

Item No. 9.	Classification: Open	Date: 12 March 2014	Meeting Name: Licensing Committee
Report title:		Animal Boarding Establishments Act 1963 – New Standard Conditions for Cat Boarding Establishments	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the 'Model Licence Conditions and Guidance for Cat Boarding Establishments 2013' published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted with effect from 1 April 2014.

BACKGROUND INFORMATION

2. The Animal Boarding Establishments Act 1963 requires anyone who wishes to keep a boarding establishment (i.e. kennels or a cattery) to be licensed by the local authority and to comply with the terms, conditions and restrictions of that licence. If they do not they are in breach of the law.
3. Before granting any 'animal boarding licence' the local authority must consider the ability of the establishment to ensure:
 - The accommodation is suitable as respects construction, size, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness.
 - Adequate supply of suitable food, drink and bedding material for the animals and that they are adequately exercised, and visited at suitable intervals.
 - All reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases, including the provision of isolation facilities.
 - Appropriate steps are taken for the protection of animals in the case of fire or other emergency.
 - A detailed register is maintained of any animals received into the establishment that is available for inspection at any time.
4. The local authority may:
 - Attach appropriate conditions to the licence
 - Inspect the premises at all reasonable times

- Refuse a licence if the standards at the premises are unsatisfactory
 - Take formal legal action for running an animal boarding establishment without the relevant licence or operating in contravention of licence conditions.
5. This authority currently has standard conditions which are applied to animal boarding establishment licences. These come in two versions, for catteries and kennels. These are complemented by premises specific conditions as appropriate. Both sets of standard conditions derive from model conditions first produced by the Chartered Institute of Environmental Health Officers (CIEH) in 1995.
 6. There have since been developments in the understanding of animal welfare and also the introduction of the Animal Welfare Act in 2006. The CIEH has, therefore, considered it timely to revise and update the model conditions so that they better reflect the legal and animal welfare considerations inspectors should consider when looking at animal boarding establishments and making recommendations for licensing and any conditions applicable.
 7. The revision of the first set of model conditions and accompanying guidance (in respect of catteries) has now been carried out by the CIEH, in consultation with industry and animal welfare experts, including the Local Government Association; the British Veterinary Association; the Royal Society for the Prevention of Cruelty to Animals; and Cats Protection. The revised conditions have been published by the CIEH and are recommended for adoption.

KEY ISSUES FOR CONSIDERATION

The Model Conditions

8. A copy of the new model conditions is attached at Appendix A to this report.
9. The model conditions form the recommended basic minimum standards considered necessary to ensure the health, safety and welfare of cats boarded in catteries.
10. As such the document is intended not only to support those who are tasked with inspecting, advising and licensing catteries under the Animal Boarding Establishments Act 1963, but also to be useful to owners and managers of catteries and those planning to build boarding catteries who wish to understand the legal requirements under relevant legislation.
11. The model conditions comprise nine sections as set out below:
 - Section A – Environment: providing the cat(s) with a suitable place to live / stay
 - Section B – Diet: Providing the cat(s) with an appropriate diet
 - Section C – Behaviour: Allowing the cat(s) to express normal behaviour patterns
 - Section D – Company: Providing the cat(s) with the appropriate company
 - Section E – Health and Welfare: Protecting the cat(s) from pain, suffering, injury and disease
 - Section F – New build
 - Appendix A – Model Inspection Sheet;

- Appendix B – Emergency and evacuation plan; and
 - Useful contacts section.
12. Each section elaborates why it is important to meet the requirements made from the perspective of the cat and / or legal requirements, where applicable. Good care is based on simple principles which are indicated throughout.

Animal Welfare Act 2006

13. Providing some context to the licensing regime under the Animal Boarding Establishments Act 1963, is the more recent Animal Welfare Act 2006. Under the 2006 Act, those responsible for animals, including those who have temporary or permanent care of animals, have a responsibility towards the welfare of the animal in their care. It is an offence to cause unnecessary suffering to a protected animal, whether by act or omission. The Acts define an animal's needs as including:
- Its need for a suitable environment
 - Its need for a suitable diet
 - Its need to be able to exhibit normal behaviour patterns
 - Any need to be housed with, or apart from, other animals
 - Its need to be protected from pain, suffering, injury and disease.
14. During premises inspections prior to the issue of a licence it is important that these five needs are addressed. The Department for the Environment, Food and Rural Affairs (Defra) has produced codes of practice concerning cats, which outline in more detail the animals' needs.
15. The Animal Welfare Act 2006 also increased the minimum age at which a person can buy an animal from 12 to 16 and prohibited giving animals as prizes to unaccompanied children below this age.

Introduction of the model conditions

16. It is proposed that, if adopted, the model conditions be applied to all new animal boarding establishment licences issued from 1 April 2014 and to all renewals from 1 January 2015. Animal boarding establishment licences are due for renewal annually on 31 December each year. Currently there are two licensed catteries within the borough.
17. Current operators will be provided with copies of the new standard conditions in advance of their next renewal date. They will be advised that the content represents best management practice and asked to review and upgrade their practice, where necessary, with appropriate time allowed. Supporting advice and information will be provided to operators to help with compliance where necessary.

Policy implications

18. The adoption of the new model conditions is considered consistent with the council's fairer future promises to:
- Treat residents as we would wish members of our own family. By ensuring that all companion animals in temporary care are kept in suitable conditions

with proper regard had to the welfare of the animal concerned.

- Being open, honest and accountable. By making clear the expectations placed upon prospective licensed operators.
- Spending money as if it were from our own pocket. By directing resource firstly into constructively supporting lawful responsible business operators over enforcement.
- Working for everyone to realise their potential. By providing that support and guidance while being prepared to take effective actions against illegal or irresponsible operators when the situation demands.
- Making Southwark a place to be proud of. By ensuring that current best management practice and standards of animal welfare are employed by all our local operators.

Community impact statement

19. Companion animals play an important role in today's society. Caring for a pet can provide companionship; reduce anxiety; provide sensory stress relief; add structure and routine to life; and also help promote opportunity for increased exercise and for meeting people.
20. In return we carry a responsibility for animals in our care. This extends to animal boarders.
21. Anyone intending to place their companion animal in temporary care, should have an expectation that the animals are well cared for and stay in good health. The model conditions will assist in ensuring that best management practice is established at all licensed establishments.
22. The model conditions have been developed to encourage consistency in approach across local licensing authorities which minimises the risk of transmission of disease from animals to humans, alongside the need to protect animals from cruelty and ill-treatment and to encourage good standards of animal husbandry.
23. An equality analysis has been considered in the preparation of this report and it is considered that the adoption of these new standard conditions offer no potential for discrimination. All appropriate opportunities to advance equality of opportunity and foster good relations between people with different protected characteristics have been taken into account.

Resource implications

24. There are no specific resource implications contained within this report. Any costs associated with the potential introduction of the new standard conditions will be absorbed by current revenue budget of the division. The council's schedule of fees and charges for animal welfare licences is unaffected by this proposal.

Consultation

25. No consultation has taken place in the operation of this report nor is planned for the future. In the event that the model conditions are adopted they will be published and all affected operators informed and given time and support in complying.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

26. Two pieces of legislation relate to the provision of catteries: the Animal Boarding Establishments Act 1963 and the Animal Welfare Act 2006.
27. The Animal Boarding Establishments Act 1963 Act requires anyone who wishes to keep a boarding establishment (including a cattery) to be licensed by the local authority and abide by the conditions of the licence. If they do not they are in breach of the law. In particular the local authority will consider the ability of the establishment to ensure:
- Accommodation is suitable as respects construction, size, occupant number, exercising facilities, temperature, lighting, ventilation and cleanliness.
 - The adequate supply of suitable food, drink and bedding material for the animals and that they are adequately exercised, and visited at suitable intervals.
 - All reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases, including the provision of isolation facilities.
 - Appropriate steps are taken for the protection of animals in the case of fire or other emergency.
 - A detailed register is maintained of any animals received into the establishment that is available for inspection at all times.
28. Those responsible for a cattery must ensure that a copy of the licence and its conditions (maximum number of cats and number of holding units) is displayed prominently in the boarding establishment. No animals other than cats are to be boarded within the licensed facilities without the written approval of the local authority.
29. Sections 1 and 2 of the Animal Welfare Act 2006 set out which animals are protected. This includes any animal (vertebrate) other than man (section 1) which is commonly domesticated in the British Isles, or under the control of man whether on a permanent or temporary basis, or is not living in a wild state (section 2). Cats and kittens are therefore protected by this legislation.
30. Section 3 of the 2006 Act sets out who is responsible for an animal and this including those on a permanent and/or temporary basis in addition to being in charge of it or owning it. An establishment owner, in addition to their employees can be liable under the 2006 Act. No one under the age of 16 years can be

deemed to be responsible for an animal.

31. Section 4 of the 2006 Act details offences concerning unnecessary suffering. An offence is committed if someone acts or failure to act causes an animal to suffer, whether they knew or ought to have reasonably known that the act (or failure to act) was likely to cause such suffering. The offences, applies to employees of an establishment but also an owner. In particular the suffering may be deemed unnecessary if it could reasonably have been avoided or reduced, if it was not in compliance with relevant legislation, licence, or codes of good practice, if it was not for a legitimate purpose, if it was not proportionate, if it was not the conduct of a reasonably competent and humane person.
32. Under Section 9 of the 2006 Act those responsible for animals have a duty to ensure reasonable steps are taken to ensure the welfare needs of the animals are met to the extent required by good practice. This includes
- Under Its need for a suitable environment
 - Its need for a suitable diet
 - Its need to be able to exhibit normal behaviour patterns, any need it has to be housed with, or apart from other animals
 - Its need to be protected from pain, suffering, injury and disease.

Strategic Director of Finance and Corporate Services

32. The report recommends that the ‘Model Licence Conditions and Guidance for Cat Boarding Establishments 2013’ published by the Chartered Institute of Environmental Health and set out in Appendix A to this report, be adopted with effect from 1 April 2014.
33. The strategic director of finance and corporate services notes the resource implications contained within the report and that there are no financial implications as a result of accepting the proposals. Officer time to effect the recommendations will also be contained within existing budgeted revenue resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Animal Boarding Establishments Act 1963	Health Safety Licensing and Environmental Protection Unit, C/O 160 Tooley Street, London, SE1	Mrs Kirty Read. Tel: 020 7525 5748
Animal Welfare Act 2006	As above	As above
Current Southwark standard conditions for animal boarding establishments	As above	As above
Model conditions for animal boarding establishments	As above	As above

APPENDICES

No.	Title
Appendix A	Model conditions for animal boarding establishments (catteries) licences 2013

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure		
Report Author	Richard Parkins, Licensing and Environmental Protection Unit Manager		
Version	Final		
Dated	21 February 2014		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	Comments Included
	Director of Legal Services	Yes	No
	Strategic Director of Finance and Corporate Services	Yes	No
	Cabinet Member	Yes	Yes
	Date final report sent to Constitutional Team		21 February 2014