

Regulatory Committee

9.30am, Tuesday, 26 June 2018

Animal Boarding Establishments

Item number	7.3
Report number	
Executive/routine	
Wards	Citywide
Council Commitments	N/A

Executive Summary

This report requests that the Committee approves proposals to introduce revised sets of animal boarding conditions under the Animal Boarding Establishments Act 1963.

This will more readily reflect the types of dog boarding which are being carried out under the licences that have already been granted.

A proposed revised structure for the pricing of Animal Boarding Establishment Licences is also submitted for the Committee's consideration.

Animal Boarding Establishments

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
 - 1.1.1 Note this report;
 - 1.1.2 Agree to consult on the proposed conditions (Appendix 2 and 3);
 - 1.1.3 Agree in principle to the new fee structure and instruct officers to consult licence holders on this; and
 - 1.1.4 Agree to receive a subsequent report on completion of the consultation.

2. Background

- 2.1 Traditionally, licences granted under the Animal Boarding Establishments Act 1963 are for commercial dog kennels and catteries, where the animals are kept in pens or cages and are let out on a daily basis to be exercised in the establishment's exercise facilities.
- 2.2 Home boarding of dogs is becoming increasingly widespread where homeowners create a small-scale business in their homes, looking after other people's dogs in a home environment whilst the dog owner goes on holiday or is at work. This often additionally includes overnight boarding.
- 2.3 Businesses or individuals offering day boarding for dogs, either in their home or on private land, is more popularly known as 'dog day care', 'dog crèche' or similar variations. These premises generally board dogs during the day but not overnight.
- 2.4 The Animal Boarding Establishments Act 1963 is antiquated and in need of update. The Animal Health and Welfare (Scotland) Act 2006 contains a provision to repeal the legislation but this provision has never been brought into force.
- 2.5 There is currently one fee for an Animal Boarding Licence, which is applied regardless of the number of animals being boarded.

3. Main report

Licensing Conditions

- 3.1 The current conditions for animal boarding do not reflect how the industry has changed, and in particular do not address the activities described at 2.2 and 2.3

above. The current conditions relate only to accommodation, the suitable supply of food, drink and bedding and the reasonable steps to be taken to prevent and control the spread of infectious or contagious diseases.

- 3.2 In a home boarding scenario dogs mingle in a communal area rather than in cages, both during the day and overnight. Exercise is either provided in the home owner's garden or in public space in either residential or rural areas. Typically, a home boarder will only board one to three dogs at a time.
- 3.3 'Dog day care' can be a small operation at the carer's home, or as a commercial operation in specially adapted premises including an outdoor area. In both types the dogs mix with other dogs. In a home operation the dogs are looked after by the carer, who may have some additional staff. In a commercial operation the dogs are cared for by a number of staff in a communal area. A home dog day care centre is likely to look after one to three dogs, whereas a commercial centre can look after up to 80 dogs per day. All dog day care staff are required to undertake appropriate training. The dogs in a dog day care centre are not boarded overnight
- 3.4 Current conditions for Animal Boarding do not reflect either of the above activities, as they do not take into account the unique natures of home boarding or dog day care boarding.
- 3.5 This report proposes to introduce separate conditions for traditional animal boarding, home boarding and dog day care centres. The proposed conditions cater for dogs which are being boarded in the different environments, ensuring that their welfare and health needs are met. A number of the conditions are the same across all boarding establishments, whilst others reflect the differing environments.
- 3.6 The current conditions for dog boarding are included at Appendix 1. Proposed model conditions for home boarding are outlined in Appendix 2, while proposed model conditions for dog day care are outlined in Appendix 3. All sets of conditions will enable establishments to operate and meet the requirements of their customers, whilst ensuring that the statutory objectives of the Animal Boarding Establishments Act 1963 are met.

Licence fees

- 3.7 The Committee is asked to adopt in principle a new fee structure, in which the relevant fee will more accurately correspond to the size of the business. It is recommended that the Committee adopts the revised fee structure attached at Appendix 4. The current annual fee is £323 irrespective of the number of animals.
- 3.8 Unlike the Riding Establishments Act 1964, the Animal Boarding Establishments Act 1963 does not require the Committee to consider fees with respect to a vet's report. All inspections of animal boarding establishments can therefore be carried out by in-house inspectors. It may however be necessary for a vet to be involved in larger inspections, such as a large dog day care centre with over 50 dogs, or a commercial kennel operation.

- 3.9 Where a vet is normally required for premises over 50 animals or is asked for on discretion, this fee will be passed onto the licence applicant.
- 3.10 Should the Committee be minded to approve these changes in policy after the appropriate consultation, it is recommended that the Directorate then publicises the changes. In Edinburgh it is suspected that there are currently a small number of unlicensed online dog home boarding businesses. These businesses are generally difficult to trace. If a reduction in fees was to be publicised it is hoped that this will encourage compliance.

4. Measures of success

- 4.1 That Animal Boarding Establishments are licensed in an appropriate manner.
- 4.2 The welfare of animals is secured.

5. Financial impact

- 5.1 Applicable fees will follow the normal approach of seeking to cover the Council's cost of processing and administering the licensing system. As such there will be no significant impact on the Council with any additional costs being recovered. The sliding scale proposed will reflect costs without being overly burdensome on businesses. When it is considered appropriate that a veterinary inspection is required in support of any licence application, that fee will be fully recharged to the applicant. Officers will take a view on the maximum number of animals suitable for a premises and may seek veterinary advice, notwithstanding the number of animals being less than 50.
- 5.2 There is a risk that any perception of increased licensing costs may be viewed negatively by the operators and viewed as detrimental to business development. However, the sliding scale of application fees will reflect Council costs and ensure proportionality to the scale of the commercial enterprise. The modest fees proposed for small operators reflect both the Council expenditure and also the desire not to encourage operations to evade licensing.

6. Risk, policy, compliance and governance impact

- 6.1 None

7. Equalities impact

- 7.1 None

8. Sustainability impact

8.1 None

9. Consultation and engagement

9.1 Consultation with stakeholders is the next step.

10. Background reading/external references

10.1 None

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

11. Appendices

- 11.1 Appendix 1 - Animal Boarding Establishments Act 1963 – CURRENT STANDARD CONDITIONS
- 11.2 Appendix 2 - ANIMAL BOARDING ESTABLISHMENTS ACT 1963 – HOME BOARDING proposed conditions
- 11.3 Appendix 3 - Animal Boarding Establishments Act 1963 – Dog Day Care Centre Licence proposed conditions
- 11.4 Appendix 4 – table of proposed application fees for Animal Boarding Establishment Licences

Animal Boarding Establishments Act 1963

CURRENT STANDARD CONDITIONS

1. 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;
2. That animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
3. That all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;
4. That appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
5. That a register be kept containing a description if any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an Officer of the Council, Veterinary Surgeon or Veterinary Practitioner authorised under Section 2(1) of the said Act.
6. It is recommended that all boarding establishments be kept free of the parasite *toxocara* and therefore all dogs and cats entering such establishments should be treated with an *antitoxocara* drug at, or immediately before, the time of admission.

ANIMAL BOARDING ESTABLISHMENTS ACT 1963 – HOME BOARDING

1. GENERAL LICENSING 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.
- 1.2 The Licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance. In addition to this it is recommended that care, custody and control insurance is in place.
- 1.3 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.4 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) and dogs subject to Dog Control Notices served under the Control of Dogs (Scotland) Act 2010 are not to be accepted for home boarding.
- 1.5 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.
- 1.6 Dogs under 6 months shall only be boarded if they are suitably vaccinated and difficulties had not been identified during a trial socialisation period. There is an exception for puppies where they are being boarded with mother or siblings provided no other dogs are boarded on the premises at any time.
- 1.7 A copy of the Licence and its associated conditions and a Certificate of Insurance shall be made available to each client.
- 1.8 The maximum number of day boarders to be kept at any one time is noted on your licence. The maximum number of night time boarders to be kept at any one time is marked on your licence.
- 1.9 Dogs must not be boarded with any cat, unless they normally live together in the same household or there is prior agreement with the client and difficulties had not been identified during a trial socialisation period.
- 1.10 Only dogs from the same household may be boarded at the same time unless the following precautions are taken:
 - Specific written consent of each household is given, 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 (unless from the same family and normally fed together) to minimise the likelihood of dispute and aggression.
- 1.11 The Licence holder will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.
- 1.12 The means of transportation, dogs, premises and anything therein and the Register may be inspected at all reasonable times by a local authority officer or veterinary surgeon authorised by the local authority under Section 2 (1) of the Act.
- 1.13 Dogs must wear a collar and tag during the stay of boarding. The tag must be made of a durable and hardwearing material and shall display the contact telephone number of the boarding establishment.
- 1.14 The establishment must be operated in such a manner that it does not cause a statutory nuisance to occupiers of neighbouring properties.

2. CONSTRUCTION

- 2.1 Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs for boarded animals.
- 2.2 There must be adequate space, light, heat and ventilation for the dogs.
- 2.3 As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.
- 2.4 There must be sufficient space available to keep the dogs separately if required.

3. KITCHEN FACILITIES

- 3.1 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.
- 3.2 All bulk supplies of food shall be kept in vermin proof containers.

4. CLEANLINESS

- 4.1 All areas where the dogs have access to, including the kitchen etc. 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.
- 4.2 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.
- 4.3 All bedding areas must be kept clean and dry.
- 4.4 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

first aid treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

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

5. DISEASE CONTROL

- 5.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.
- 5.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. With the exception of where a bitch and her pups are boarded together, the course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with the manufacturer's instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.
- 5.3 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 strictly followed.
- 5.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site and in any vehicle used for transporting boarded dogs.
- 5.5 The Licensee must be registered with a veterinary practice that can provide help and advice. Where night time boarding is carried out registration should be with a 24-hour veterinary practice. The clients own veterinary practice must be known and consulted if necessary.
- 5.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. A record must be maintained of all routine and emergency treatment for parasites.
- 5.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.
- 5.8 Cleaning substances must be suitable for the purpose and the cleaning substance and its fumes must pose no risks to the dogs.

6. ISOLATION

- 6.1 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.
- 6.2 The Licensee must inform the Licensing Authority by the next working day on becoming aware that a dog has developed an infectious disease.
- 6.3 Following an episode of infectious disease during any stay, the premises must undergo suitable cleaning and a reasonable quarantine period before new boarders

are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon. A record must be maintained of each episode of infectious disease, together with details of the implemented quarantine period.

- 6.4 The Licensing Authority must be informed by the next working day of any animal death on the premises. The Licence holder must make arrangements for the body to be stored under suitable conditions until the owner returns.

7. FOOD AND WATER SUPPLIES

- 7.1 All dogs shall have an adequate supply of suitable food as directed by the client.
- 7.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and drinking vessels cleaned at least once per day.
- 7.3 Clients must be encouraged to provide each dog with its own clean bedding, bowls, grooming materials etc. If supplied, these items must be cleaned regularly to prevent cross-infection. The Licence holder should be able to provide extra bedding material as required.
- 7.4 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.

8. REGISTER

- 8.1 A register must be kept of all dogs boarded. The information kept must include the following:
- Date and time of arrival;
 - Name of dog, any identification system such as microchip number or tattoo;
 - Description, breed, age and gender of dog;
 - 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;
 - Health, welfare, nutrition and exercise requirements;
 - Date of last season for a bitch; and
 - Written agreement in respect of emergency veterinary treatment.
- 8.2 The Register shall be available for inspection at all reasonable times by an officer of the local authority or an authorised veterinary surgeon.
- 8.3 The Register must be kept readily available for a minimum period of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.
- 8.4 Details of any medication administered must be recorded, including type of medication, quantity and time administered.

8.5 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.

9. SUPERVISION

9.1 A fit and proper person with relevant experience must be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.

9.2 Dogs must be visited at regular intervals, as necessary, for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a routine basis.

9.3 No person under 16 years of age is permitted to walk boarded dogs in public places unless supervised by a fit and proper person.

9.4 No child under 16 shall be left unaccompanied with boarded dogs at any time.

9.5 If there is a resident dog within the household, the boarded dogs must be kept separated on the occasions when they are left unattended.

10. TRAINING

10.1 A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

11. FIRE/EMERGENCY PRECAUTIONS

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

11.2 The occupier of the property must be aware of the location of the dogs in the property at all times.

11.3 Fire detection and firefighting equipment must be provided in accordance with general advice given by the Fire Safety Officer.

11.4 All doors to rooms where dogs are boarded must be kept shut at night.

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

11.6 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no regular or routine use of freestanding gas or oil appliances.

11.7 Arrangements must be made whereby spare keys can be obtained to allow access to the premises in the event of an emergency or alternatively, an emergency contact number shall be displayed in an obvious location at the premises.

12. EXERCISE

12.1 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 owners written permission. The Licensee must be satisfied that the dogs are under proper control at all times.

12.2 There must be access to a suitable outside area.

12.3 Any exercise/garden area of the premises to which the boarded dogs may have unrestricted 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 The Licensing Authority must be informed by the next working day if a dog is lost.

13. TRANSPORTATION

13.1 If a collection and delivery service is provided or transport is used to travel to an exercise area then a suitable vehicle must be used. An individual dog must be secured within a dog cage or behind a dog guard whilst travelling within the vehicle. Where more than one dog is to be transported at any time the vehicle must be fitted with individual cages of adequate size for the safe transportation of the dogs. The journey time shall be kept to a minimum when transporting boarded dogs.

Animal Boarding Establishments Act 1963

Kennels and/or Dog Day Care in Non-Residential Property Licence 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 day care of dogs.
- 1.2** The Licence holder must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employer's liability insurance. Proof of such must be provided with any application.
- 1.3** If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.
- 1.4** A copy of the licence and its conditions must be suitably displayed to the public in a prominent position in or about the day care establishment.
- 1.5** 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.
- 1.6** Dogs under 6 months shall only be boarded if they are suitably vaccinated and difficulties had not been identified during a trial socialisation period. There is an exception for puppies where they are being boarded with mother or siblings provided no other dogs are boarded on the premises at any time.
- 1.7** Dogs 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 .
- 1.8** Appropriate steps will be taken for the protection of the dogs in case of fire or other emergency.
- 1.9** All dogs must be adequately supplied with suitable food as agreed with the owner
- 1.10** Wholesome water must be available at all times and changed at least twice daily.

- 1.11** Eating and drinking vessels must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must be maintained in a clean condition.
- 1.12** There must be direct access to a suitable outside area. The area / garden must only be for use by the business (not shared with other neighbouring properties) and must be kept clean.
- 1.13** 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.
- 1.14** The establishment must be operated in such a manner that it does not cause a statutory nuisance to occupiers of neighbouring properties.
- 1.15** The maximum number of dogs to be kept at any one time is XX (number to be added at point of grant of licence)
- 1.16** No animals other than dogs are to be boarded within the licensed facilities without the written approval of the City of Edinburgh Council
- 1.17** No dogs registered under The Dangerous Dogs Act 1991 must be accepted for day care
- 1.18** Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. wolf hybrids) are not to be accepted for day care.
- 1.19** The number of dogs onsite at any time should take into account the size and breed of each dog to ensure a harmonious setting
- 1.20** Suitable bedding which is capable of being easily and adequately cleaned and sanitised must be provided which allows each dog to be comfortable during its stay at the day care centre. All bedding material must be maintained in a clean, parasite free and dry condition.
- 1.21** Areas where dogs have access to must open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
- 1.22** On a daily basis a register must be kept of all dogs present in the day care centre. The information kept must include a description if any animals received into the

establishment, date of arrival and departure, and the name and address of the owner,

- 1.23** The register must also include proof of current vaccinations, medical history and requirements, along with any health welfare and nutrition requirements.
- 1.24** The register must be available for inspection at all times by an Officer of the Council, Veterinary Surgeon or Veterinary Practitioner authorised under Section 2(1) of the said Act.
- 1.25** 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.
- 1.26** Written consent from the owner to their dog having contact with other dogs must also be received in writing.
- 1.27** The licence holder must have a way of identifying each dog and a system in place which ensures that relevant information about the dog is readily available.
- 1.28** The Licensing Authority must be informed by the next working day if a dog is lost.
- 1.29** A written training policy must be provided. Systematic training of staff must be demonstrated to have been carried out.
- 1.30** Licence holders and key staff must be trained in dog first aid and a record of this training kept.
- 1.31** A fit and proper person must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises.
- 1.32** There must be a ratio of one member of staff to every six dogs at all times. Dogs will not be left unattended for their health, safety and welfare
- 1.33** Staff must have relevant experience and must not have any criminal convictions or accepted any simple cautions for any animal welfare related offences.

Type of establishment	Fee per annum
Animal Boarding (Commercial kennels)	£323
Home Boarding or Dog Day Care, (1 - 4 animals)	£100
Home Boarding or Dog Day Care, (5 -10 animals)	£150
Home Boarding or Dog Day Care (more than 10 animals)	£323

Additionally, applicant will pay any veterinary fee incurred by the Council in inspecting the premises.