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# Licensing Committee

Thursday, 15th December, 2016 at 5.30 pm  
Hastings & Knepp Room, Parkside, Chart Way, Horsham

Councillors:

Jim Sanson (Chairman)	
Roger Clarke (Vice-Chairman)	
John Blackall	Paul Marshall
Karen Burgess	Christian Mitchell
Peter Burgess	Mike Morgan
Philip Circus	Godfrey Newman
Tony Hogben	Brian O'Connell
Adrian Lee	Kate Rowbottom

You are summoned to the meeting to transact the following business

## Agenda

	<b>Page No.</b>
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	3 - 4
To approve as correct the minutes of the meeting held on 9 <sup>th</sup> June 2016	
3. <b>Minutes of Licensing Sub-Committee</b>	5 - 8
To receive the minutes of the meeting of the Licensing Sub-Committee held on 9 <sup>th</sup> August 2016	
4. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
5. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
6. <b>Animal Boarding Establishments Act 1963 - Licensing of Dog Day Boarding Establishments</b>	9 - 20
7. <b>Animal Boarding Establishments Act 1963 - Amended Licence Conditions for Home Boarding (Dogs)</b>	21 - 28
8. <b>Environmental Health &amp; Licensing - Licence Fees for 2017/18</b>	29 - 36

9. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

**Licensing Committee**  
**9 JUNE 2016**

Present: Councillors: John Blackall, Karen Burgess, Peter Burgess, Philip Circus, Roger Clarke, Ian Howard, Mike Morgan, Godfrey Newman, Brian O'Connell, Kate Rowbottom and Jim Sanson

Apologies: Councillors: Tony Hogben, Adrian Lee, Paul Marshall and Christian Mitchell

Also Present: Councillor: John Bailey

LI/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Jim Sanson be elected Chairman of the Committee for the ensuing Council year.

LI/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Roger Clarke be appointed Vice-Chairman of the Committee for the ensuing Council year.

LI/3 **MINUTES**

The minutes of the meeting held on 24<sup>th</sup> November 2015 were approved as a correct record and signed by the Chairman.

LI/4 **MINUTES OF LICENSING SUB-COMMITTEE**

The minutes of the meeting of the Licensing Sub-Committee held on 4<sup>th</sup> April 2016 were received.

LI/5 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/6 **ANNOUNCEMENTS**

There were no announcements. The Chairman closed the meeting and introduced Jean Irving, Sussex Police Head of Licensing & Public Safety, who

had been invited to brief Members of the Committee on the role of the Police in Licensing matters.

*The meeting closed at 5.38 pm having commenced at 5.30 pm*

CHAIRMAN

**Licensing Sub-Committee**  
**9 AUGUST 2016**

Present: Councillors: John Blackall, Tony Hogben, Mike Morgan and Kate Rowbottom

Apologies: Councillors: Roger Clarke

Also Present: Councillor Jim Sanson, Chairman of Licensing Committee

LI/1 **ELECTION OF CHAIRMAN FOR THE MEETING**

RESOLVED

That Councillor John Blackall be elected Chairman for the meeting.

LI/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

LI/3 **ANNOUNCEMENTS**

There were no announcements.

LI/4 **APPLICATION FOR CONSIDERATION**

**FOR THE GRANT OF A NEW PREMISES LICENCE, UNDER SECTION 34 OF THE LICENSING ACT 2003, IN RESPECT OF 'CHRISTMAS FANTASIA', CAMPING WORLD SHOW GROUND, HORN BROOK PARK, BRIGHTON ROAD, HORSHAM**

DETAILS OF APPLICATION: A premises licence for an event to be called Christmas Fantasia, which would take place between 21<sup>st</sup> October 2016 and 29<sup>th</sup> January 2017 at the Camping World Show Ground. The licence would allow the following licensable activities daily from 10am to 10pm:

1. Live music;
2. Recorded music
3. Sale and supply of alcohol by retail for consumption on the premises only.

The Licensing Officer presented the report, which set out details of the application and representations made by interested parties.

Representations:

Responsible Authorities:

Sussex Police, who had originally objected to the application, had withdrawn their objection having agreed additional operating conditions with the applicant.

Other than Sussex Police, no other Statutory Consultee had made representations in respect of this application.

Interested Parties: Nuthurst Parish Council had objected to the proposal. Twenty-seven members of the public submitted representation against the grant of the premises licence.

The Ward Member: The Ward Member for Forest Parish Council attended the meeting and spoke in objection to the application. The Ward Member for the neighbouring Ward of Nuthurst also attended the meeting and spoke in objection to the application.

The Chairman then heard from the applicant.

Three members of the public addressed the sub-committee in objection to the application.

The Chairman and members of the sub-committee further questioned the applicant and interested parties. The applicant had submitted a revised Event Management Plan prior to the meeting that addressed several of the objectors' concerns, in particular in relation to the management of noise from the recorded incidental and background music. It was noted that this had only been made available to those attending the meeting immediately prior to its commencement.

The sub-committee were mindful of residents' concerns regarding the impact of the event on the surrounding area. The Environmental Health Officer confirmed that any complaints regarding noise and lighting would be dealt with appropriately and with vigour.

Members considered all the evidence and submissions before them including the representations made on the application, and the answers to questions given to the sub-committee by those present. They were satisfied that, on the balance of probability, the Grant of the new Premises Licence would not be detrimental to the achievement of the licensing objectives, subject to the conditions applied by the Statutory Bodies and subject to two additional conditions as enumerated by the sub-committee.

## **RESOLVED**

That the application for a new Premises Licence for an event to be called Christmas Fantasia, which would take place between 21<sup>st</sup> October 2016 and 29<sup>th</sup> January 2017, be granted subject to the conditions applied by the Statutory Bodies and the following additional conditions:

- (i) That live music should not be amplified
- (ii) That a phone number for residents to contact to report any complaints about noise levels be published in the Parish Magazine

**REASON**

The proposal would not be detrimental to the achievement of the four Licensing Objectives.

*The meeting closed at 11.36 am having commenced at 10.00 am, with an adjournment from 11.00am to 11.30am.*

CHAIRMAN

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## Report to Licensing Committee

Date of meeting: 15<sup>th</sup> December 2016

By the Environmental Health and Licensing Manager

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Animal Boarding Establishments Act 1963 – Licensing of Dog Day Boarding Establishments

#### Executive Summary

Currently Horsham District Council licenses the boarding of dogs at commercial kennels and private households where they are boarded as part of a business. Over recent years the concept of day boarding dogs, dog crèches, as a business, has also emerged. The main differences being that the dogs are not boarded overnight and they are allowed to mingle in a communal area rather than individual kennels. To date Horsham District Council has not licensed any dog day boarding establishments and the model licence conditions we have adopted for traditional commercial kennels and home borders are not appropriate for day boarding. In order to licence these premises new conditions have been drafted to address the issues associated with the commercial day boarding of dogs.

#### Recommendations

That the Committee is recommended:

- i) To endorse the licensing of commercial dog day boarding establishments.
- ii) To approve the new licence conditions for the commercial day boarding of dogs set out at Appendix 1 to this report.

#### Reasons for Recommendations

- i) The setting of conditions for licences is the responsibility of the Licensing Committee, and
- ii) To protect the welfare of dogs whilst at commercial dog day boarding establishments

#### Background Papers

**Wards affected:** All

**Contact:** John Batchelor, Environmental Health and Licensing Manager, Ext 5417.

## **Background Information**

### **1 Introduction and Background**

- 1.1 The Animal Boarding Establishments Act 1963 requires any person who keeps a boarding establishment for cats and/or dogs to be licensed by the Local Authority to ensure the health, welfare and safety of the animals during their stay.
- 1.3 Currently Horsham District Council licenses the boarding of dogs at commercial kennels and private households where they are boarded as part of a business. To date Horsham District Council has not licensed any dog day boarding establishments and the model licence conditions we have adopted for traditional commercial kennels and home borders are not appropriate for day boarding.

### **2 Relevant Council policy**

- 2.1 Where the Council issues a licence under the Animals Boarding Establishments Act 1963, conditions will be attached to the licence to ensure the health, welfare and safety of the animals during their stay. The Council has the power to adopt its own conditions.

### **3 Details**

- 3.1 Under the Animal Boarding Establishments Act 1963, Local authorities have a duty to licence businesses boarding dogs to ensure the health, welfare and safety of the animals during their stay. Currently Horsham District Council licenses the boarding of dogs at commercial kennels and private households where they are boarded as part of a business. All licences when issued will have a list of conditions attached and Horsham District Council's licence conditions following the Model Conditions published by the Chartered Institute for Environmental Health and LACORS
- 3.2 Over recent years the concept of day boarding dogs, dog crèches, as a business, has also emerged. The main differences being that the dogs are not boarded overnight and they are allowed to mingle in a communal area rather than individual kennels. To date Horsham District Council has not licensed any dog day boarding establishments and the model licence conditions we have adopted for traditional commercial kennels and home borders are not appropriate for day boarding.
- 3.3 Dog day boarding would appear to be growing in popularity and such establishments are likely to operating within the Horsham District. These businesses would be required to be licensed under the Animal Boarding Establishments Act 1963
- 3.4 The current licence conditions attached to licences for commercial boarding kennels and home boarding would not be appropriate for day boarding and therefore a new set of conditions will need to be adopted to establish a standard against which they can be licensed.
- 3.5 Applying more appropriate licence conditions to dog day care establishments would ensure the health, welfare and safety of the animals boarded in these

establishments. Proposed new conditions for the commercial day boarding of dogs as set out at Appendix 1 to this report have been adapted from the Council's existing conditions and taking into account the conditions used by other local authorities.

- 3.6 Dog day boarding establishments would be inspected and licensed in the same way as other animal boarding establishments and therefore subject to the same licensing fee.

## **4 Next Steps**

- 4.1 The Committee is recommended to endorse the licensing of commercial dog day boarding establishments and approve the licence conditions (set out at Appendix 1 to this report) to take immediate effect.

## **5 Outcome of Consultations**

- 5.1 The Monitoring Officer confirms that Dog day boarding would be required to be licensed under the Animal Boarding Establishments Act 1963. He advises that the Council has discretion to make licence conditions and the function is delegated to the Licensing Committee.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None

## **7 Resource Consequences**

- 7.1 There are no financial consequences arising from this report as the licence fees are set to recover the Council's costs in issuing licences.

## **8 Legal Consequences**

- 8.1 The Animal Boarding Establishments Act 1963 requires any person who keeps a boarding establishment for cats and/or dogs to be licensed by the Local Authority. Business's providing day boarding for dogs would be required to be licensed and Horsham District Council are responsible to ensure that they are licensed and comply with any conditions the Council attaches to the licence.

## **9 Risk Assessment**

- 9.1 There are no risks associated with this proposal. Should the new licence conditions be approved they will assist in ensuring the health, welfare and safety of the animals during their stay at dog day boarding establishments.

- 9.2 Should the council receive an application for a licence from a dog day boarding establishment it would need to determine the licence. This report is to ensure conditions are in place should applications be made.

## **10 Other Considerations**

- 10.1 There are no potential equalities implications of this report and its recommendations. Adoption of the proposed conditions will increase standardisation in the trade within the District. The conditions will also inform all prospective applicants of the requirements for this type of business.



## Animal Boarding Establishments Act 1963

### Licence Conditions for Commercial Dog Day Boarding Establishments

#### 1. General Licence Conditions

These conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the commercial day boarding of dogs.

- 1.1 The licence holder shall not make or cause or permit to be made any material change to the premise or licensed activity without the prior consent of the Local Authority.
- 1.2 Insurance shall be maintained at all times to a sufficient level to cover the maximum number of dogs boarded. Employers Liability and Public Liability Insurance shall be maintained at a sufficient level at all times. The certificates of insurance shall be displayed in a prominent position within the premises.
- 1.3 The licence applicant must provide evidence of competence to the licensing authority, prior to any licence being granted. Evidence of competence must comprise of experience, relevant training and / or qualifications.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for boarding. Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for boarding. Stray dogs are not to be accepted for boarding.
- 1.5 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises or made available to each customer.
- 1.6 All dogs attending the establishment shall wear a collar and tag Identifying the name and contact number of the premises.
- 1.7 There shall be no overnight boarding of dogs at the premises.
- 1.8 The premises shall be operated in such a way as to avoid nuisance to occupiers of neighbouring properties.

## **2. Number of Animals**

- 2.1 The maximum number of dogs to be kept at any one time is
- 2.2 The number of dogs permitted at an establishment will be determined by the suitability of the premises including size, available space and staff/supervision levels.
- 2.3 A written procedure must be in place for any potential new day care boarders to be comprehensively assessed for temperament and suitability by a competent person. This assessment must be documented and must include information on the dog and its ability to mix with other dogs. This written procedure must be provided to the Licensing Authority on request.
- 2.4 Entire males and bitches in season, or bitches due to be in season during the boarding period, must not be boarded together or boarded with resident dogs.
- 2.5 Puppies under 6 months of age may be boarded, at the Managers discretion, provided that they are suitably vaccinated and a trial socialisation period has taken place.

## **3. Construction**

- 3.1 The premises, buildings, grounds and perimeters must offer a safe and secure environment for boarders.
- 3.2 All external structures including the walls, doors and roof will be maintained in a suitable durable and weather proof condition and without risk of injury to persons or animals. The construction shall be such that the security of boarded dogs is ensured at all times.
- 3.3 All internal surfaces used in the construction of walls, doors, partitions, doors and door frames to be durable, smooth and impervious. There must be no projections or rough edges liable to cause injury.
- 3.4 Junctions between vertical and horizontal sections must be sealed.
- 3.5 The premises shall have its own entrance and must not have shared access e.g. communal stairs/reception.
- 3.6 Where there is an outside area, the area must only be for exclusive use by the Licensee and be totally secure and safe.
- 3.7 Where wood has been used in construction it must be smooth and treated to render it impervious. Only products which are not

- toxic to dogs may be used. There must be no projections liable to cause injury.
- 3.8 All internal and external doors must be strong enough to resist impact and scratching and must be capable of being effectively secured.
- 3.9 The establishment must be connected to mains drainage or an approved, localised sewage disposal system.
- 3.10 Adequate light shall be provided to all exercise, sleeping, external, and ancillary areas so that all parts are clearly visible. Where practicable this shall be by natural light. Adequate supplementary lighting shall be provided to allow safe working conditions.
- 3.11 Adequate ventilation shall be provided to all interior areas.
- 3.12 Adequate heating facilities must be provided to indoor areas, and the ambient indoor temperature must be maintained to at least 10°C / 50°F at all times. A thermometer must be provided in the indoor areas to enable temperature to be checked.
- 3.13 Suitable designated kitchen facilities, hygienically constructed and maintained, shall be provided for the storage and preparation of food for the animals, and for washing, disinfecting and storing all food and drink receptacles. This must include adequate washing facilities with hot and cold (or suitably mixed) running mains water. All sinks must be connected to the mains drainage system or an approved, localised sewage disposal system. Where raw or cooked meat or fish are stored, refrigeration facilities must be provided. Adequate facilities are to be provided for the effective cleaning and disinfection of all laundry, articles, equipment, toys, furniture etc. used within the boarding facility.
- 3.14 Adequate hand washing facilities must be provided, to include hot and cold (or suitably mixed) running mains water, soap and hygienic hand drying provision. Hand wash basins must be connected to the mains drainage system or an approved, localised sewage disposal system.
- 3.15 All electrical installations and appliances must be maintained in a safe condition, with no loose or trailing cables or wires. All heating appliances must be free from risk of fire, so far as is reasonably practicable. There must be no use of free standing gas, oil, or electrical heating appliances.

#### **4. Animal welfare**

- 4.1 Fresh drinking water from a potable source shall be available to dogs at all times and change frequently throughout the day.
- 4.2 Dogs shall be supplied with suitable food in accordance with the owner's prior agreement. All dogs, if fed on site, must be fed in isolation from other dogs.
- 4.3 All animals must be provided with a bedding area large enough and suitable to allow the animal to lie comfortably. Where bedding is used it should be maintained in a clean and dry state.
- 4.4 Any sick or injured animal must receive appropriate care and treatment without delay. Veterinary advice should be sought whenever necessary.
- 4.5 All dogs must be adequately exercised during the day.
- 4.6 Suitable, separate facilities must be available to keep all dogs separate when necessary, particularly in the case of an attack incident.
- 4.7 A suitable range of muzzles of varying sizes and a suitable dog catching device must be kept on site.
- 4.8 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site, and during exercising off site.

## **5. Cleanliness**

- 5.1 The premises shall be kept clean, dry 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, urine, and soiled material(s) must be removed immediately from communal areas used by dogs and from all areas regularly throughout the day.
- 5.3 All cleaning chemicals and materials used must be suitable for use around dogs and must be stored in a secure cupboard.
- 5.4 Facilities must be provided for the proper storage and legal disposal of all waste.
- 5.5 Adequate measures must be taken to keep establishments free of rodents, insects, and other pests. All bulk supplies of food must be kept in vermin proof containers.

## **6. Disease Control and Vaccinations**

- 6.1 Adequate precautions must be taken to prevent and control the spread of disease and parasites amongst the dogs. Following an episode of infectious disease during any stay the premises must undergo a reasonable quarantine period before new boarders are admitted.
- 6.2 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.
- 6.3 The Licensee must inform the licensing Authority on the next working day if a dog develops an infectious disease.
- 6.4 Proof must be provided that dogs boarded have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. 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.
- 6.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.
- 6.6 Suitable isolation facilities shall be provided in compliance with the other boarding conditions, to house any sick or injured dog until such time as it can be returned to its owner or transported to a vet. They must be separate and physically isolated from the main areas used, by a minimum distance of 5m (15ft).
- 6.7 Adequate facilities to prevent the spread of infectious disease between the isolation and other kennels must be provided. This must include hand washing facilities.

## **7. Supervision and Management**

- 7.1 In the absence of any documented assessment the ratio shall be no less than one person for every 6 dogs. Staff employed must be made aware of the requirements of the licence conditions, operational and emergency procedures and the information contained on the registers.
- 7.2 A fit and proper person shall always be present 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. The licence holder must always be contactable in case of an emergency. Boarded dogs must not be left unsupervised or unattended at any time.

- 7.3 A Fire Risk Assessment (as required by the Regulatory Reform (Fire Safety) Order 2005) must be undertaken and kept available for inspection. Suitable fire detection and firefighting equipment must be provided in accordance with the findings of the risk assessment.
- 7.4 A fire evacuation and emergency plan must be documented and displayed prominently within the establishment. This must be brought to the attention of all employees. The plan must include information and instructions on how dogs are to be evacuated in the event of any emergency and where they will be housed in an emergency situation.
- 7.5 A written management plan must be compiled to include information on how the licence holder will deal with the management of the number of dogs allowed under the licence, and in particular emergency situations. This must be updated as necessary and displayed prominently within the establishment. This must be brought to the attention of all employees.
- 7.6 A written training policy must be provided and records kept of all staff training given. All staff must undergo initial induction training and further training or refresher training as necessary. Untrained staff must not be left alone with any boarded dogs at any time.
- 7.7 The Licensing Authority must be informed of the death of any boarded dog, within 24 hours of the death occurring.
- 7.8 The Licensing Authority must be informed of any attack incident (both dog on dog or dog on person) involving any boarded dog, within 24 hours of the attack occurring.
- 7.9 The Licensing Authority must be notified immediately (and in any event, the same day) of any dog that escapes or becomes lost.

## **7. Register**

A record 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 or tattoo;

Description, breed, age and gender of dog;

Name, address & telephone number of owner or keeper;

Name and telephone number of local contact person whilst boarded;

Name and address and telephone number of the dog's veterinary surgeon;

Anticipated and actual time of departure;

Proof of current vaccinations, medical history and requirements;

Health, welfare and nutrition requirements;

Signed authorisation for dog to mix with other dogs;

Signed authorisation for dog to be walked off the lead.

The register shall be kept readily available for a minimum of 2 years and must be available for inspection at all times by an authorised officer of the council.

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

## **8. Establishment Specific Conditions**

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## Report to Licensing Committee

Date of meeting: 15<sup>th</sup> December 2016

By the Environmental Health and Licensing Manager

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

Animal Boarding Establishments Act 1963 – Amended Licence Conditions for Home Boarding (Dogs)

### Executive Summary

The Animal Boarding Establishments Act 1963 requires any person who keeps a boarding establishment for cats and/or dogs to be licensed by the Local Authority. It is now popular for some households to offer dog boarding services in their own homes for other people's dogs. People providing home boarding are also required to be licensed. All licenses when issued will have a list of conditions attached to ensure the health, welfare and safety of the animals during their stay. Horsham District Council's licence conditions following the Model Conditions published by LACORS. Whilst most of these conditions are still relevant it is considered that two of the conditions require amending to make them more appropriate and enforceable.

### Recommendations

The Committee is recommended:

- i) To approve the amended conditions set out at Appendix 1 to this report to take immediate effect.

### Reasons for Recommendations

- i) The setting of conditions for licences is the responsibility of the Licensing Committee, and
- ii) To ensure appropriate and enforceable conditions.

### Background Papers:

**Wards affected:** All

**Contact:** John Batchelor, Environmental Health and Licensing Manager, Ext 5417.

## Background Information

### 1 Introduction and Background

- 1.1 The Animal Boarding Establishments Act 1963 requires any person who keeps a boarding establishment for cats and/or dogs to be licensed by the Local Authority. It is now popular for some households to offer dog boarding services in their own homes for other people's dogs. People providing home boarding are also required to be licensed. All licenses when issued will have a list of conditions attached to ensure the health, welfare and safety of the animals during their stay. Horsham District Council's licence conditions following the Model Conditions published by LACORS. Whilst most of these conditions are still relevant it is considered that two of the conditions require amending to make them more appropriate and enforceable.
- 1.2 Set out at Appendix 1 to this report, for the Committee's consideration, are the proposed amendments to two of the Council's licence conditions for home boarding.

### 2 Relevant Council policy

- 2.1 Where the Council issues a licence under the Animals Boarding Establishments Act 1963, conditions will be attached to the licence to ensure the health, welfare and safety of the animals during their stay. Horsham District Council's licence conditions following the Model Conditions published by LACORS.

### 3 Details

- 3.1 Running a business for looking after cats and dogs is controlled by the Animal Boarding Establishments Act 1963. Since that date commercial boarding kennels and catteries in the United Kingdom have been legally required to hold a licence to look after people's dogs and cats. An alternative to this kind of accommodation is where people offer dog boarding services in their own homes for other people's dogs, known as home boarding. Home boarding has become nationally popular over the last few years. In the Horsham District, of the 37 licensed dog boarding establishments, 23 are home boarders. People providing home boarding are also required to be licensed. All licenses when issued will have a list of conditions attached to ensure the health, welfare and safety of the animals during their stay
- 3.2 Horsham District Council's licence conditions following the Model Conditions published by LACORS. These conditions have been in place since 2005 and whilst most of these conditions are still relevant officers have expressed concern over two conditions which they do not consider to be reasonable or easily enforceable.
- 3.3 The first of these conditions is:  
  
**Condition 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.
- 3.4 Dogs are principally social animals and many dog owners choose home boarding over kennelling to address the issue of isolation, confinement and a dogs health and

wellbeing. Many home boarders see the social and familiar aspects of a home environment as the benefit to home boarding. The interaction of other dogs can be an attraction to dog owners and an important part of the dog's acclimatisation to unfamiliar environments and change. The issues that have been raised with the existing condition 3.2 are:

- The condition is not consistent with other comparable (non-licenced) businesses for example dog walking and dog grooming.
- There is potentially less risk of a dog on dog attack than at a commercial kennel if they have shared exercise areas due to stress and the number of dogs.
- Some dogs may be familiar with each other and are highly unlikely to present a risk.
- Enforcement would be problematic as it would require extensive monitoring.

3.5 Whilst there is no evidence, officers are of the opinion that a considerable number of licensed home boarders from time to time take in dogs from different households. Some internet booking sites have an option button to identify whether boarding with other dogs is an objection or a request, although some franchise organisations who administrate home boarders do state dogs from one household only.

3.6 It is considered that condition 3.2 is impractical to enforce and unclear in its objective. A greater risk exists with the territorial nature of resident dogs. A more risk based approach supported with advice and guidance would be far more effective and address any current noncompliance. The following condition, to replace the existing condition 3.2 is proposed:

**Condition 3.2 Only compatible dogs should be collectively boarded. Acquaintance and familiarisation sessions must take place before boarding begins to assess each dog's suitability for home boarding.**

3.7 The second of these conditions is:

**Condition 5.8.3** No home where there are children under 5 years of age will be licensed.

3.9 The main purpose of the Animal Boarding Establishments Act 1963 is to ensure the welfare of the animals and the conditions attached to a licence reflect this. The Licence conditions do, as a secondary issue, include matters of personal safety and children are considered particularly at risk. The issues that have been raised with the existing condition 5.8.3 are:

- The condition is not consistent with other comparable (non-licenced) businesses for example dog walking, dog grooming and in particular Ofsted registered childminders.
- The condition is unspecific to the risk it addresses.
- The condition is unfair as impacts on the ability of expectant mothers and parents of young children to maintain their home boarding business.
- Enforcement would be problematic as it would be necessary to monitor the number and age of the children in the property. In addition if enforcement action was taken it may well fail the Health and Safety/ Enforcement Management Model.

3.10 In order to gauge other local authority's opinions, officers sent an Ehnet message asking if other local authorities had issues with this condition and whether any authorities have considered the use of risk assessments. We received fourteen replies and nine authorities advised that they were using risk assessments as an option for this condition. Those Authorities which were not using risk assessments as a control measure advised that they had not taken any enforcement action in respect of this condition.

- 3.11 It is considered that condition 5.8.3 is impractical to enforce and unclear in its objective. The following condition, to replace the existing condition 5.8.3 is proposed:

**Condition 5.8.3 A written risk assessment is required where children under five years of age and/or vulnerable adults will be present on the premises.**

## **4 Next Steps**

- 4.1 The Committee is recommended to approve the amended conditions set out at Appendix 1 to this report to take immediate effect.

## **5 Outcome of Consultations**

- 5.1 The Monitoring Officer advises that the Council has discretion to make licence conditions and the function is delegated to the Licensing Committee.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None.

## **7 Resource Consequences**

- 7.1 None

## **8 Legal Consequences**

- 8.1 The Council has discretion to make licence conditions and the proposed amended conditions are appropriate, precise and enforceable.

## **9 Risk Assessment**

- 9.1 Conditions 3.2 and 5.8.3 are difficult to enforce and would require continual monitoring to ensure compliance. Currently it is likely that some home boarding establishments are not complying fully with these conditions and some may be operating without a licence as they are not willing to comply with these conditions. By introducing risk assessments the risks can be adequately addressed and the proposed amendments ensure that the conditions are precise, proportionate, and capable of being met.

## **10 Other Considerations**

- 10.1 Conditions 3.2 and 5.8.3 are difficult to enforce and by making the recommended changes it is considered that the risks would be adequately addresses and compliance can be monitored
- 10.2 The proposed amended condition 5.8.3 is fairer on expectant mothers and parents of young children as it enables them maintain their home boarding business.

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Proposed changes to licence Conditions for Home Boarding (Dogs)

Animal Boarding Establishments Act 1963

**Existing Condition:** 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.

**Proposed change:** 3.2 Only compatible dogs should be collectively boarded. Acquaintance and familiarisation sessions must take place before boarding begins to assess each dog's suitability for home boarding.

**Existing Condition:** 5.8.3 No home where there are children under 5 years of age will be licensed.

**Proposed change:** 5.8.3 A written risk assessment is required where children under five years of age and/or vulnerable adults will be present on the premises.

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## Report to Licensing Committee

Date of meeting: 15<sup>th</sup> December 2016

By the Environmental Health and Licensing Manager

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### ENVIRONMENTAL HEALTH AND LICENSING – LICENCE FEES FOR 2017/2018

#### **Executive Summary**

Set out at Appendix 1 to this report are the proposed fees for 2017/2018 for the various licences issued by the Environmental Health and Licensing Department. The agreed fees will take effect on 1<sup>st</sup> April 2017

#### **Recommendations**

The Committee is recommended:

- i) To approve the fees set out at Appendix 1 to this report to take effect from 1<sup>st</sup> April 2017

#### **Reasons for Recommendations**

- i) The setting of fees for licences is the responsibility of the Licensing Committee, and
- ii) To ensure openness and transparency in decision making.

**Background Papers:** Budget Working Papers

**Wards affected:** All

**Contact:** John Batchelor, Environmental Health and Licensing Manager, Ext 5417.

## **Background Information**

### **1 Introduction and Background**

- 1.1 Set out at Appendix 1 to this report, for the Committee's consideration, are the proposed fees for 2017/2018 for Licences issued by the Environmental Health and Licensing Department. The new fees once approved will take effect from 1<sup>st</sup> April 2017. The individual licence fees are calculated to recover the cost of issuing the licence and ensuring compliance with the requirements of the legislation. Taxi and Private Hire fees were the subject of another Report and have been set until 30<sup>th</sup> March 2018. There are other Licences issued by the Environmental Health and Licensing Department where the fees are set by statute and these cannot be changed.

### **2 Relevant Council policy**

- 2.1 The Council's policy is to set fees to recover the costs of services provided, where appropriate. As such the Environmental Health and Licensing Department seeks to recover from applicants the cost of issuing the licence and ensuring compliance with the licence conditions so that these costs do not fall on the general charge payer.

### **3 Details**

- 3.1 The fees are calculated taking into account officer time, transport and any external costs that the Council incurs. We have reviewed the time it takes to administer the various licences issued by the Department and the calculation for cost recovery and amended the fees and charges accordingly.
- 3.2 In setting licence fees local authorities must have regard to any guidance issued by the government and with all licence fees the European Court Directive is clear they must be based on cost recovery of the process and cannot be set to make surplus for the authority

### **4 Next Steps**

- 4.1 The Committee are recommended to agree the various licence fees set out at Appendix 1 to this report to take effect on 1<sup>st</sup> April 2017.

### **5 Outcome of Consultations**

- 5.1 The Monitoring Officer advises that where the Council has discretion to set fees and charges for licensing that function is delegated to Licensing Committee.
- 5.2 The Director of Corporate Resources advises that the fees are calculated to cover the cost of issuing the licence and ensuring compliance with the licence conditions so that these costs do not fall on the general charge payer.

## **6 Other Courses of Action Considered but Rejected**

6.1 None.

## **7 Resource Consequences**

7.1 The financial consequences of the review of fees and charges have been incorporated into the budgets for 2017 / 2018.

## **8 Legal Consequences**

8.1 The Council has discretion to set fees and charges for licensing that function is delegated to Licensing Committee.

## **9 Risk Assessment**

9.1 Not to increase the fees to cover the cost of administering the licensing regimes and ensuring compliance would mean the extra costs being met by the general charge payer.

## **10 Other Considerations**

10.1 The fees and charges set out in Appendix 1 seek to recover the Council's legitimate costs in providing these services.

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**Appendix 1****Proposed Fees and charges 2017/2018**

	<b>2016/2017 Fee</b>	<b>2017/2018 Proposed Fee</b>
<b>Riding Establishments Act 1964</b>		
Less than 5 horses	£259.00	£303.00
5 – 15 horses	£310.00	£364.00
More than 15 horses	£399.00	£468.00
<b>Animal Boarding Establishments Act 1963</b>		
	£114.00	£159.00
<b>Pet Animals Act 1950</b>		
	£114.00 + Vet if necessary	£159.00 + Vet if necessary
<b>Dangerous Wild Animals Act 1976</b>		
	£468.00	£224.00+ Vet
<b>Breeding of Dogs Act 1973</b>		
New licence	£277.00	371.00
Renewal	£114.00 + Vet if necessary	£159.00 + Vet if necessary
<b>Street Trading</b>		
Annual Consent	£756.00	£756.00
Consent for special occasions	£47.00	£48.00
<b>Sex Establishments</b>		
Application fee	£3616.00	£3616.00
Renewal	£3616.00	£3616.00
Transfer	£3616.00	£3616.00
<b>Acupuncture, Tattooing, Ear Piercing and Electrolysis</b>		
Premise plus Operative	£114.00	£146.00
Premise plus Operative Ear Piercing only	£114.00	£118.00
New/Additional Operatives	£32.00	£35.00
<b>Scrap Metal Dealers</b>		
Site licence application	£357.00	£360.00
Site licence renewal	£357.00	£360.00
Site licence variation	£78.00	£79.00
Collector's licence application	£254.00	£257.00
Collector's licence renewal	£254.00	£257.00
Collector's licence variation	£78.00	£79.00

<b>Caravan sites 2016/17</b>	<b>Band</b>			
<b>Number of units on site</b>	<b>A</b> (1 – 5)	<b>B</b> (6 - 24)	<b>C</b> (25 - 99)	<b>D</b> (100+)
<b>New Application</b> for Site Licence	£268 (single sites exempt)	£392.00	£442.00	£501.00
<b>Transfer</b> of Site Licence	£59.00	£139.00	£139.00	£139.00
<b>Variation</b> of Site Licence	£59.00	£139.00	£139.00	£139.00
<b>Annual Fee</b>	£117 (single sites and family sites exempt)	£147.00	£167.00	£257.00
Deposit of <b>Park Rules</b> with Local Authority	£68.00	£68.00	£68.00	£68.00

<b>Caravan sites 2017/18</b>	<b>Band</b>			
<b>Number of units on site</b>	<b>A</b> (1 – 5)	<b>B</b> (6 - 24)	<b>C</b> (25 - 99)	<b>D</b> (100+)
<b>New Application</b> for Site Licence	£271.00 (single sites exempt)	£396.00	£446.00	£506.00
<b>Transfer</b> of Site Licence	£60.00	£140.00	£140.00	£140.00
<b>Variation</b> of Site Licence	£60.00	£140.00	£140.00	£140.00
<b>Annual Fee</b>	£118.00 (single sites and family sites exempt)	£148.00	£169.00	£260.00
Deposit of <b>Park Rules</b> with Local Authority	£69.00	£69.00	£69.00	£69.00



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