



A BAN ON COMMERCIAL THIRD PARTY SALES OF PUPPIES AND KITTENS IN ENGLAND

**Call for evidence: Response from Dog Breeding Reform Group
MAY 2018**

Our view is that a ban on third-party sales is a critical and urgently required action to prevent these welfare harms, and an essential adjunct to improved licensing regulations for dog breeders. We do not recognise claims that a ban would be unduly problematic to enforce and our view is that the available evidence contradicts this. The position of DBRG, consistent with our objectives, is that a ban on the third-party sale of puppies (our brief does not extend to kittens) should be brought in without further delay. It is, we believe, already long overdue and the arguments and evidence for it well-established.

The nature and extent of the problems which a ban might address:

- The benefits of a ban
- How and why a ban would tackle the problems identified
- Taking into account the extent to which regulations laid before Parliament place enhanced requirements on licensed sellers and on licensed breeders

Part 1 ISSUES CONNECTED WITH THE COMMERCIAL THIRD PARTY SALE OF DOGS

1. PROBLEMS THAT ARE INHERENT TO THE THIRD PARTY TRADE AND WHICH CANNOT BE REMEDIED THROUGH 'ROBUST' LICENSING

1.1 Source of puppies for the third party trade

1.1.1 Responsible breeders, by definition, will want to ensure that they are personally involved in finding suitable homes for puppies that they have bred and for this reason would never sell puppies to a third-party agent. Third party sellers are therefore restricted to purchasing from breeders who are unconcerned about the future lives of their puppies. With no direct link to the new owner, such breeders have detached themselves from any moral or legal accountability resulting from problems that may develop (for example, in terms of puppy health or behaviour). The longer the chain between breeder and final owner, the more difficult it becomes to determine the point at which

problems develop. For example, tracing the origin of outbreaks of disease would require multiple premises to be tested.

1.1.2 The division of profit from puppy sales between breeder, seller and any additional 'middlemen' means that breeders receive minimal net revenue per puppy. Consequently high-volume breeders selling through licensed pet shops must maximise the number of puppies produced, while at the same time keeping their overheads to a minimum. It should be noted that numerically small or 'one-off' breeders who are not seeking to make large profits might also find this an easy way to dispose of puppies although there is little evidence to show that this is the case. The third-party trade in puppies perpetuates a culture of low welfare, high volume dog breeding comparable to factory farming animals for the food chain. This has a hugely detrimental impact upon the physical and mental wellbeing of breeding dogs and puppies. It also results in the production of large numbers of dogs that are at a high risk of developing health and or behavioural issues. As such, this method of breeding is wholly inappropriate for producing fit for purpose companion animals. The problems stemming from the point of origin are compounded by each subsequent part of the chain. It is not possible to pinpoint exactly where problems that only become evident post sale may have originated, and the causes may be multi factorial. There is however sufficient evidence to demonstrate that the low standard of care given to breeding dogs and puppies will result in severe and often life limiting problems for dogs purchased from third party sellers.

<https://www.ncbi.nlm.nih.gov/pubmed/23634679>

<https://theconversation.com/puppy-farmed-dogs-show-worse-behaviour-suffer-ill-health-and-die-young-so-adopt-dont-shop-83267>

<https://www.telegraph.co.uk/news/health/pets-health/10278282/One-in-five-puppies-bought-online-die-in-six-months.html>

1.1.3 While improved conditions for regulating welfare at dog breeding establishments in England are welcomed, there is a lack of evidence to suggest that similar measures taken in Wales, Northern Ireland or the ROI have been successful **where these establishments are supplying external third party markets.**

Case study: Licensed breeders in Ireland

Ireland's Dog Breeding Establishments Act, 2010, which came into force at the beginning of 2012 was supposed to "*deal with these operators, who seem to have no respect for the animals that they use for breeding purposes*". Footage of Raymond Cullivan's licensed breeding establishment, shown in the BBC Panorama documentary **Britain's Puppy Dealers Exposed** in 2016 is a clear demonstration that this revised legislation has not been successful.

https://www.huffingtonpost.co.uk/entry/bbc-panorama-britains-puppy-dealers-exposed-reveals-shocking-truth-behind-puppy-farms_uk_5739cabae4b0b11a329f4090

Similarly, while a significant number of licensed puppy dealers have been investigated by the media in recent years for selling sick and dying puppies, they continue to trade legitimately with little or no improvement.

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/dogs4us-salford-parvo-puppies-pendlebury-13614771>

<https://www.mirror.co.uk/news/uk-news/heres-desperately-sick-puppy-nothing-11729500>

1.1.4 The lack of dog breeding regulation in some European countries that are supplying third party sellers in England means purchasers can have no confidence that a puppy has been raised under adequate welfare standards.

<https://www.dogandcatwelfare.eu/eu-activities/issues/commercial-breeding-and-trade/>

The continued legitimisation of a market for these animals in England will support and sustain puppy farms in Europe, where breeding dogs may be subject to abuses that would not be tolerated in the UK. The new Animal Activities Regulations do not contain any provision for vendors to source animals only from licensed breeding establishments and this has never formed part of the Model Licence Conditions for pet shops.

1.2 Transport

1.2.1 Puppies produced in commercial breeding facilities must be transported to the point of sale, a journey which usually takes many hours and may cover hundreds of miles as licensed pet shops are frequently located in more densely populated areas. The commercial transportation of young dogs is covered by the Welfare of Animals (Transport) Regulations 2006. However this EU legislation was primarily developed for the transportation of farm animals and equines, with only minimal basic requirements covering domestic pets. While local authorities have a duty to uphold these regulations, in reality there is a significant variation in the application and understanding of the requirements in relation to the movement of dogs. Furthermore, enforcement action in terms of physical inspections of animals during transit appears to be very limited.

http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/licensed_third_party_puppy_vending_in_gb_2016.pdf

1.2.2 The new draft Licensing of Activities involving Animals Regulations does include some requirements for the transportation of animals (Schedule 2: General conditions and Schedule 3: Selling animals as pets; Schedule 6: Dog breeding.) but this is still not adequate specific provision to protect the welfare of puppies in transit. At the time of responding to the consultation, the exact parameters of the guidance which will accompany the new regulations is not known, but limitation of resources and practicalities of access to deliveries restricts the enforcement capacity of any potential additional measures. The logistics of the third-party puppy trade mean that the element of transport is unavoidable and intrinsic to this method of sale.

1.3 Risk of disease

1.3.1 The repeated cycling of animals through an environment (e.g. a dealer or pet shop premises) increases the risk of infectious disease. Transmission of such diseases is considerably heightened by a combination of stress, limited biosecurity and compromised immunity arising from poor management at the point of origin. Puppies are commonly kept on sawdust which can be an irritant to their skin and eyes and may be contaminated. Even if the sales environment is maintained to an acceptable level of hygiene, the prevalence of disease amongst animals originating from low welfare backgrounds means that puppies are frequently incubating illness in advance of their arrival on the premises.

<https://www.vettimes.co.uk/app/uploads/wp-post-to-pdf-enhanced-cache/1/puppies-from-pet-shops-four-times-more-likely-to-contract-parvovirus.pdf>

1.4 Socialisation, habituation and meeting behavioural needs

1.4.1 The 2013 **Model Licence Conditions** for Pet Vending acknowledges *'Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale.'* As with transportation, acclimatisation is a feature necessary to the third party trade in animals. It is required both for welfare reasons and as a form of quarantine. However, increasing the period of time that puppies spend in the sales facility delays their introduction to a domestic home environment. This further limits time available for habituation and extends exposure to pathogens carried by puppies from other sources. Research has shown that puppies have a 'critical period' for socialisation which closes at about sixteen weeks.

https://www.researchgate.net/publication/9864685_Critical_Period_in_the_Social_Development_of_Dogs

Puppies must be exposed to as many positive and different experiences before this time to ensure they become confident and well balanced adult dogs. A failure to meet this need will often create life-long behavioural problems, which may subsequently result in relinquishment of even euthanasia.

<https://www.ncbi.nlm.nih.gov/pubmed/21865608>

<https://www.sciencedirect.com/science/article/pii/S1558787815001975>

1.4.2 The necessity of ensuring that pens are easily cleaned results in a barren environment and there is often little enrichment beyond the minimal essentials, due to the frequent need to clean or replace toys and equipment. With no opportunity to eliminate away from their living quarters, subsequent housetraining can be difficult. 'Interaction with staff' may provide some opportunity for play, as will handling by potential purchasers. However, puppies are frequently left unattended and away from human contact for the majority of the time. This may lead to separation anxiety or fear aggression towards people in later life.

1.4.3 The commercial nature of the activity results in puppies that have minimal exposure to normal household experiences until they are sold. This may result in both short and longer term fear responses.

The Animal Activities Licensing Regulations make no reference to the requirement for socialisation under the requirements for Schedule 3: Selling animals as pets, although there is a passing reference to the need for animals to be kept in social groups where necessary and to have at least daily opportunities to interact with people under Schedule 2: General Conditions. This is far from sufficient to meet the complex behaviour needs of puppies and it is hoped that the accompanying guidance will provide considerably more detail. However, monitoring licensed third party sellers for compliance with requirements for socialisation would be extremely challenging and it seems likely that reliance would need to be placed upon some form of written record.

1.5 Irresponsible selling, impulse purchasing and unsold puppies

1.5.1 The third-party trade in puppies is a retail activity and therefore the incentive for quick transactions and sales is extremely strong. There is a high risk that impulse purchasing will be encouraged and that sales will take precedence over ensuring a suitable home. Unsold puppies rapidly decrease in appeal and value, while requiring more food and space. This increases the pressure for a sale and may lead to a price reduction, further encouraging impulse or pity purchasing.

<http://batterydogfarmingdealerspetshops.blogspot.co.uk/2012/01/my-visit-to-east-london-pet-shops.html>

As with sourcing animals, the Model Licence Conditions do not cover the appropriate and ethical 'disposal' of unsold puppies. This is an area of particular concern when puppies are bred for purely commercial reasons and do not sell quickly. The fate of unsold puppies is largely unknown.

1.6 The benefits of a ban

1.6.1 DBRG's position is that it is of fundamental importance that the care of dogs used for breeding and their puppies is of the highest standard to ensure their health and welfare. The duty of care would rest with breeders until puppies are sold and breeders would bear responsibility for socialisation and disease prevention. A ban is essential to incentivise welfare improvements in high risk commercial dog breeding establishments by ensuring transparency, accountability and increased financial gain for breeders.

1.6.2 A ban would prevent the sale in England of puppies which have not been bred to standards of welfare recognised by the national and devolved administrations. In particular it would remove the legitimate market for puppies bred in European countries where dog breeding welfare may be inadequately regulated. This will ultimately improve consumer confidence in the industry and transactions would benefit the UK economy rather than breeders based abroad.

1.6.3 It is vital to protect puppies from immediate and long term welfare harm attributable to the intrinsic processes of third party sales. A ban would **eliminate** the risk posed by transportation away from the breeding establishment, exposure to pathogens in vehicles and the sale environment and disease transmission between animals originating from different sources.

1.6.4 A ban on third party selling removes the legitimacy of a source where even *adequate* welfare cannot be ensured. This is imperative to assist purchasers to make informed choices based upon seeing a puppy with its mother and encourage responsible buying decisions. **It ensures consistency with the Government's advice that purchasers should see puppies with their mother.**

1.6.5 Banning third party sales would reduce the regulatory burden on local authorities by removing the need for inspection of premises and responding to complaints about sellers. It removes the subjectivity of compliance monitoring for licensing purposes. Enforcement action against illegal sellers can be undertaken and shared between various agencies and illegal activity can be more efficiently tackled at a regional and national level.

1.6.6 Prohibiting third party sales would potentially improve the overall health of the UK dog population by compelling breeders towards more responsible breeding practices and reducing the risk of outbreaks of disease. There may also be a reduction in incidents of dog aggression arising from poor breeding and inadequate socialisation

NB: The benefits of a ban are discussed further under questions 2 and 3.

2. HOW THE ANIMAL ACTIVITIES REGULATIONS WOULD ASSIST WITH A BAN ON THIRD PARTY SELLING

2.1 Licence numbers to be included in advertisements

2.1.1 DBRG welcomes the new requirement for "any licensed pet seller to include their licence number in the advert as well as identifying the local authority that issued it, photo, age, country of residence and country of origin" as a very positive tool to empower buyers and enforcers. Illegal

traders would either be unable to advertise as they would not have a licence number or would be identified by the absence of a licence number combined with frequency of activity. Third party sellers have limited means of reaching the market if the ability to advertise on mainstream platforms is denied to them. Tracing sellers through adverts or preventing them from advertising widely enough to attract sufficient buyers would both have the effect of significantly reducing any attempt at 'underground' trading. By comparison, if third party sellers continue to be legitimate and licensed, there may be no means for buyers to discriminate between adverts placed by breeders and those placed by dealers. The continuation of a legal third party sector would also have the effect of masking illegal trade.

2.2 A puppy may only be shown to a prospective purchaser if it is together with its biological mother (Licensed dog breeders)

2.2.1 This is of course appropriate and supported by all welfare organisations including DBRG. However, it highlights the inconsistency between making this a statutory requirement for dog breeders yet allowing the continued licensing of third-party sales, where prospective purchasers will be unable to see a puppy with its biological mother. If this is regarded as a necessary requirement for one licensed activity, it is hard to see how it can be disregarded under the same regulations for another licensed activity that regulates the sale of dogs.

2.3 The licence holder must not advertise or offer for sale a dog which was not bred by the licence holder (Licensed dog breeders)

2.3.1 DBRG believes that preventing licensed dog breeders from selling dogs that they have not themselves bred is a very positive move that will prevent breeders from also acting as dealers. This is a significant step towards banning all third party puppy sales and an extremely necessary reform. Consumers are often misled by such operations, and their standards are often poor, including increased risk of disease where litters of puppies from different sources are held on the same premises.

The requirement to include a licence number would assist in the detection of breeders that are continuing to illegally supplementing the number of puppies bred at the establishment with puppies bought in from other breeders.

Advertisements that exceed anticipated levels based on the number of breeding bitches recorded on the licence suggests additional puppies are being bought in for resale.

2.4 An observation – sale to take place on the premises *'The sale of a dog must be completed in the presence of the purchaser on the premises vs The licence holder must not advertise or offer for sale a dog except from the premises where it was born and reared under the licence.'*

2.4.1 The consultation document states the reforms to animal activities licensing will *'Require the sale of a dog to be completed in the presence of the purchaser on the premises where the licensed seller or licensed breeder has been keeping the dog'*

DBRG notes there is a difference between the wording used in Schedule 3: Selling animals as pets and Schedule 6: Breeding dogs, as the requirement for the sale to **take place on the premises and in the presence of the purchaser** is actually only a requirement under the former. The more explicit requirement for sales to be *completed* (rather than simply advertised or offered for sale) from the

premises and *in the presence of the purchaser* and should ideally also be a requirement for licensed breeders, retaining the definition that the premises are where the dog was born and reared under the licence.

A significant proportion of puppy sales result from Internet advertising. However online sales are still relatively rare (most purchasers will respond to an online advertisement but collect the dog in person).

3. IS THERE A WAY OF CONDUCTING SALES OF ANIMALS THROUGH COMMERCIAL THIRD PARTY SELLERS THAT PRESERVES APPROPRIATE STANDARDS OF WELFARE?

3.1 Why a regime of continued licensing may be considered over a ban on third party selling

3.1.1 DBRG is aware that there are concerns a ban on third party selling may not be the most appropriate route at this time and has considered the alternative option of continued licensing.

The breeding and sale of pet dogs should be regarded in all circumstances as an activity that demands good welfare standards. Continued regulation through licensing is a permissive strategy that implies that selling puppies through third party agents is appropriate and if processes are correctly followed, can be done well.

3.1.2 One of the reasons given for not introducing an immediate ban on third party sales is that responsible breeders cannot meet the demand for puppies and that the shortfall **will** be made up by unscrupulous licensed or illegal breeders and dealers. These claims lack substance and DBRG refutes the theory that irresponsible breeding and selling is inevitable, as it implies a certainty of failure. This should not be the basis for policy making.

3.1.3 Universally, prospective purchasers are advised to see puppies with their mothers, and there is no indication from any quarter, including Government that third party sellers would be considered a recommended source from which to obtain a puppy – even with the supposed protection of licensing. This demonstrates a recognition that the purpose and intention of licensing will fail for this activity. DBRG is opposed to the sale of puppies through third parties including pet shops as these represent a key vehicle for the sale of puppies from puppy farms and other irresponsible breeders. It is impossible to separate the negative welfare impact from the third party puppy trade and thus it is inevitable that harm will be caused to some degree. The inherent negative welfare impact is acknowledged in the Model Licence Conditions for Pet Vending 2013:

“Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale.”

3.1.4 If regulating the third party trade cannot prevent welfare harm, the only justification for a licensing regime would be that it could offer a **better** outcome for tackling illegal activity and significantly improve the welfare of dogs and puppies in licensed establishments above the standards observed in the unlicensed trade.

3.2 Evaluating the effectiveness of a robust licensing regime

3.2.1 While the revised general and specific licensing conditions for breeding and selling pet dogs are extensive, DBRG does not believe that these can protect the welfare of dogs sold through pet shops, or other third-party outlets. The accompanying statutory guidance has not been released at the time of responding to this consultation, however the provisions included in the new Regulations do not suggest that licence conditions for third party sellers would differ substantially from the existing Model Licence Conditions for Pet Vending (2013). These fall short of providing the ‘robust’

measures that would be required to make even a minimal improvement to the issues typically associated with illegal third party selling. Regulating sellers under a licensing regime is intended to prevent (to some degree) the welfare harm observed in the illegal trade. However, if the trade poses an inherent risk, insubstantial licence conditions will not raise the standard of welfare sufficiently to justify claims that licensing is preferable to unregulated illegal trading.

3.2.2 Local authorities would also need to commit to intensive monitoring of suitably demanding conditions. One of the aims of updating animal licensing legislation was to *'relieve the administration burden on local authorities'* and enforcing detailed licence conditions would seem to achieve the opposite result.

3.2.3 Attempting to remedy welfare concerns only at the point of sale does not address problems occurring earlier in the chain, from the breeding establishment onwards. The continuation of a legitimate market for puppies produced with an emphasis on quantity and at minimal cost almost guarantees the existence of low welfare, intensive dog breeding establishments. A continued strategy of licensing will have little effect on tackling the systemic welfare problems throughout the puppy supply chain, many of which occur well before the point of sale. Licensing is also unable to tackle associated issues such as impulse purchasing.

3.2.4 Licensed premises must be inspected for compliance with licence conditions, but a licence regime must also include the detection and investigation of unlicensed operatives, which is the only element of enforcement that would be required under a ban. This does not suggest that robust licensing would be cheaper or easier to implement.

3.3 Inspecting licensed premises

3.3.1 DBRG is concerned that annual, pre-arranged inspections are insufficient to achieve an appropriate level of protection for animals in the third party trade. Inspections would need to occur with sufficient frequency and irregularity to monitor continued compliance with the licensing inspections. However this may be problematic for establishments in private dwellings and non-retail premises.

3.3.2 Inspecting officers also need to have a thorough knowledge of canine welfare needs to make a robust assessment. The Kennel Club, Dogs Trust and Blue Cross (among others) have highlighted the lack of trained inspectors as an area of concern, as there is considerable variation in inspectors' expertise. Demanding licensing conditions (e.g. adherence to socialisation requirements) require expert interpretation and may lead to subjectivity of opinion.

3.3.3 As the risk of disease is considerable, inspections should also involve taking samples from the animals and the premises for external tests. This is of particular importance for visits following up complaints about sick puppies and simple visual checks (sometimes without a physical examination of the animals) are far from adequate. However the cost of testing will significantly add to the expense of enforcement.

3.4 Licensing in practice

3.4.1 Model Licence Conditions are designed to offer guidance for good practice, based on the presumption that the operator will be motivated in this direction. Where there are strong incentives for non-compliance as seen with third party selling, the effectiveness of the Conditions depends upon the strength of enforcement. In practical terms this means commitment to regular monitoring

and meaningful sanctions. The investment of resources that would be needed to exert any sort of control is disproportionate to small improvements in welfare that might result.

3.4.2 For the activity of third party selling of dogs, licensing works as a reactive rather than proactive measure and is therefore not appropriate for animal welfare protection. The conditions would need to be breached with sufficient frequency to be detected and of such severity to require drastic action for dogs to be removed from a licence schedule or revocation of the licence entirely. In real terms this is likely to mean that multiple puppies must suffer or potentially die before a change can be effected. There is a strong evidential basis for this conclusion as the implementation of demanding licence conditions by a number of local authorities has failed to stop puppies being sold with serious and life threatening illnesses. Licensing third party sellers is therefore not effective at PREVENTING harm, only (potentially) responding once harm has occurred.

<https://www.salford.gov.uk/licensing-and-permits/trading-and-business/animals/pet-shops/pet-shop-licence-conditions-results-of-public-consultation/>

<https://www.mirror.co.uk/news/dead-after-just-five-days-11121013>

3.5 Continuation of illegal trade

3.5.1 Concerns have been raised that banning third party sales could drive the activity 'underground' and that this would pose an even greater welfare threat than permitting the activity to continue under regulatory control. DBRG contests this argument because if effectively enforced, robust licence conditions should remove non-compliant sellers from regulatory control, thus carrying the same perceived risk of driving such traders underground. In reality, while the activity continues to be legitimate, illegally operating traders can hide 'in plain sight' and it is therefore far more likely that sellers removed from the licensing regime would continue to operate. The challenge of responding to illegal activity involves detecting and taking action against errant sellers, irrespective of the legality of the trade itself.

3.5.2 While a system of licensing exists, it may be difficult for enforcement agencies to determine the most appropriate course of action. Local authorities may seek to licence illegal operatives rather than pursuing prosecution and other bodies can be reluctant to intervene as a case may be viewed as a licensing issue rather than Consumer Protection. Banning third party sales would remove this area of confusion.

<https://www.youtube.com/watch?v=3lghevEZh0>

BBC Watchdog 'Rogue Traders' aired 18th April 2018: Cameron Dorbin Barnett, illegal dealer

3.5.3 The illegal third party puppy trade is strongly suggestive of predominantly criminal behaviour and as such, the assumption that dealers would voluntarily apply for licensing seems misplaced. Deterring or punishing offenders would seem a more appropriate course of action than attempting to bring them into a regulatory system.

<https://www.express.co.uk/news/nature/829968/Puppy-farms-UK-RSPCA-dogs-trade-breeder-Gumtree-online-sales>

http://www.bucksfreepress.co.uk/NEWS/16147444.VIDEO_PICTURES_Disgraced_vet_caught_red_handed_helping_puppy_farming_gang/

3.5.4 The new requirement for the inclusion of the licence number on advertisements would assist in detecting illegal activity and preventing unlicensed sellers from reaching their market, however this would also be the case under a ban. DBRG is concerned that unless there is a clear distinction

between an animal seller licence and dog breeding licence, prospective purchasers will not be able to determine the type of activity from information provided in advertisements.

3.5.5 Without the presence of a legal market for imported puppies, there would be no legitimate reason for dealers to bring large quantities of puppies into the UK, even 'correctly' under commercial movement rules. While a ban may not be a deterrent to those already engaged in illicit activity, it will make such activity easier to identify because it will not be concealed by the presence of a legal trade. Further measures are undoubtedly needed to address the issue of 'concealed puppy smuggling' (falsification of documents, hiding puppies etc.) but animal welfare protection dictates that this is essential irrespective of the legal status of the trade.

3.6 Implications of continued licensing

3.6.1 DBRG's aim is to promote the breeding of sound, healthy dogs. Continuing a policy of licensing third party sales enables a market for puppies bred and traded with scant regard for their long term welfare and exposes buyers to irresponsible sellers. Granting a licence to third party puppy sellers gives them the same legal status as licensed responsible dog breeders and will not assist purchasers to make informed choices. If no attempt is made to restrict the legal market to responsible breeders, measures to improve dog welfare related to genetic and breed related health, breeding, rearing and selling practices are unlikely to succeed.

4. CONSEQUENTIAL IMPACTS OF ANY BAN AND HOW THEY MIGHT BEST BE ADDRESSED

How the absence of licensed TP sellers will affect supply

- Demand – will the current market share of licensed sellers all be picked up by licensed breeders or will a significant proportion of sales be picked up by increased imports from abroad and unregulated domestic traders.
- Whether and to what extent the absence of third party sellers would have an impact on the price of puppies, on dog theft and on the extent of unlicensed breeding

Supply and demand

4.1 Market share held by third parties

4.1.1 The number of puppies sold through the licensed third party sector is estimated to be about 80,000*, which although significant in terms of the number of animals impacted by the trade, is only a small proportion of the overall population of dogs sold each year in the UK.

*Based on Freedom of Information requests relating to stocking density and research into number and frequency of adverts placed by third party sellers.

4.1.2 DBRG does not believe that 'irresponsible' sources should have a legitimate role in supplying puppies to UK pet owners. Licensing sellers that do not meet the accepted definition of responsible implies that the welfare of puppies cannot be assured by the process of regulation. This also infringes upon buyers' consumer rights - to be able to obtain a responsibly bred puppy from any establishment sanctioned by licensing.

4.1.3 The number of puppies sold annually in the UK is unknown and while it is possible that the scale of the trade has been over-estimated, there *are* sufficient puppies to meet (and exceed) demand. DBRG has concerns that this is not an ethically sustainable situation as it

promotes the breeding of dogs with a focus on quantity rather than quality and facilitates the impulse acquisition of puppies. The 'demand' for puppies is also partially due to irresponsible buying choices – not everyone who wants a puppy *should* be able to buy one. If availability is reduced, buyers may give more thought to the purchase, ultimately promoting more responsible dog ownership.

<https://www.pdsa.org.uk/press-office/latest-news/impulse-buying-causing-misery-for-pets-and-owners>

4.2 Buyer behaviour

4.2.1 The existence and success of the illegal puppy trade is due in part to the ease with which buyers can obtain a puppy and the corresponding lack of effort which many put into the process. The use of the internet as a means of advertising has almost certainly been a contributory factor, making it easier for unscrupulous breeders and third party sellers to reach potential purchasers. This also disadvantages responsible breeders who either do not advertise or advertise on smaller platforms.

<http://www.ncl.ac.uk/press/articles/archive/2017/09/puppy-farmeddogs/>

<https://beta.gov.scot/publications/scoping-research-sourcing-pet-dogs-illegal-importation-puppy-farms-2016/pages/8/>

However this would also mean that if third party sellers were prohibited and unable to utilise mainstream advertising channels, puppy buyers would continue to purchase from the most obvious and accessible sources, rather than deliberately seeing out illegal suppliers. The claim that the illegal trade would continue to exist 'underground' is not backed by research into puppy buying behaviour.

<https://cariadcampaign.files.wordpress.com/2016/05/the-great-british-puppy-survey-press-release.pdf>

4.3 Interpreting the illegal trade

4.3.1 Although the number of French Bulldog registrations have increased by 30,000, total Kennel Club registration figures have declined by almost 28,500 over the last ten years. This may indicate that rather than 'topping up' the supply of puppies from breeders commonly perceived as being more responsible, the illegal puppy trade and irresponsible breeders are replacing these sources by saturating the market with cheap, readily available puppies.

Research by the Kennel Club in 2017 found that one in five people spent no time researching where to buy their puppy.

<https://www.thekennelclub.org.uk/press-releases/2017/september/people-more-likely-to-buy-a-puppy-on-impulse-than-a-new-pair-of-shoes/>

This does not indicate that owners have turned to the illegal trade as a last resort to obtain a puppy of a particular breed and far from a lack of dogs, prior to the relaxation of the Pet Travel Regulations in 2012, numbers of unwanted and abandoned dogs were at very high levels. (Dogs Trust's Stray Dog Survey in 2011 revealed 126,176 stray dogs were found during the previous twelve months and 7,121 were put to sleep by local authorities as no homes were available.)

4.3.2 Estimates for the presumed deficit of responsibly bred puppies have been based upon extrapolated figures of illegal imports, which represents the number of sales this sector intends to make, rather than a gap in the market which responsible breeders cannot fill. There is nothing to suggest that buyers have turned to illegal imports because they are unable to source a puppy by other means.

4.3.3 It has been claimed that the illegal puppy trade exists because the demand for certain breeds cannot be supplied by responsible UK breeders. There is *no* conclusive evidence to support this theory and it is equally plausible that the surge in popularity of breeds such as Pugs and French Bulldogs is a reflection of the availability of these dogs, rather than buyers' relentless determination to own them.

4.4 Health Implications

4.4.1 DBRG is particularly concerned about the rapid rise in the popularity (of both supply and demand) of brachycephalic dogs and wants to see this trend reversed. Elevated popularity of brachycephalic breeds leads to more dogs at risk of conformation-related disorders in the population. The brachycephalic conformation is not benign from a health perspective and is associated with a variety of inherited disorders that may have severe impacts upon quality of life over and above the consequences arising from sub-standard breeding and selling processes. Due to the magnitude of this welfare problem, in terms of both chronicity and severity of disorders they are predisposed to, and the increasing number of animals at risk, DBRG believes that brachycephalic health and population numbers needs to be tackled as a matter of urgency.

http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/policy_position_health_and_welfare_of_brachycephalic_dogs_1.pdf

<http://www.wsava.org/WSAVA/media/Documents/Press%20Releases/Urgent-action-on-brachycephalic-dogs-called-for-during-panel-discussion-at-Congress-in-Copenhagen.pdf>

<https://www.dogstrust.org.uk/news-events/news/research-shows-high-risk-of-breathing-problems-in-dogs-with-short-muzzles>

<https://www.ufaw.org.uk/downloads/packer.pdf>

4.4.2 In addition to an increased disease burden, longevity studies have demonstrated that brachycephalic dogs have a reduced lifespan compared to non-brachycephalic dogs. This further adds to the potential 'demand' for these breeds.

4.4.3 DBRG believes that the high prevalence of health problems in brachycephalic breeds that are a consequence of their conformation is unacceptable. Reforms in breeding practices and the selection of dogs for breeding are required to substantially improve breed health and welfare. This adds further weight to the argument that dogs of these breeds should be bred under UK regulation, which may provide some element of control and protection. The new regulations for dog breeding (Schedule 6) include provisions to prevent bitches from being mated if they have previously had two litters delivered by caesarean section (6, 3 (d)) and state that dogs must not be kept for breeding if there is a reasonable expectation that their genotype, phenotype or state of health would have a detrimental effect on the health or welfare of their offspring (6, (5)).

4.4.4 It may not be ethically appropriate to aim to maintain the volume of sales of breeds such as French Bulldogs and pugs. Arguably, no matter how responsibly bred, the quality of life for dogs which have a conformation that predisposes them to health problems will be compromised. Reduced availability would promote a more considered acquisition culture which could be backed by educational campaigns.

<https://www.scotsman.com/news/politics/cute-puppy-alert-to-be-aimed-at-women-to-stop-impulse-buying-1-4731923>

<https://www.standard.co.uk/news/uk/celebs-instagram-are-to-blame-for-pike-in-french-bulldogs-abandoned-at-battersea-dogs-home-top-vet-a3637211.html>

<https://www.telegraph.co.uk/news/2017/12/26/french-bulldog-craze-sees-influx-pets-dumped-dogs-homes/>

4.5 Meeting demand through alternative channels

4.5.1 Third party selling acts as a channel for distribution rather than production. Banning third party selling would not result in 80,000 fewer puppies, as UK breeders who currently sell their puppies to third party traders would not be prevented from accessing the market following a ban. A ban may actually benefit these breeders as they will receive the full market value from sales, rather than a considerably reduced wholesale price. The financial incentives, combined with a need to raise standards in order to meet consumer expectations and compete for business will be a driver for improving welfare in large scale commercial breeding establishments. This is unlikely to be achievable while the option to sell through third party channels remains.

4.5.2 While geographical location may be perceived as a disadvantage, transport networks in the UK mean that few areas are inaccessible. Breeders based in more remote areas can still attract sufficient customers to remain viable, potentially by focussing on a niche market or utilising unique selling points rather than relying upon volume of sales.

4.5.3 If the number of puppies reaching the market decreases at all as the result of a ban, the reduction would only be slight, in comparison to the number of puppies that will continue to be legitimately sold by licensed breeders and breeders exempt from licensing. Suggestions that the supply would be significantly adversely impacted seem not to be based solely on the loss of licensed third party outlets, but include the contribution from illegal puppy trafficking. This objection to a ban is usually contradicted by claims that a ban could not be effectively enforced, because if the supply of puppies will be substantially reduced then clearly a ban can be successful! If the number of puppies supplied though the illegal trade is considered to be essential for meeting demand, the illegal trade must be brought within regulation, rather than stopped. Those involved with the illegal puppy trade are not regarded as responsible and therefore robustly enforced licensing would act as a deterrent in exactly the same way as a robustly enforced ban on third party selling. In essence, the only way to maintain the current level of supply is to reduce the demands of regulation in order to incorporate a greater number of sellers. This would have the reverse effect of improving dog breeding welfare and as such, is an unacceptable concept.

If there is a genuine desire to improve welfare in dog breeding and selling then some reduction in supply is an almost inevitable consequence, whichever strategy is adopted.

4.6 Demand

4.6.1 The *Great British Puppy Survey 2016* surveyed over 4000 dog owners and revealed that puppy buyers would never deliberately chose a low welfare supplier in order to obtain a puppy more quickly or cheaply. The 'demand' for puppies is not demand for puppies at any cost, it is for puppies that can be expected to become healthy, well-adjusted pets and there is no demand at all for irresponsibly bred puppies that carry a high risk of developing health or behavioural issues. (N.B. It is accepted that purchasers will knowingly chose breeds with a morphology that may compromise welfare but even here there is an expectation of general overall good health.)

<https://cariadcampaign.files.wordpress.com/2016/05/the-great-british-puppy-survey-findings-2016.pdf>

4.6.2 DBRG believes that *if* there is a shortage of responsible breeders or responsibly bred puppies to meet demand, the solution must be to either increase the output from responsible sources or reduce the demand. It **cannot** be considered ethically appropriate to suggest that irresponsible suppliers should be legitimised to meet any shortfall.

4.7 Responsible Breeding

4.7.1 The defining characteristic of a responsible breeder is that puppies will be sold by the breeder directly from their place of birth. Eliminating the option to sell through a third party would immediately increase the number of breeders meeting this criteria. Removing the competition from unregulated, low welfare breeders based outside of the UK would ensure a level playing field for licensed UK breeders.

4.7.2 It is considered unlikely that small scale breeders exempt from licensing will breed more litters or that the number of these breeders will significantly increase. The reduced threshold for licensing may act as a deterrent and encouraging dog owners to breed from their pets would be controversial at best.

4.7.3 Breeders that currently fall under the licensing regime, or will meet the criteria for licensing under the new lower threshold may breed more litters if the demand increases as a result of a ban on third party sellers. This may result in welfare implications and it is essential that breeders must be encouraged and incentivised to adhere to high standards, which would prevent the volume of breeding activity having a detrimental effect on welfare. As such, there is likely to be a finite level of production.

4.7.4 If the new regulatory measures are effectively enforced, there should be no increase in the number of illegal unlicensed breeding establishments.

4.8 Reducing demand

4.8.1 Banning the third party sale of dogs could be a catalyst for changing expectations so that buyers will expect to be able to buy a responsibly bred puppy from legitimate breeders, rather than to have a huge range of puppies available to purchase immediately from indiscriminate sources.

4.8.2 Responsibly bred and purchased dogs are likely to live longer and have fewer health and behavioural problems. This will reduce the demand for 'replacement' dogs arising through premature death or abandonment/relinquishment.

4.8.3 Prohibiting the sale of puppies through third parties only alters the method of reaching the market, so it is unlikely to drastically reduce the number of puppies being offered for sale. As such, there is no reason for an increase in dog theft. Enabling potential thieves access to cheaper dogs does not justify continuing their supply through a legal third party trade in dogs.

Part 2 ABILITY OF LOCAL AUTHORITIES TO TACKLE ILLICIT UNLICENSED PET SALES ACTIVITY

5.1 Resources

5.1.1 The risk of illegal activity may well be the same under a ban as under a licensing regime. There is no evidence to suggest that third party sellers would be less likely to comply with a ban than with a requirement for licensing, or that the number of illegal third party sellers would increase if a ban was introduced.

5.1.2 The costs of investigations can only be recouped from illegal third party sellers following a successful prosecution, irrespective of whether a licensing regime or ban is in place, and the processes of detecting illegal activity will be the same. The new Regulations make a provision for licence fees to include “reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator”.

DBRG’s response to the draft Regulations observed that as the Regulations now cover a broader spectrum of licensable activities, it isn’t clear whether the anticipated costs of enforcement activity will be determined and included separately for each activity, as potential numbers of illegal operators will differ significantly. DBRG’s response also queried if businesses would be required to pay a greater contribution towards enforcement in areas where only a few licenses were issued. The risk of illegal activity is not related to the number of licensed operatives in an area, which means the cost of enforcement may therefore be disproportionate to the funds reasonably recoverable from licence fees.

5.2 Enforcement Agencies

5.2.1 Illegal third party selling is a criminal activity, whether the activity itself is unlawful or whether it exists outside of the licence regime and has multiple implications including fraud, consumer protection, tax evasion and public health, as well as animal welfare. Criminal investigations are funded by taxpayers and can be undertaken by various agencies including the Police, HMRC, Trading Standards as well as local Authorities. These agencies already investigate and bring prosecutions against illegal third party sellers.

<http://politicalanimal.org.uk/puppytrafficking/>

<https://www.scottishspca.org/newsroom/blogs/our-fight-against-the-illegal-trade-of-puppies/>

5.2.2 The RSPCA frequently receives calls relating to puppy sellers but can take no action if the seller is licensed and complying with the conditions of the licence. However the RSPCA (and equivalent organisations in devolved regions) has played a significant role in a number of recent high profile cases against illegal puppy dealers.

<http://www.bbc.co.uk/news/uk-england-leeds-38026524>

<http://www.bbc.co.uk/news/uk-england-manchester-36427853>

As a stakeholder with extensive experience of investigating and prosecuting illegal third party sellers, the RSPCA’s support for a ban on third party selling should be accorded particular significance.

5.2.3 A partial ban on third party puppy sales already exists, because the activity is illegal unless the seller holds a pet shop licence. This situation provides very good evidence about the potential effectiveness of enforcement should the only exemption (the pet shop licence) be removed.

<https://cariadcampaign.files.wordpress.com/2017/04/unlicensed-illegal-pet-shop-prosecutions.pdf>

Part 3: IMPACT ON RESCUE AND REHOMING ORGANISATIONS

6.1 Defining rescue and rehoming organisations

6.1.1 Rescue and rehoming organisations have not been included under the new draft Regulations for the licensing of Animal Activities, although there are calls for regulation of this sector.

6.1.2 A ban on third party sellers would only apply to those engaged in commercial activity.

The work of rescue and rehoming organisations should easily be distinguishable from the activity of third party selling as the practice and purposes are entirely different. Although most rehoming organisations will charge a rehoming fee, which may be interpreted as an act of 'selling,' this should not exceed the amount necessary for cost recovery.

If the activity is conducted with a view to making a profit (as per the Business Test, Schedule 1, Part 1 of the new regulations) then it would either be prohibited under a ban, or would require licensing as an animal seller. As such, there are no loopholes that could be exploited by illegal third parties and there is little change from the current situation under the Pet Animals Act 1951.

6.2 Enforcement

6.2.1 Licensing third party selling potentially carries a higher risk of misleading the public, as traders could obtain an animal selling licence to operate legitimately but market their operation as 'rehoming.'

6.2.2 It has been claimed that some dealers are already masquerading as rescue organisations, yet no examples have been given. If these situations do exist and are 'known' then it supports the position that illicit activity of this nature is detectable and therefore appropriate enforcement action can be taken. If commercial activity is being carried out on the pretext of charitable rescue it becomes an issue of tax evasion and fraud.

Part 4: IMPACT ON THE PET INDUSTRY

7.1 Scale of licensed third party selling

7.1.1 Based upon previous research and available data, research by Canine Action UK in late 2017 (FOI requests) indicates that there are **74 pet shop licence holders actively selling puppies**, of which 63 are in England. (Due to some pending and overdue responses to FOI requests this figure is given with a margin of error +/- 2.) Approximately 38% of these licences are issued to retail premises (store selling other animals, accessories etc). 21% are held by dealers (selling bought in puppies from non-retail premises) but 41% are granted to hybrid sellers/vendors (licensed breeders selling bought in puppies alongside those bred on site).

7.2 Impact of a ban on licensed third party sellers

7.2.1 Pets at Home is the largest pet retailer in the UK with 434 stores and does not sell puppies on the basis:

"We believe that it is best you get your new puppy directly from the breeder."

7.2.2 'Large franchised pet shops' do not sell puppies. The few small independent retail pet shops which do sell puppies do not do so as a core part of their business and therefore would be able to make up any shortfall from the loss of sales by expanding other ranges or by diversifying into other services, e.g. dog grooming, for which there is a huge market. The impact upon these retailers would be minimal.

7.2.3 DBRG welcomes positive new measures for dog breeders, which will prevent the activity of ‘hybrid selling’ – where breeders sell bought in puppies alongside those bred on site. Regulation 2, Schedule 6:

Advertisements and sales

1.—(1) The licence holder must not advertise or offer for sale a dog—

29

(a) which was not bred by the licence holder;

This will eliminate approximately 41% of licensed third party sellers irrespective of whether or not a ban is introduced.

7.2.4 The most significant impact of a ban on third party selling would be felt by puppy dealers. About 21% of pet shop licenses issued for the sale of puppies are held by dealers and this is their main or sole aspect of business. Based on all the available evidence, DBRG feels that the activity of puppy dealing, where puppies are sold to other intermediaries as well as to the public, carries extensive risks and cannot be licensed to a point where the aim of licensing - to maintain good standards of animal welfare – can be met. A suitable lead in period prior to the ban would enable puppy dealers to cease trading. The facilities already present to enable selling may be converted to other similar purposes, i.e. animal boarding or dog breeding with minimal refurbishment.

8 SPECIFIC SCOPE OF A BAN ON THIRD PARTY SALES

8.1 Other measures that could have a similar effect in restricting sales by licensed third party sellers

8.1.1 It may be possible to effectively ban third party selling by making licence conditions so demanding for puppy sellers that compliance would be unachievable. Sellers would either be deterred from applying for a licence, would be refused a licence or would have their licence revoked following breaches of licence conditions.

8.1.2 DBRG does not consider this as a viable alternative. Licensing is a strategy intended to ensure lawfully acceptable activities meet the required standards. It is the purpose of legislation, not licensing to prevent activities which are not deemed to be appropriate. It is unlikely that either the Pet Industry or the Government would consider regulation which is intended to be unachievable and a primary concern for both is to reduce the regulatory burden on business and local authorities.

8.1.3 The arguments against introducing a ban on third party sales are based upon perceived consequences arising from eliminating these sellers from the regulatory system. An effective ban through licensing would not remove these concerns, therefore the option offers no benefits.

9. Should a ban extend to other types of pet?

9.1.1 This question is beyond the remit of DBRG. However applying a ban to the third party sales of dogs should not imply by extension that it is necessary for other types of pet, with the exception of cats. There has been a precedent for several decades to recognise and protect the welfare of dogs thorough legislation (e.g. licensing dog breeders, microchipping).

Part 5 Any further thoughts

10.1 Scope of a ban

10.1.1 A ban on third party selling is aimed specifically at the activity of purchasing puppies* (under six months old) for the purpose of resale with the intention of making a profit from the transaction. As such it focuses on the commercial resale of puppies by a person other than the breeder, rather than the sale/rehoming of dogs/puppies in a wider context.

*Puppies that have been purchased for the purpose of commercial resale have almost exclusively been bred in commercial breeding establishments.

10.1.2 The pending Regulations are the ideal opportunity to introduce a ban on third party selling, as they involve a complete overhaul of the legislation covering the breeding of dogs and pet animal selling, and bring previously separate pieces of legislation together under one umbrella regulation which is intended to be introduced as a Statutory Instrument under the Animal Welfare Act 2006.

10.1.3 It would be logical to incorporate a ban on commercial third party selling of dogs through the legislation regulating this specific activity, to avoid any unintentional impact on the wider population engaged in a similar activity which poses a low welfare risk e.g. owners privately rehoming a purchased puppy as a single occurrence; rescue activity where there is no indication that profit is intended; the resale of trained sheepdogs and gundogs which are working animals as opposed to pets.

10.1.4 If the activity of selling dogs falls under the criteria for licensing (i.e. carried on **in the course of a business**) then it should be restricted within the Regulations to licensed breeders. It is important to note that as the Regulations only cover commercial activities, the ban would only apply within this context and would NOT restrict or prohibit sales of dogs outside of this remit.

10.1.5 If it is felt that the definition of commercial selling of animals (dogs) as pets is insufficiently precise to exclude the activities described above, exemptions could also be incorporated into a ban.

10.1.6 The application of the 'Business Test' (Schedule 1, Part 1) should preclude similar activities not undertaken on a commercial basis. However a more explicit definition of 'profit' would be preferable both for the purpose of a ban and within the wider application of the Regulations.

NB It is primarily the commercial incentive that creates the potential for harm – as the intention to evade best practice is deliberate and financially motivated rather than occurring through ignorance.

11.1 Other factors

11.1.1 Reported instances have occurred of pregnant bitches being brought into the UK in an attempt to evade efforts to intercept puppy smuggling. This is an aspect more aligned with regulating the commercial breeding of dogs, rather than banning third party sales. DBRG notes that the new draft regulations do not fully explain what is meant by 'breeding' (i.e. the whelping of a litter of puppies as opposed to the mating of dogs) and more specifically do not define how the licence

holder may be interpreted as the 'breeder' (i.e. is this the legal owner of the bitch or the person responsible for the process of whelping and rearing?) The term 'bred by' occurs in Schedule 6, 1 (1) (a) with reference to selling. Council Regulation (EC) 1/2005 Welfare of Animals during Transport covers the commercial transportation of animals including dogs and requires that animals are passed fit to travel. Bitches travelling in the late stages of pregnancy would not be permitted to travel. The same is true for dogs travelling under PETS and a limitation on transporting pregnant bitches has been included under the new Regulations, Schedule 6: Breeding dogs 10) *No breeding bitch may be transported later than 54 days after the date of successful mating except to a veterinarian.*