

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 9 JANUARY 2025

NEW APPLICATION – ANIMAL BOARDING ESTABLISHMENT

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

The purpose of this report is to present an application for a new licence under the Animal Boarding Establishments Act 1963 which requires to be determined by the Committee.

2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES

Not applicable

3. RECOMMENDATION

It is recommended that the Committee consider and determine the application for a new licence as detailed in the attached **Appendix**, in terms of one of the following options: -

- (i) to grant the application subject to standard conditions;
- (ii) to grant the application subject to standard and additional conditions;
- (iii) to defer the application; or
- (iv) to refuse the application having regard to the terms of Part 5.

4. BACKGROUND

The Council has received an application for a new licence under the Animal Boarding Establishments Act 1963 which requires to be determined by the Committee because there has been an objection/representation received in respect of the application.

5. LEGAL IMPLICATIONS

- 5.1 The Animal Boarding Establishments Act 1963 (“the 1963 Act”) provides in section 1(1) that no person shall keep a boarding establishment for animals except under the authority of a licence granted in accordance with the Act. Section 1(3) of the 1963 Act provides that:

“In determining whether to grant a licence for the keeping of a boarding establishment for animals by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing-

- (a) 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;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;
- (c) 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;

- (d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;
- (e) that a register be kept containing a description of 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 local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;

and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all objects specified in paragraphs (a) to (e) of this subsection.

5.2 A person should not be granted a licence if they are disqualified:

- (a) under this Act, from keeping a boarding establishment for animals;
- (b) under the Pet Animals Act 1951, from keeping a pet shop;
- (c) under the Protection of Animals (Amendment) Act 1954, from having the custody of animals.
- (d) under the Animal Health Act 1981 s28; or
- (e) under the Animal Health and Welfare (Scotland) Act 2006

5.3 An objection has been received from the Council's Environmental and Consumer Protection Department. In considering whether to grant the licence, the Committee ought to have regard to the grounds noted within paragraph 5.1 of the report. The Committee ought to ensure that consideration of the granting of a licence is relevant to the specific nature of animal boarding. In this regard, the Committee ought to be able to establish clear and intelligible reasons for any decision they make.

6. FINANCIAL IMPLICATIONS

There are no financial implications for the Council arising out of this report.

7. RISK MANAGEMENT

There are no risks to the Council arising from the terms of this Report.

8. ENVIRONMENTAL IMPLICATIONS

There are no direct environmental implications arising from the recommendations of this Report.

9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY

In dealing with the application, the Committee will have regard to any human rights issues in relation to the applicant and any other relevant party.

10. CHILDRENS RIGHTS AND WELLBEING IMPACT ASSESSMENT

A Childrens Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

11. NOTIFICATION

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

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(a) DOUGLAS MERCER – ANIMAL BOARDING ESTABLISHMENT – FORFAR DOG HOTEL

Name of Applicant	Type of Licence	Application received
Douglas Mercer	Animal Boarding Establishment	06/11/2024

A new grant application for a licence for an Animal Boarding Establishment was lodged on 6 November 2024 by Douglas Mercer, Forfar Dog Hotel, 28 North Loch Road, Forfar, DD8 3LS. Following an inspection, Environmental and Consumer Protection emailed on 4 December 2024 advising that they were objecting to the application for the following reasons:

1. The garden area is not secure and safe. The fencing is not high enough to prevent dogs escaping into the neighbouring property. There is hedging around property however this will not prevent the dogs escaping. Dogs escaping from the premises is a safety risk to the boarded dogs and other animals.
2. No documentation demonstrating procedures and records was available at the time of the visit. Records are required to track matters relating to the care of the dogs e.g. vaccination records, dietary needs, behavioural needs, etc.
3. On the day of inspection, there was an accumulation of faeces in the garden. Management of faecal waste is important to control the spread of infection.

Environmental Health did note that if these matters were rectified, then the objection would be withdrawn.

To date, neither the applicant nor Environmental Health have confirmed whether the identified matters have been rectified.

The Committee is asked to determine the application in accordance with the provisions of the report.