay, appropriate veterinary advice is to be promptly taken and implemented.

9.4 Any death of an animal being boarded must be recorded in writing. The Licensee must make arrangements for the body to be stored at a veterinary surgeon’s premises until the owners return, unless directed otherwise by the owner or their representative.

10. **REGISTER**

10.1 A register must be kept of all dogs boarded. The information kept must include the following:

- Date of arrival
- Name of dog, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog
ITEM NO. 4

- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of dog’s veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Details of any treatment administered whilst the dog is being boarded
- Health, welfare, nutrition and exercise requirements
- Copy of written consent from the owner regarding boarding their dog with other dogs

10.2 Such a register is to be available for inspection at all times by an authorised officer of the Council and/or a veterinary surgeon.

10.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

10.4 If medication is to be administered, this must be recorded.

10.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

11. SUPERVISION

11.1 A fit and proper person with relevant experience must always be available to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal Cautions for any animal welfare related offence.

11.2 Dogs must not be left unattended for longer than 3 hours at a time and then not on a regular basis.

11.3 Only people over 16 years of age are allowed to walk the dogs unsupervised in public places.

12. EXERCISE

12.1 When dogs are taken off the premises, they must be kept on leads unless the owner’s written permission to take them off lead has been obtained. Licensees must clean up when a dog in their care has fouled whilst being exercised.

12.2 There must be direct access to a suitable outside area. The area/garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

12.3 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 able to be locked.

12.4 If there is a pond at the premises, it must be suitably protected so as to prevent access by dogs.

12.5 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.
12.6 The owner and Council shall be informed without delay if a dog is lost. The Council number to call is 01483 444765.

13. **FIRE / EMERGENCY PRECAUTIONS**

13.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

13.2 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

13.3 A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises.

13.4 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 & bottom of the staircase, or other appropriate location.

13.5 All doors to unoccupied rooms must be kept shut at night.

13.6 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.

13.7 All heating appliances must be as free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or unsealed oil appliances. Any other freestanding appliances must be kept in a safe, secure manner and should not be easily knocked over by boarding dogs.

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*The following section is intended as advice for licensees of home boarding establishments only.*

**Planning permission**
This licence does not give or imply any permission or approval under planning legislation. The operator is recommended to contact Planning Services at Guildford Borough Council (tel. 01483 444609 or email: planningenquiries@guildford.gov.uk) and take advice as to whether any application for consent should be made.

**Nuisance Complaints**
This licence does not give any exemption from the requirements of the Environmental Protection Act 1990 relating to control of statutory nuisances, particularly those relating to odour or noise. The operator is advised to ensure that the business is run in such a manner as to ensure there are no grounds for complaint.

**Waste disposal**
Waste produced as part of running the business is classified as business waste. Businesses have a legal duty to ensure that waste is disposed of correctly, and not through normal domestic waste collections.
Transport of animals
If a collection or delivery service is provided, a suitable vehicle with a dog guard, cage or other suitable restraint must be used.

ISSUED BY ENVIRONMENTAL HEALTH AND LICENSING SERVICES, GUILDFORD BOROUGH COUNCIL, MILLMEAD HOUSE, MILLMEAD GUILDFORD, GU2 4BB

Tel. 01483 444371

Email: environmentalhealth@guildford.gov.uk

Feb 2009