

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	5th SEPTEMBER 2017
SUBJECT:	CONDITIONS RELATING TO A DOG CRECHE
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	This report relates to a request from a licence holder to remove a condition from his Animal Boarding Establishment licence.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • Remove condition 28 from the licence • Refuse to remove Condition 28 from the licence
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine applications. The report is in accordance with the appropriate legislation.

Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Animal Boarding Establishment Act 1963 is the relevant legislation which relates to the boarding of dogs and cats. The Council has specific conditions which relate to Kennels, catteries and boarding of animals at domestic premises.
- 1.2 On 12th October 2010, the Licensing & Safety Panel considered and approved licence conditions relating to dog crèches in order to give more specific control in this growing market area. A copy of the conditions are attached at Appendix 1. This report is specifically concerned with Condition 28 which states as follows:

'Full males, bitches in season and puppies under six months of age must not be boarded with other dogs'.
- 1.3 Bury Council adopted this particular condition in order to ensure the safety of all dogs attending a crèche. If a pup was to sustain any damage or injury inflicted by an older dog, then the responsibility would rest with the licence holder for accepting a pup under 6 months old.
- 1.4 Animal Boarding Licence AB0003 in the name of Stay and Play Doggy Day Care was issued on the 16/12/2017, it is valid for one year from the 1/1/2017 to 31/12/2017. Licences are renewed annually.
- 1.5 On the 19th January 2017, the Licensing and Safety Panel considered a request from Mr Millington to remove condition 28 from the Animal Boarding Establishment Licence, the members considered the request and resolved the following:-

After carefully considering the written report, oral statements from the Licence Holder and taking into consideration written evidence, the Panel agreed on a majority decision to refuse the request to remove condition 28 from the licence.

The Panel noted that Mr Millington had some experience in running the business and had further experience with dogs. It further noted the various certificates demonstrating the training undertaken by the Licence Holders and

their staff. However, as the licence had only been granted on 1 September 2016, it was felt by the Panel that further time was needed in order that the Licence Holders could demonstrate that safety standards were being met, that the Licence Holders were able to provide the best care and for the welfare of all the animals, and that there had been no complaints or concerns regarding the establishment.

- 1.6 Mrs Sandra Coombes Bury Council's Animal Health and Welfare Officer attended the panel to assist with questions relating to the socialisation of dogs.

2.0 REQUEST TO REMOVE CONDITION 28 FROM THE LICENCE

- 2.1 On the 19th May 2017 , the licensing Service received another request from Mr Luke Millington, Managing Director of Stay N Play Doggy Day Care Ltd, Unit 1 Dale Industrial Estate, Phoenix Way, Radcliffe, M26 1AD to remove condition 28 from the Animal Boarding Establishment Licence, copy of which is attached at Appendix 1.
- 2.2 Following the above request, further information has been received on the 7th July 2017 from Mr Millington's representative, a copy of which is attached at Appendix 2.

3.0 CONCLUSION

- 3.1 Members are asked to consider the request from Mr Millington to remove condition 28 from licence.

List of Background Papers:-

Dog crèche conditions

Previous Written request from Mr Millington and supporting documentation.

Licensing and Safety Panel Report and minutes – 19th January 2017.

Contact Details:-

Mr M. Bridge

Licensing Office

3 Knowsley Place

Duke Street

Bury

BL9 0EJ

Telephone: 0161 253 5209

Email: m.bridge@bury.gov.uk