



Defra Consultation on the review of animal establishments licensing in England (March 2016)

The Dog Breeding Reform Group is an independent charitable trust comprising 16 members from a variety of backgrounds and organisations who are committed to improving the welfare of dogs in relation to the breeding issues (shown in our Aims below).

Aims

To promote and support initiatives and reforms that will effectively improve dog welfare related to a) genetic and breed health; b) breeding, rearing and selling practices.

Question 1. To what extent do you agree or disagree with the proposal to introduce a single Animal Establishment Licence? Please provide any comments or evidence to support your answer.

We think that this proposal is potentially problematic. There are, of course, generic principles applying to the keeping of animals of any kind (eg consistency with requirements of the Animal Welfare Act as guided by Codes of Practice for each species). This would be of value as current licensing frameworks do not effectively or properly embed this. However, detailed standards for each activity (eg, dog breeding, livery stables, rescues centres, etc) would still be needed. In practice this would mean separate licences.

Business operators may claim that they are somehow 'covered' by virtue of a single Animal Establishment Licence and therefore are able to carry out different activities (such as pet shop, pet boarding and pet breeding) because they hold an 'Animal Establishment Licence.' 'Hybrid breeding' operations, where dog breeders also buy and sell puppies, may be encouraged. 'Hybrid breeding' has already been shown to create additional welfare problems. It must be remembered also that the specific welfare needs of different types of animals may not be met if a single licence is granted.

There is a further issue of licensing officer competence. Unfortunately it is often the case that local authority officers inspect and approve premises without the necessary skills and knowledge to do so. In particular, they often have little 'underpinning knowledge' (eg, in the case of dog breeding, of the need for appropriate nutrition, socialisation, exercise, housing, enrichment, etc). Such officers currently may inspect a range of types of establishment but there is likely the need for inspection of

each, either by people with specific knowledge for that kind of establishment, or comprehensive training that enables a 'single inspection' for a range of activities. Such training does not currently occur and is not addressed adequately in the curriculum of the CIEH (for example), which many trading standards officers who conduct such inspections will have.

The issue of training for licensing officers must be addressed as a matter of priority. Where individual local authorities lack the means to do this, there needs to be collaboration between regional councils and local authorities. Another suggestion would be to have a national training team to assist local authorities and spread best practice.

The suggestion that local authorities may be required to apply CIEH Model Conditions would help in the case of single Animal Establishment Licences. It would be easier for inspecting officers to make assessments against relevant and consistent criteria. However, there would still be the need for professional training, and for a clear distinction between Animal Establishment Licences awarded for one activity and another.

Question 2. To what extent do you agree or disagree with the proposal to promote or require use of Model Conditions by local authorities, for activities where they have been agreed?

The consultation document states, *'We propose therefore to update the minimum legal requirements for each animal activity, based on current scientific and technical evidence relating to animal health and welfare. This will be set out in revised regulations, which will mean that in future changes can be made more easily by amending regulations rather than changing primary legislation.'*

DBRG is in favour of revised regulations.

The consultation document also states. *'We also propose to emphasise or require that local authorities should use the agreed and up-to-date Model Conditions produced by the CIEH which exist for dog breeding and pet vending.'*

DBRG is in favour of a **requirement** that local authorities use the *CIEH Model Conditions for Dog Breeding*. To merely **emphasise** the *CIEH Model Conditions* will give local authorities an excuse not to use them. We think that *CIEH Model Conditions* should constitute 'statutory guidance' to which any licensing authority must have regard. This is essential. A major problem to date with the dog breeding regulations has been that published guidance has not been statutory and has been widely ignored or applied inconsistently. We would like to point out that in practice currently even local authorities which are voluntarily using *CIEH Model Conditions* are interpreting the *CIEH* to produce their own inspection pro forma. This results in a lack of consistency of licensing inspections across the country.

DBRG would also like to point out that some animal keeping activities are intrinsically problematic. This applies particularly to the selling of dogs and cats through licensed pet shops or third party dealers, who may or may not have a pet shop licence. The 2013 *CIEH Model Licence Conditions* are applicable to all licensed pet shops and these are endorsed by the Pet Industry Federation. The reality is that many licensed 'pet shops' do not have recognisable retail premises. We advise that the sale of puppies and kittens through all licensed pet shops or dealers is inherently detrimental to the animals' welfare, irrespective of the conditions at the premises. These include (but are not limited to) the transportation of young animals under stressful conditions; the negative impact of retaining

young animals throughout critical socialisation periods (without meeting these needs); exposure to serious infectious diseases; the facilitation of the sale of imported and puppy farmed dogs; the removal of the ability of purchasers to see rearing conditions and the parents. The negative consequences arising from this route to the market extend beyond the impact on animal welfare as there are additional concerns relating to fraud, public health and consumer protection, etc.

(There is scientific evidence to support these statements which DBRG would be happy to supply).

Question 3. To what extent do you agree or disagree with the proposal to prohibit the sale of puppies below the age of eight weeks?

DBRG supports this proposal irrespective of whether the seller is licensed or unlicensed and irrespective of who is buying. Scientific evidence presents compelling arguments regarding the crucial experiences of puppies at this age. The appropriate experiences during critical elements of socialisation help to prevent puppies developing future behavioural problems. This is a large part of the battle in preventing dogs from being relinquished as adult dogs.

A requirement that licensed dog breeders in particular must not sell puppies below the age of 8 weeks would also be consistent with the new Breeding of Dogs (Wales) Regulations, 2014.

Question 4. To what extent do you agree or disagree with the proposal to make clear that the statutory licensing threshold for dog breeders is set at three or more litters a year.

DBRG's position, as stated in our Aims and Objectives, is that all breeders, even those who breed only one litter, should be registered with their local authority and given a registration number for which a small fee can be charged.

The current statutory licensing threshold of five litters per year (though with the proviso that any 'commercial' breeding establishment should be licensed irrespective of number of litters) is too high and allows many clearly commercial and fairly large scale establishments to operate without it being clear to licensing officers whether they should be inspected and licensed or not. We support the setting of the licensing threshold to three or more litters a year (ie above two litters). This is consistent with the current threshold in Wales.

No matter where a threshold is set there will be difficulty enforcing legislation. Breeders will often claim to be breeding less than the threshold, irrespective of the number of bitches kept. We support the proposal by the Dog Advisory Council that all breeders must be registered, even if they only breed one litter. We strongly advocate the requirement to keep written records. Without these, the system would be wide open to abuse.

Unfortunately the proposals for legislative change highlighted in the consultation document are to all intents and purposes limited to the two proposals above. DBRG thinks that a requirement for statutory adherence to published *Model Conditions* would be a further important legislative change. We also think that there is scope for further legislative changes beyond these, including, for example, the facility of local authorities to directly suspend or revoke licences where there is evidence of breach of conditions. This is a provision that now forms part of the new *Welsh Dog Breeding Regulations*. Currently, as it stands in England, under the extant regulations, a local authority has to go to a magistrate's court to enable a prosecution for breach of licence conditions

or revocation of a licence during its term. This means that local authorities very seldom act on breaches of conditions – until licence renewal.

Question 5. To what extent do you agree or disagree with the proposal to legally require pet sales to provide written information when selling animals.

Yes, obviously. However, this written information must be clearly specified, rather than being left in broad terms. Impartial welfare experts would need to be involved in writing such specifications.

DBRG is of the view that written information on its own would be ineffective if it is intended to be the main plank of a Government response to addressing the welfare problems associated with pet sales. We would argue strongly that third party sales and sales of dogs and cats from licensed pet shops should be banned entirely. No amount of written information would mitigate or prevent the potential harm to dogs and cats transported and sold in this way.

The Defra consultation document does not include any proposals about how on-line advertising of pets for sale may be improved and regulated. DBRG has emphasised the need for anyone breeding dogs to be registered with the local authority and, at minimum, for registration details to be provided with advertisements with the potential for genuine traceability of sellers. The problem of determining provenance of puppies (and kittens and other species) is a major one that facilitates poor breeding practices and deception.

Question 6. What other proportionate measures could address concerns for the care of exotic animals?

This is beyond the remit of DBRG but there seems to be a proliferation of the transportation and sale of exotic animals which have huge consequences for the welfare of the animals.

Question 7. To what extent do you agree with the proposal to allow licences to be issued for a fixed term, set at any point in the year?

DBRG supports the view that licences should be issued for a fixed term of one year, set at any point in the year. We strongly believe there should be a 12 month maximum period for licensing of any animal establishment in order to ensure appropriate welfare standards.

Question 8. To what extent do you agree or disagree with the proposal to increase the maximum length of licence that local authorities may issue to up to three years?

DBRG has concerns about the potential for three year licensing. This is because of the complex process of withdrawing a licence. If premises have been running for a longer period, this could make the process of withdrawing a licence more difficult on the basis of 'tacitly accepted' standards. Three year licences increase the risk of non-compliance significantly.

DBRG has serious concerns about tacit consent for animal establishments. At present a number of local authorities allow tacit consent for animal establishments of all types. It appears to be a way of reducing work load. We are concerned that a reduction in inspections may enable some premises who have gained tacit consent, by opening without inspection, to continue for longer periods without any level of inspection. The purpose of licensing is to provide protection for animal welfare and consumers through monitored adherence to licence conditions. Therefore sanctioning premises

to operate under long standing licences, especially without routine inspections, places both animals and consumers at risk.

We feel, however, that there is an argument for a properly managed risk-based approach to inspections, as is often the case with livestock establishments. This would enable local authorities to focus resources where they are most needed.

Question 9. To what extent do you agree or disagree with the proposal to allow licence holders to transfer licences to new owners of the same premises, subject to notification and approval by the local authority?

DBRG definitely does not support this proposal. New owners may have different attitudes, knowledge and resources. Each owner needs to be appraised separately. The provision of adequate welfare cannot be assumed to transfer automatically with sale and reflects the simple and incorrect view that provision of adequate welfare depends purely on the physical surroundings such as kennel facilities. The purposes and intentions of new owners may be quite different, for example in terms of breeds and number of dogs kept. This proposal reflects administrative and business convenience rather than animal welfare. It is only the appropriate care and welfare considerations which ensure that welfare is maintained.

Question 10. To what extent do you agree or disagree with the proposal to require licence holders to notify local authorities of major changes, such as changes of premises or scale of activities?

DBRG is of the view that licence holders must be required to report any significant change, including any change in the number of animals, species or changes in housing. As stated earlier, different species of animal require the appropriate expertise of inspectors. Currently, many licence holders are required by their local authority to report these changes. In practice large scale dog breeders often simply increase and increase the number of dogs kept over and above the number of dogs licensed for at the initial inspection. They may also make changes to the accommodation, such as moving dogs into smaller sheds compared to the kennel facilities initially inspected. Local authorities do not necessarily react to those changes, often simply revising the numbers upwards at the next inspection, or nothing at all.

DBRG proposes that failure to notify and obtain licence approval for significant changes has the potential to be penalised. One mechanism for this would be the provision of power of the local authority to suspend or revoke licences directly without recourse to a magistrate's court (a power now available to Welsh authorities). Failure on the part of licence holders to notify LAs of significant changes should also be a factor taken into account by a local authority when deciding to renew a licence. The history of such failure implies disregard of regulations and unreliability.

Question 11. To what extent do you agree or disagree with the proposal to maintain the registration requirements for performing animals?

This is not our area of competence but common sense and a consideration for animal welfare argues in favour of a registration requirement for performing animals. The welfare of animals in a performing environment has the potential to be significantly compromised. There is also a potential risk to the public from animals which are in poor health or suffering from stress.

Question 12. To what extent do you agree or disagree with the proposed changes to the registration system for performing animals.

The consultation document states, *'We propose to maintain the registration requirement, while updating our legal standards to explicitly refer to the welfare needs set out in the Animal Welfare Act and at the same time remove the need for local authorities to send copies of the paperwork to Defra. We also propose to extend powers of inspection to premises where performing animals are kept.'*

DBRG agrees this proposal which potentially extends opportunities for addressing poor welfare standards at an earlier stage than is currently possible.

Question 13. To what extent do you agree or disagree with these proposals on powers of entry?

The consultation document states, *'In line with the recommendations of the review, we propose to add safeguards to powers of entry, to include: if entry is not gained by consent, a warrant will be required to enter dwelling premises; a maximum of four persons may make use of this power of entry; and reasonable notice will be given of the application for a warrant unless such notice would defeat the object of the entry.'*

DBRG agrees with these proposals. It is essential that there is the power to enter dwelling premises as these may conceal animal welfare breaches. This is particularly relevant when cases involve animals which can be hidden away. Appropriate protection for civil liberties and personal premises are needed too. We have some concerns about the restrictions in numbers of people permitted to enter premises. Some cases dealt with by the RSPCA include very large numbers of animals and four people would be unable to deal with such numbers in a timely fashion.

Question 14. To what extent do you agree or disagree with the proposal to allow exemption from licensing requirements for businesses affiliated to a body accredited by UKAS?

DBRG's position on this is that no breeder should be exempt for local authority inspections or licensing. This ensures a clear and uniform system which breeders and puppy buyers can understand.

In order to overcome some of the current licensing and inspection problems such schemes could play a part in a local authority risk-based approach. For example, if such a scheme is accepted as having very high standards, after the initial local authority inspection, it might be the case that these breeders undergo fewer full scale inspections. They would, however, be subject to short, unannounced visits from local authority inspectors. There is the very important question of accountability and we feel that ultimately the local authority should be accountable for ensuring that minimum standards are being met.

Question 15. Do you think sector-led UKAS-accredited certification schemes could improve animal welfare in unlicensed areas? If so, what would work best and how could this process be encouraged?

As this question relates to Dog Breeding, UKAS-accredited certification schemes for unlicensed breeders would be an incentive for high welfare standards. We would still insist that all breeders are

registered with their local authority and that all advertisements for puppy sales should be accompanied by a breeder's local authority registration number.

Other unlicensed areas, such as rescue and rehoming, and boarding establishments, would also benefit from UKAS-accredited certification schemes in the same way.

ADDITIONAL COMMENTS

DBRG would like to add that the protection of animal welfare in **breeding establishments** (licensed and unlicensed) must include the protection of the **offspring** from breed related genetic diseases and physical traits which impact on welfare. Many of these diseases and traits can cause long term suffering and/or premature death. Many of these diseases and traits are preventable if selection is done ethically and responsibly. There is information now publicly available to minimise these welfare effects, for example, health screening, DNA testing and lowering coefficients of inbreeding (COI). Any business involved in the breeding of dogs, or any companion animal species, should have a duty to ensure that animals are bred in a manner which will give them the best possible chance of a happy, healthy life. We feel that the **pet buying public** should be protected from the heartache of witnessing the suffering of, a 'family member.' They should also be protected from the very high veterinary costs of treatment in these cases and/or the premature loss of a pet.

Although the UK is not a signatory of the **European Convention for the Protection of Pet Animals (1992)** the wording of Article 5 on Breeding states:

'Any person who selects a pet animal for breeding shall be responsible for having regard to the anatomical, physiological, and behavioural characteristics which are likely to put at risk the health and welfare of either the offspring or the female parent.'

This statement, or something similar, should be incorporated into any licensing agreement for breeders and breeding premises.

A FINAL COMMENT

We understand the Government's agenda of promoting business, reducing regulation and cutting red tape. However, in the case of sentient animals, the guiding principles must be those of understanding, kindness and compassion for the animals themselves. In the words of Mahatma Gandhi, *'The greatness of a nation and its moral progress can be judged by the way its animals are treated.'*

