

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 15 SEPTEMBER 2022

ANIMAL BOARDING LICENSING

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to suggest that a review of Animal Boarding Licensing is initiated.

1. RECOMMENDATION

It is recommended that the Committee: -

- (i) considers whether to commence a review of its processes and documentation with respect to licensing Animal Boarding establishments in terms of the Animal Boarding Establishments Act 1963; and
- (ii) if the Committee agrees to a review, delegates authority to the Director of Legal and Democratic Services to commence such a review, in liaison with Environmental Health, and to report back to the Committee on progress in due course.

2. BACKGROUND

- 2.1 Angus Council, as local authority for the Local Government Area of Angus, is responsible for licensing Animal Boarding Establishments in terms of the Animal Boarding Establishments Act 1963. The regime is presumed to have been operated by Angus Council, perhaps without amendment, since the Council's inception.
- 2.2 An incident, which has prompted a Fatal Accident Inquiry, is alleged to have taken place at premises licensed by Angus Council as an animal boarding establishment. The incident has highlighted to officers that it may be beneficial to review the animal boarding licensing regime.

3. REPORT

- 3.1 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. The animals covered by the legislation are dogs and cats. The 1963 Act came into force on 1 July 1963. Officers have been unable to locate a report about the introduction of the regime in the Angus area at that time or changes to the licensing procedures and documentation while the regime has been within the remit of Angus Council.
- 3.2 Since Angus Council became the licensing authority for the area, there have been changes to legislation in relation to dogs, including the Dangerous Dogs Act 1991 and Control of Dogs (Scotland) Act 2010. It is also understood that there have been changes to the business models adopted by some animal boarding establishments and perhaps also to the breeds of dogs boarded in some such establishments. It is possible that such changes have not been fully reflected in the current processes and documentation.
- 3.3 Following the incident referred to above, Council officers met with officers from the Crown Office and Procurator Fiscal Service ("COPFS") in relation to the matter. COPFS officers encouraged consideration of whether action should be taken in response to the incident, such as by amending licensing procedures.
- 3.4 It is expected that the current licensing processes, and documentation, including application forms and licence conditions may therefore benefit from review.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising as a result of this report other than officer time involved in implementing any decision.

5. OTHER IMPLICATIONS

There are no human rights or equalities implications attached to this report.

6. EQUALITY IMPACT ASSESSMENT

The issues dealt with in this report have been subject of consideration from an Equalities perspective. An Equality Impact Assessment is not required.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 were relied on to a material extent in preparing the above report.

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