

Model Licence Conditions for Catteries

Licensing Committee

Date: 30th December 2015

Author: Kathryn Ashton – Licensing Manager

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To consider the responses to the Catteries Model Licence Conditions following the formal consultation.

2. Recommendations

That Committee:

- 2.1 Approve the recommended licence conditions for adoption as detailed in Appendix 1.
- 2.2 Approve the revised conditions to apply to any new applications made for the boarding of cats and any existing licences within the Borough with the exception of the existing construction at Chimneys Cattery as detailed in paragraphs 3.10 to 3.12.

3. Detail

- 3.1 Local authorities in England, Scotland and Wales issue licences to proprietors of Kennels, Catteries and Home Boarders under the Animal Boarding Establishments Act 1963.
- 3.2 There are currently 5 catteries licensed with Swindon Borough Council.
- 3.3 The Council currently uses a set of Model conditions for catteries based on the Local Government Association guidance produced. These were never formally adopted by the Committee although they have been used by officers to assist with inspections and determination of licence applications
- 3.4 The Chartered Institute of Environmental Health produced a new set of model conditions for catteries in 2013 in association with relevant organisations
- 3.5 A set of conditions was drafted and tabled at the Licensing Committee meeting on the 17th September 2015, attached as Appendix 1. The Committee resolved that a consultation exercise be carried out and that

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the results of the consultation exercise and proposed licence conditions be brought back in order to allow Members to consider their adoption.

- 3.6 The consultation document was posted on the Council web site, and copies were also sent to all currently licensed boarding establishments in the Borough – List of consultees attached as Appendix 2. The responses received are detailed in Appendix 3
- 3.7 All responses have been acknowledged and all enquiries have been clarified as to the purpose and extent of the consultation.
- 3.8 A summary of the responses are detailed in Appendix 4
- 3.9 The responses were generally positive with some queries that were answered.
- 3.10 The only establishment that is affected by the change in the model conditions is “Chimneys Cattery” where the construction does not quite meet the new requirements with regards to size. This establishment has been in business for over 30 years with no complaints.
- 3.11 To make the required changes it would require either halving the number of pens in the cattery by knocking two into one or to have a complete rebuild. Given the history and acknowledgement of no complaints, it is recommended that the current proprietors be granted “grandfather rights” and they continue to be allowed to operate under their existing conditions until such time as either:
 - 3.11.1 the business is sold when the new owners would be required to update the pens to comply with the Model Licence Conditions for Catteries or such conditions as apply at that time
 - 3.11.2 or the current proprietors carry out necessary refurbishment works to comply with adopted conditions.

4. Alternative Options

- 4.1 The Council could decide not to adopt the conditions; however, this would mean that there would be no consistent guidelines when undertaking inspections of proposed and existing establishments and attaching appropriate conditions.

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5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. All future consultation will be undertaken within existing budget.
- 5.2 Licensees can appeal to the Magistrates Court, where they are aggrieved by any condition subject to which such a licence is proposed to be granted (section 4 Pet Animals Act 1951)

Legal and Human Rights Implications

- 5.3 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights. The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 5.4 A DIA has been undertaken.

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 All Licensed boarding establishments within the Borough

7. Background Papers

- 7.1 Animal Boarding Establishments Act 1963
- 7.2 Licensing Committee Paper- Thursday 17th September 2015 17:30

8. Appendices

- 8.1 Appendix 1: Proposed conditions for Catteries
- 8.2 Appendix 2: List of consultees

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- 8.3 Appendix 3: Responses received
- 8.4 Appendix 4: Summary of consultation responses received and officer comments

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