



House of Commons  
Environment, Food and Rural  
Affairs Committee

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**Dog Control and  
Welfare**

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**Seventh Report of Session 2012–13**

*Volume I: Report, together with formal  
minutes, oral and written evidence*

*Additional written evidence is contained in  
Volume II, available on the Committee website  
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## Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

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### Committee staff

The current staff of the Committee are Richard Cooke (Clerk), Anna Dickson (Second Clerk), Sarah Coe (Committee Specialist—Environment), Phil Jones (Committee Specialist —Agriculture), Clare Genis (Senior Committee Assistant), Owen James (Committee Assistant), Yago Zayed (Committee Support Assistant), and Hannah Pearce (Media Officer).

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## Summary

The UK is said to be a nation of dog lovers, with some 8 million canine pets—yet over 100,000 strays are found each year, incidences of cruelty and neglect are rising and many dogs are out of control due to the irresponsible or deliberate actions of a minority of owners. Seven people, including five children, have been killed by dogs in homes since 2007 and the cost to the NHS of treating severe dog attack injuries is over £3 million annually. Additionally, many animals, including livestock and some eight assistance dogs a month, are attacked by dogs.

Current dangerous dogs laws have comprehensively failed to tackle irresponsible dog ownership and Defra's current, belated proposals are woefully inadequate. Ministers' inability to provide us with detailed answers on a range of dog control and welfare questions has done little to reassure us about the priority the Government gives to these issues. Defra should urgently introduce a comprehensive Bill consolidating the fragmented legislation relating to dog control and welfare. This should include tailored Dog Control Notices which would allow enforcement officers more effectively to prevent dog attacks by enabling action on any dog-related antisocial behaviour. Failing this, Defra must be given a much firmer locus in policy-making so that dog-related issues can be fully taken into account in the Home Office current proposals for a 'one size fits all' set of antisocial behaviour prevention measures. The Government's simplistic approach ignores the real cause of antisocial behaviour related to dogs. Irresponsible dog breeding and the failure to socialise puppies in the first few months of life can lead to persistent problems which are hard to tackle later on. The current Home Office approach appears to focus solely on the current owner of a dog rather than the initial breeder and this cannot begin to tackle the scale of the problem.

Local authorities must ensure that dog warden services are fully resourced so as to more effectively manage stray dogs: failing this the Government should consider returning statutory responsibility for stray dogs to the police.

There is a gap in the current law on dog attacks which means that those attacked on private property have no recourse to the criminal law provisions which apply to attacks on public land. We fully endorse the Government's proposed amendment to the Dangerous Dogs Act 1991 to encompass attacks on private land but it will be crucial, in enforcing this, that the police and prosecutors distinguish between those lawfully on a person's property and intruders. The Government's assurances on this are too vague and clear guidance is needed to avoid unintended consequences.

Dog attacks on animals are not given sufficient attention in the current legal framework. Attacks on assistance dogs such as guide dogs can have severe impacts on a disabled person's mobility and daily life. Legislation should be amended so that an attack by a dog on an assistance dog is treated as an aggravated attack in the same manner as an attack on a person.

The police must be more consistent in prosecuting those whose dogs attack livestock and existing legislation must be updated to include livestock such as llamas and other camelids.

The Government's proposal to require the microchipping of all dogs from April 2016 will have positive benefits since microchipping provides a means of identifying a stray dog to allow it to be reunited with its owner. However, it will do little to prevent irresponsible dog owners from allowing or encouraging their dogs to be aggressive and rigorous enforcement will be needed to ensure that all owners comply.

The current law banning ownership of specific types of dogs was introduced with the laudable intention of banning fighting dogs, but the criteria for inclusion of a dog type in the banned list is flawed and has led to the exclusion of some dangerous dog types. The Dangerous Dogs Act should be amended to enable the Secretary of State to add other types of dog with particularly aggressive characteristics to the list of banned dogs as required. We believe that Government policy should be consistent with targeting 'deed not breed'.

Welfare issues related to dog breeding remain an issue of high public concern, particularly the practices of so-called 'puppy farmers' and some pedigree breeders. A breeder can currently produce up to five litters per year without being licensed or facing checks on welfare standards. The threshold should be reduced to no more than two litters a year per breeder. Online advertising is making it easy for disreputable breeders to find a market for puppies and dogs with little redress available to buyers of pets that turn out to be unhealthy. A voluntary Code of Practice should be established for websites offering dogs and puppies for sale and such sites should do more to educate potential buyers and to check up on the credentials of sellers.

The dog breeding community, including the Kennel Club and some breed clubs, has taken steps to improve the health and welfare of pedigree dogs in recent years. However, too many dogs continue to suffer ill-health due to inbreeding and breeding for exaggerated characteristics. The Kennel Club must also do far more to use its influence with the pedigree dog community, including refusing to register puppies from breeders not compliant with the Club's Assured Breeder Scheme. The Kennel Club should also commission an independent annual review of Breed Standards led by vets.

Defra has been insufficiently proactive in tackling dog welfare issues related to breeding practices. Reliance on voluntary action has led to limited and slow reform. The Minister's evidence to us did little to reassure us as to the priority the Department places on these issues. Defra should give the Advisory Council on Welfare Issues of Dog Breeding a regulatory role in enforcing standards. Given the complexity of genetic health issues, breed-specific strategies are needed to improve the health of breeds but further data is required on the incidences of heritable diseases.

# 1 Introduction

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## Background to the Inquiry

1. The UK is a nation of dog lovers with around eight million dogs kept as pets.<sup>1</sup> Yet in 2011–12 there were some 118,000 stray dogs found, 7% of which were destroyed, and increasing numbers of cases of cruelty are reported by animal welfare charities.<sup>2</sup> Recent reports have highlighted the poor conditions in which some dogs are bred and sold (often at so-called ‘puppy farms’) as well as concerns about some practices linked to pedigree dog breeding. Incidences of dangerously out of control dogs have been increasing. Each year about 210,000 people are attacked by dogs in England, including some 6,000 postal workers, and there have been seven fatal dog attacks in homes since 2007 (five of them on children).

2. In April 2012, in response to growing public concern about out of control dogs, Defra launched a consultation on *Tackling Irresponsible Dog Ownership*.<sup>3</sup> In May 2012 the Home Office published a White Paper, *Putting Victims First*, including proposals applicable to dog-related antisocial behaviour and crime.<sup>4</sup> That month we launched our inquiry into Dog Control and Welfare, to examine both dangerous dogs issues and welfare concerns linked to breeding. On dog welfare issues we focused on the response from the Government, the veterinary profession and the dog-breeding community to Professor Bateson’s 2010 report of his *Independent Inquiry into Dog Breeding*.<sup>5</sup> The full terms of reference for our inquiry are appended to this report.

3. We received 85 written submissions and held five oral evidence sessions in September and October 2012, hearing from representatives of the dog-breeding community, animal welfare charities, veterinary professionals, the police and local authorities, as well as from those affected by dog attacks. We also heard from Professor Bateson and Professor Crispin, Chair of the Advisory Council on Welfare Issues of Dog Breeding. We took evidence from Lord de Mauley, Defra Parliamentary Under-Secretary for Resource Management, the Local Environment and Environmental Science; and from Jeremy Browne MP, the Home Office Minister for Crime Prevention. A full list of witnesses can be found at the end of this report. We are grateful to all who gave us evidence in person or in writing and to the Battersea Dogs and Cats Home which in May 2012 hosted a visit by the Committee in preparation for our inquiry.

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1 Defra’s *Impact Assessment on Microchipping of Dogs* refers to a UK dog population of 8 million as estimated by the Pet Food Manufacturers Association, inferring from this an English dog population of 6.7 million, (para 15, p 8). However, estimates of UK dog ownership vary from 7 to 10 million. See <http://www.dognews.co.uk/uk-pet-owner-statistics/> and <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1852100/>

2 Dogs Trust, *Stray Dogs Survey 2012*, September 2012: figures are for 1 April 2011–31 March 2012. The RSPCA reported in 2011 rises of 24% in the number of people convicted for cruelty and neglect, 22% in convictions relating to cruelty to dogs and 21% in disqualifications on keeping animals imposed by the courts. <http://www.bbc.co.uk/news/uk-17821630>

3 Defra, *Tackling Irresponsible Dog Ownership*, April 2012. This consultation sought responses by 15 June 2012

4 Home Office, *Putting Victims First: More Effective Responses to Animal Behaviour*, CM 8367, May 2012. The Home Office published the *Draft Antisocial Behaviour Bill*, CM 8495, on 13 December 2012

5 Patrick Bateson, University of Cambridge, *Independent Inquiry into Dog Breeding*, January 2010

## 2 Dog Control

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### Overview of Defra proposals

4. Defra has stated that “people need to be assured that there are laws in place that enable the police, local authorities and the courts to respond when owners have failed to prevent their dogs becoming dangerously out of control”.<sup>6</sup> There are a number of Acts of Parliament that provide sanctions against those who allow their dogs to become out of control, ranging from the civil sanctions available under the Dogs Act 1871 to the criminal powers under the Dangerous Dogs Act 1991. In addition, the Dogs (Protection of Livestock) Act 1953 provides specific protection against livestock being worried or attacked by dogs. Prompted by a sharp rise in the problems associated with irresponsible dog ownership, on 23 April 2012 the former Minister for Agriculture and Food, James Paice MP, launched a consultation on proposals to tackle irresponsible dog ownership.<sup>7</sup> This consultation cited:

- The 39% increase in the number of adults sentenced for offences relating to dangerous dogs from 855 in 2009 to 1,192 in 2010;
- The rise in the number of dog-related admissions to hospital from 2,915 in 1997 to 6,118 in 2010;
- Costs to the NHS of some £3.3 million in 2009 alone from treating the most serious cases where victims had to be admitted for treatment following a dog attack;
- The numerous attacks reported annually on Royal Mail, Parcelforce and British Telecom staff. Most of these attacks take place on private property;
- The deaths of five people between 2007 and 2010 following a dog attack in the home— four of the victims were children under the age of four years;
- Concerns raised with Defra about dog attacks on health visitors and social workers during home visits.<sup>8</sup>

5. The consultation asked for views on the following issues:

- Compulsory microchipping of dogs. A number of specific options were proposed with Defra’s preferred option being the compulsory microchipping of all puppies before they are first sold or gifted;
- Extending the criminal offence of allowing a dog to be dangerously out of control to private property (where the dog has a right to be);
- Removing the need for the police to “seize and kennel dogs seized as a suspected dangerous dog or prohibited type until the outcome of court proceeding”; and

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6 [www.defra.gov.uk/wildlife-pets/dangerous/](http://www.defra.gov.uk/wildlife-pets/dangerous/)

7 Defra, *Promoting more responsible dog ownership: Proposals to tackle irresponsible dog ownership*, April 2012, p 2

8 HC Deb, 23 April 2012, col 31WS



- Increasing the fee for placing a prohibited type dog on the Index of Exempted Dogs.<sup>9</sup>

6. In February 2013, after we finished taking oral evidence, Defra announced a package of measures to tackle welfare and irresponsible dog ownership on which it had consulted in 2012. These focus on the microchipping of dogs, extending the law to cover dangerous dogs offences which occur on private property, and the seizing and kennelling of suspected dangerous dogs.<sup>10</sup>

7. The evidence we received overwhelmingly supported the need for the Government to take further action to tackle dangerous dogs. We heard disturbing evidence from just a few of the victims of dog attacks, including Angela McGlynn, the mother of four-year-old John-Paul Massey who was killed by a relative's Pit Bull in his grandmother's home in 2009. Ms McGlynn told us that the family had had no indication that the dog was likely to be aggressive before the fatal attack.<sup>11</sup> She said that the present law and system of dealing with irresponsible dog owners had "let us down" since, despite the police having been notified about the presence of a banned type of dog, no action had been taken or advice provided to the owner.<sup>12</sup>

8. The Communications Workers Union (CWU) which represents postal workers told us that some 6,000 of its members were attacked by dogs each year while doing their jobs. The CWU considered the Dangerous Dogs Act 1991 to have been "totally ineffective" at protecting postal workers.<sup>13</sup> The Guide Dogs Association, which reported that around eight guide dogs a month were attacked by other dogs, considered that the current law did not go "far enough".<sup>14</sup>

9. Defra's 2012 consultation followed a consultation started by the previous Government in March 2010 on a wider set of proposals to improve legislation relating to dangerous dogs and responsible dog ownership in England and Wales.<sup>15</sup> That consultation covered:

- extending the criminal law to all places including private property;
- making additions or amendments to (including possible repeal of) Section 1 of the 1991 Act;<sup>16</sup>

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9 Defra, *Promoting more responsible dog ownership: Proposals to tackle irresponsible dog ownership*, April 2012. Note: these proposals apply to England only, apart from the proposals relating to increasing the registration fee for the Great Britain-wide index of Exempted Prohibited Dogs which is not a matter devolved to Wales. The Devolved Administrations in Scotland, Wales and Northern Ireland have developed, or are in the process of developing, specific dog control and breeding approaches for their nations

10 Defra, *Promoting more responsible dog ownership: Summary of responses to consultation and way forward*, February 2013

11 Q1

12 Q5. Section 1 of the Dangerous Dogs Act 1991 prohibits the ownership of certain types of dog, including Pit Bulls

13 Q 42

14 As above

15 Defra, *Public consultation on dangerous dogs: Does current dangerous dogs legislation adequately protect the public and encourage responsible dog ownership?* 9 March 2010

16 Section 1 of the Dangerous Dogs Act 1991 prohibits the ownership of certain types of dogs, unless they are on the Index of Exempted Dogs. Prosecutions may be brought before a court based on "just the physical characteristics of the dog". Defra, *Dangerous Dogs Law: Guidance for Law Enforcers*, March 2009

- repeal of the 1997 Dangerous Dogs (Amendment) Act to prevent any more dogs being added to the Index of Exempted Dogs;
- the introduction of Dog Control Notices;
- requiring all dogs to be covered by third-party insurance;
- requiring that all dogs, or puppies, be microchipped; and
- improving enforcement of the existing law, including a consolidation of existing statutes into one new, updated Act.<sup>17</sup>

10. The narrower focus of Defra’s 2012 consultation proposals prompted criticism from many of our witnesses—for example the Battersea Dogs and Cats Home considered them to be merely “tinkering around the edges”,<sup>18</sup> whilst the BVA and the BSAVA called the consultation a “missed opportunity”.<sup>19</sup>

11. Defra’s website notes that its consultation proposals, along with other work already being carried out, provide a mix of “preventative, educational and punitive measures...designed to tackle a variety of problems (e.g. allowing dogs to become dangerous, status dogs, allowing dogs to stray and general irresponsible ownership leading to poor welfare and antisocial behaviour)”.<sup>20</sup> Defra specifies that it will also:

- Evaluate and disseminate best practice in community-based projects to encourage responsible dog ownership;
- Train more police officers to become specialised in dog legislation;
- Revise the guidance to the courts on dangerous dogs offences;<sup>21</sup> and
- Work with the Home Office in reforming anti-social behaviour tools and powers (where this involves dogs).<sup>22</sup>

12. Witnesses tasked with enforcing dog legislation, including the Local Government Association (LGA) and the Association of Chief Police Officers (ACPO), expressed reservations about the ambition of the package of proposals.<sup>23</sup> ACPO noted that, some 20 years on, “serious flaws” were still being found in the existing legislation and wanted greater flexibility for the police to deal with the variety of issues faced. In particular, the

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17 Defra, *Public consultation on dangerous dogs: Does current dangerous dogs legislation adequately protect the public and encourage responsible dog ownership?* 9 March 2010, p 13

18 “Battersea’s verdict on Government’s dogs announcement: a wasted opportunity”, Battersea Dogs and Cats Home press release, 23 April 2012

19 Ev 85

20 Defra webpages on tackling irresponsible dog ownership consultation. See <http://www.defra.gov.uk/consult/2012/04/23/dangerous-dogs-1204/>

21 Revised guidance was issued by the Sentencing Council in May 2012. See <http://sentencingcouncil.judiciary.gov.uk/media/708.htm>

22 Defra, *Promoting more responsible dog ownership: Proposals to tackle irresponsible dog ownership*, April 2012, p 2

23 Ev 73

Association asked for a focus on preventative measures such as Dog Control Notices and Orders,<sup>24</sup> which we consider further below.

13. Some witnesses, such as the Battersea Dogs and Cats Home, were critical of the time it had taken Defra to produce their proposals, and that even then they were published in the form of a consultation.<sup>25</sup> The National Dog Warden Association was “shocked and disappointed” that Defra had decided to spend time consulting further, referring to the “long overdue overhaul” of dog legislation for which it had lobbied for many years with a number of other groups.<sup>26</sup>

14. The 2010 consultation included the option of consolidating dog control legislation but that does not appear as an option in the 2012 consultation. Some witnesses argued that consolidating legislation would help to provide a robust legislative framework, with, for example, the Battersea Dogs and Cats Home and the Blue Cross suggesting this should be the Government’s top priority action on dog control.<sup>27</sup> The BVA and the BSAVA considered that it was necessary to replace the Dangerous Dogs Act with “dedicated and consolidated legislation” in order to solve all of the problems associated with dog control and welfare.<sup>28</sup> The term ‘consolidation’ has a particular and specific meaning when applied to legislation. Most Consolidation Bills are proposed by the Law Commission and follow a particular Parliamentary procedure.<sup>29</sup> Consolidation Bills usually bring together a number of existing Acts of Parliament on the same subject into one Act without amending the law, although they occasionally contain minor corrections and improvements or repeal obsolete or unnecessary parts of the existing legislation. The advantages of bringing together all the legislation relating to a subject into a single unified Act of Parliament include reducing the number of overlapping provisions and providing enforcement agencies with a clearer set of powers. Dog control legislation comprises around two dozen key Acts and a large number of ancillary statutory measures. It would benefit from unification and clarification, but may require too much amendment to qualify for the particular procedures that apply to Consolidation Bills.

15. Lord de Mauley, Parliamentary Under-Secretary of State at Defra, while acknowledging that problems associated with dangerous dogs were increasing, told us that the Government was “unlikely to go for wholesale reform” of legislation.<sup>30</sup>

16. With the exception of the headline issues included in Defra’s consultation, such as microchipping and the extension of Dangerous Dogs Act offences to private property, the Minister appeared to be poorly briefed and ill-prepared to provide us with information on the Department’s views on a range of dog issues. For example, on the issue of giving the police statutory responsibility for stray dogs he stated that he was not convinced that this

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24 Ev 88, Ev 89

25 Ev 103

26 Ev w19

27 Q 171 [Steve Goody, Clare Horton]

28 Ev 85

29 Consolidation bills are introduced in the House of Lords and after Second Reading committed to the Joint Committee on Consolidation Bills, which may propose amendments. Third Reading in the House of Lords and all stages in the House of Commons usually pass without substantive debate

30 Q 355

was the way forward but that it was “difficult to know how else one would address it”.<sup>31</sup> On further measures to reduce attacks on livestock he said he was “not convinced that it is a case of legislating” but provided no detail on alternative approaches,<sup>32</sup> simply noting that the Home Office rules would address this.<sup>33</sup> On educational plans he told us that “our final decision” was yet to come,<sup>34</sup> noting that educating school children about dogs was “worth investigating”.<sup>35</sup> No formal assessment of local authorities’ effectiveness on licensing dog-breeding establishments had been undertaken or was planned.<sup>36</sup> Nevertheless, the Minister told us that he was sure that there would be primary legislation to extend the application of Dangerous Dogs Act offences to private property and secondary legislation on microchipping proposals.<sup>37</sup>

**17. The high number of dog attacks demonstrates that the current legislation on dangerous dogs has comprehensively failed to protect the public from attacks by out of control dogs, many of which have had horrific consequences. We were disappointed that the Minister was unable during our oral evidence session last October to provide the Committee with either detailed or comprehensive answers on a range of dog control and welfare issues. His evidence has done nothing to reassure us about the priority that Defra gives to this important issue. We believe the current approach set out by the Government is too simplistic and does not take adequate account of the importance of preventative action to deal with irresponsible dog breeders.**

**18. Defra’s consultation failed to reflect widespread public concern about irresponsible dog ownership, and its proposed measures announced in February 2013 were woefully inadequate. We recommend that Defra undertakes urgently a comprehensive consolidation of the legislation relating to dangerous dogs so as to provide a clear statutory basis for taking action on irresponsible dog owners. As a precursor to this, Defra should consult the Law Commission on the opportunities for the Commission to prepare a consolidation of dog control legislation.**

## **Defra’s consultation proposals**

### ***Dog attacks which take place on private property***

19. The Dangerous Dogs Act 1991 applies only to offences committed in a public place, not to those committed in a private place (unless the dog is not permitted to be there).<sup>38</sup> Defra’s 2012 consultation includes proposals to remedy the legislative gap to enable prosecutions when a dog attack takes place on private property where the dog is permitted to be. Scotland and Northern Ireland already have legislation in place covering offences that

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31 Q 359 and Q 360

32 Q 365

33 Q 368

34 Q 399

35 Q 403

36 Q 406 and Q 407 [Sue Ellis]

37 Q 447 and Q 448

38 Section 3 of the Dangerous Dogs Act 1991 makes it a criminal offence for an owner to allow any dog (regardless of breed) to be out of control in a public place or a private place where the dog is not permitted to be

occur in any place.<sup>39</sup> Defra refers in its consultation to the number of high-profile serious attacks which have occurred in the home, noting that in many cases the victims were children.<sup>40</sup> Since starting our inquiry there have been two further fatal dog attacks in private homes.<sup>41</sup>

20. Many submissions to Defra's 2010 consultation supported the extension of the criminal law to all places although there was a lower level of support from members of the public, some of whom were concerned that intruders could seek prosecution of an owner, even if injured while committing a criminal act such as burglary. The evidence we received closely mirrored this response, with overwhelming support for Defra's proposed extension of the Dangerous Dogs Act to private property. For example, Angela McGlynn told us that "people need more rights" because many attacks are on private property, such as a relative's or their own home.<sup>42</sup> The CWU told us that some 70% of dog attacks on its members occurred on private property with no criminal sanctions applicable, arguing that the law had to "apply everywhere equally".<sup>43</sup> ACPO supported the proposal for its "operational benefits" given that currently there were "horrific and all too frequent examples of where the police have limited or no means to take appropriate action".<sup>44</sup>

21. Witnesses opposed to the extension were concerned that the owner of a dog that attacked an intruder could be prosecuted. Some were concerned about potential prosecution of those whose dog attacked any visitor, even one with innocent purposes. Caroline Kisko from the Kennel Club told the *Telegraph* newspaper that it would be "unrealistic" to ask a dog to judge if it was using reasonable force.<sup>45</sup> The NFU considered that there could be impacts on farmers who relied on pets or working dogs to warn off potential intruders, particularly at isolated properties.<sup>46</sup> However, ACPO noted that there is already a duty on an owner of a property with access (such as a farm frontage) to ensure the safety of any visitor, such as postal workers. If, for security purposes, they do not wish to have people approaching the property, owners must have "adequate security measures and signage" in place.<sup>47</sup> The Minister said that the proposed extension would "not extend to protect trespassers who have entered the private property with unlawful intentions".<sup>48</sup> However, some witnesses, including the NFU, were concerned that it was not clear how this caveat would be enshrined in law.<sup>49</sup> ACPO told us that this issue was being examined

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39 In Northern Ireland the control of dogs is governed by the Dogs Order (NI) 1983 (as amended by the Dangerous Dogs (Northern Ireland) Order 1991). In Scotland this extension has been achieved by amendments in the Control of Dogs (Scotland) Act 2010

40 Defra, *Promoting more responsible dog ownership: Proposals to tackle irresponsible dog ownership*, April 2012, consultation document, p 8

41 Dog attacks led to the death of a woman in Morden in October 2012 and a newborn baby in Shropshire in November 2012

42 Q 21

43 Q 60

44 Ev 91

45 "Owners could face jail if dogs attack burglars under new plans", *The Telegraph*, 24 April 2012

46 Ev 110

47 Ev 96

48 HC Deb, 23 April 2012, col 31W5

49 Q 69

closely and that safeguards would be put in to protect people present on a property with “implied or express permission”, whilst not protecting those there unlawfully.<sup>50</sup>

22. In February 2013, the Government announced its intention to extend the provisions of the Dangerous Dogs Act to make it a criminal offence to allow a dog to be dangerously out of control in any place, including on the dog owner’s property.<sup>51</sup>

23. Given the clear gap in the law which has for too long left those attacked on private property without effective criminal recourse, we welcome the proposed extension of the Dangerous Dogs Act 1991 to offences committed on private property where the dog is permitted to be. Nevertheless, we recognise the concerns of those who fear a prosecution could be brought against the owner of a dog which attacks someone who is on their property with unlawful intent. However, there are already existing obligations on the owners of property and we acknowledge concerns raised by some witnesses that a change might have unintended consequences. We therefore believe it is essential that clear guidance is issued to ensure that the change in the law is used proportionately.

**24. We recommend that the Government frames clear guidance for law enforcement officers and the Crown Prosecution Service enshrining Ministerial assurances that the application of measures under the Dangerous Dogs Act 1991 to offences taking place in private places will not protect trespassers. Defra should publish draft clauses as soon as possible for full consultation.**

### **Microchipping of dogs**

25. In 2012 the Microchipping Alliance was formed by the Dogs Trust together with welfare organisations, vets and pedigree dog registration bodies. The Alliance lobbies for all dogs to be microchipped and their details kept on a national database. It has estimated that such a scheme would save the public purse £20.5–£22.8 million a year.<sup>52</sup>

26. Defra’s 2012 consultation states that microchipping is a “quick, safe and permanent way of identifying a dog” which allows lost dogs to be returned to their owners and the identification of irresponsible owners.<sup>53</sup> Currently 58% of England’s dogs are microchipped and, with numbers of stray dogs rising over recent years and many re-homing centres full, Defra is proposing the introduction of compulsory microchipping.<sup>54</sup>

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50 Q 106

51 Defra, *Promoting more responsible dog ownership: Summary of responses to consultation and way forward*, February 2013

52 Ev 83. The Microchipping Alliance bases these estimates on the fact that if more dogs were microchipped, more could be returned to their owners and in a more timely manner. As such, the cost to local authorities would be vastly reduced

53 Defra, *Promoting more responsible dog ownership: Proposals to tackle irresponsible dog ownership*, April 2012, consultation document, p 3

54 The microchip is implanted under the skin of the dog in a simple and quick procedure. The owner’s details (name and address etc) are entered into a national database linked to the microchip’s unique identification number. A scanner can be run over the dog to pick up this unique identification number and the dog’s details checked on the database



27. Around 85% of those responding to Defra's 2010 consultation supported compulsory microchipping in principle. Defra's 2012 consultation sets out five potential options for implementing microchipping:

- Microchip all puppies only (Defra preferred option);
- Microchip all dogs on change of owner only;
- Microchip dogs on change of owners and then after a period of time microchip all dogs;
- Microchip all dogs within a year of legislation coming into effect; or
- No change to the current situation where owners can choose to microchip their puppy/dog.

28. In February 2013, Defra announced that it would introduce measures to require all dogs to be microchipped and registered on an authorised commercial database by 6 April 2016. Owners will have to register the details before they sell or give a dog away and will be responsible for providing up-to-date details to the database.<sup>55</sup>

29. The three Devolved Administrations have taken different approaches to microchipping. Microchipping of all dogs requiring a new licence is mandatory in Northern Ireland,<sup>56</sup> and the Welsh Government consulted in August 2012 on the mandatory microchipping of dogs.<sup>57</sup> However, the Scottish Government told us that it “has no evidence to show that making microchipping compulsory for all dogs would effectively tackle welfare issues such as puppy farming or dog control issues such as dog attacks”, hence it is not considering introducing this measure at present although it is monitoring developments elsewhere in the UK.<sup>58</sup>

30. Most witnesses to our inquiry supported compulsory microchipping, with the Blue Cross referring to the “groundswell of support from dog owners”.<sup>59</sup> Although there are concerns that the cost of microchipping would be a burden on responsible dog owners, most witnesses recognised that the welfare benefits outweighed these concerns. Additionally, many charities offer discounted or free microchipping services and veterinary practices may include discounted microchipping as part of a package of wider healthcare measures.<sup>60</sup> The BVA and the BSAVA noted that the cost, at between £10 and £30, was not prohibitive in comparison to estimated lifetime costs of owning a dog of some £16,000–£31,000.<sup>61</sup> The Minister told us very high levels of compliance with microchipping

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55 Defra, *Promoting more responsible dog ownership: Summary of responses to consultation and way forward*, February 2013

56 Compulsory microchipping was introduced in Northern Ireland following commencement of powers under the Dogs (Amendment) Act (Northern Ireland) 2011 on 9 April 2012. All dogs must be microchipped by April 2013

57 “Minister proposes microchipping for all dogs in Wales: New plans to help improve the welfare of all dogs in Wales have been set out by Environment Minister, John Griffiths” Welsh Government press release, 16 May 2012

58 Ev w80

59 Q 146 [Steve Goody]

60 Defra, *Promoting more responsible dog ownership: Proposals to tackle irresponsible dog ownership, Impact Assessment* April 2012

61 Ev 86

in EU member states where it was compulsory indicated that such a policy would generate a “good level of compliance” in the UK.<sup>62</sup>

31. It should be noted that many witnesses, even those in favour of the proposal, were highly sceptical that microchipping would itself lead to any reduction in dog attacks and supported the approach largely because of the benefits for dog welfare.<sup>63</sup> The Impact Assessment (IA) accompanying Defra’s consultation states that whilst it is “firmly believed” that microchipping will have a positive impact on dog welfare it only “may” assist in the control of dangerous and nuisance dogs.<sup>64</sup> The Minister told us that “the real reason for microchipping is to address issues of dog welfare and straying particularly”.<sup>65</sup> Despite Defra’s current support for microchipping, Ministers have not always been so enthusiastic, with former Defra Minister, James Paice MP, quoted in the press in 2010 as stating that:

Our view is that, as with licensing, the people whom we are trying to address would not do it [microchip]. One could argue that dogs found without a microchip would be destroyed, but we would end up with the serious problem of having to destroy a large number of dogs.<sup>66</sup>

32. Witnesses to our inquiry echoed concerns about whether irresponsible owners would comply. The LGA told us that it doubted whether the very people who needed to be reached would be “part of the microchipping process at all”.<sup>67</sup> However, ACPO told us that, in light of the frequent transfer of dogs around the criminal community, microchipping would be a step forward.<sup>68</sup> Further, it would aid the police in assisting other agencies in controlling dogs by enabling the quick locating of those whose dogs may have been involved in an incident.<sup>69</sup>

33. Many witnesses disagreed with Defra’s preferred consultation option to microchip puppies only. The Battersea Dogs and Cats Home noted that, under a policy of microchipping only puppies, it would take some 12 years for all dogs to be chipped.<sup>70</sup> One consequence of this approach is that, for a number of years after implementation, enforcement agencies would need to be able to accurately gauge a dog’s age in order to decide if it had been born after the provision came into force. The consequent lack of certainty as to whether an owner had broken the law could in the LGA’s view “undermine enforcement action” and the Association therefore supported the introduction of microchipping for all dogs “at a fixed point”.<sup>71</sup> ACPO supported compulsory microchipping of puppies at the “earliest opportunity” and of all dogs over a period of

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62 Q 386

63 Ev 83

64 Defra, *Microchipping of Dogs Impact Assessment*, May 2012, para 9

65 Q 377

66 “John-Paul Massey’s mum’s anger as Government scraps danger dogs crackdown”, *Liverpool Echo*, 26 July 2010

67 Q 112

68 Q 111

69 Ev 90

70 Q 146 [Clare Horton]

71 Ev 74



three years.<sup>72</sup> Defra's IA calculated that requiring all dogs to be microchipped from a set date would provide greater savings, and would have the highest net present value of any of the proposed options, as well as providing "legislative certainty for owners and enforcers".<sup>73</sup> However, the Minister said it would be difficult for some database companies, vets, breeders, owners or rehoming centres to cope if all dogs were being microchipped at the same time.<sup>74</sup> Sue Ellis, Defra's Animal Welfare Team Deputy Director, also noted that a longer period of introduction would also help people to "get to know that they should be getting their dog microchipped".<sup>75</sup>

34. The Government's announcement in February 2013 that it will require microchipping of all dogs, not only puppies, is a logical modification to its preferred option as set out in the consultation package. The approach reflects the evidence we received questioning the practicalities and impact of microchipping only puppies. **We endorse the Government's proposals to require dog owners to microchip their dogs, principally in view of the likely welfare benefits. We welcome the Government's recognition that it is essential to require all dogs, not only puppies, to be microchipped in order to deliver the benefits over a reasonable timescale and to enable effective enforcement. Defra should publish the details of what it proposes as soon as possible.**

35. A potential lack of resources was also a concern. The IA for the Defra proposals anticipates a spend of only £20,000 in the implementation year for publicising any requirement to microchip dogs/puppies, despite stating that "the change in policy will need to be widely advertised to reduce incidences of non-compliance".<sup>76</sup> The IA does not include an anticipated compliance rate for the preferred option, although for other options rates of up to 90% are assumed. It states that the costings assume that there is no additional effort on enforcement beyond existing efforts to ensure responsible dog ownership.<sup>77</sup> However, the LGA noted that, without additional funding, councils would not have the resources for any proactive enforcement of microchipping requirements.<sup>78</sup>

36. The IA states that it does not anticipate significant additional enforcement costs since "microchipping would likely be added to the enforcement requirements, including as part of any penalty imposed through prosecution and therefore not add any significant case loads to the Crown Prosecution Service and Courts so owners considered less likely to comply with microchipping will be caught by other legislation". The IA also notes that cases involving solely failure to microchip would be dealt with first by issuing an improvement notice (under Section 10 of the Animal Welfare Act 2006) to microchip within a specified time (say 1 month) or even just a warning. New offences would need to be introduced for not microchipping on change of ownership and not keeping registration

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72 Ev 90

73 Defra, *Microchipping of Dogs Impact Assessment*, May 2012, p 30, para 107. This states that Option 3—require all dogs to be microchipped and registered by a set date—would deliver a best estimate net benefit (present value) of £83.9 million, compared to a figure of £17 million for the preferred option, Option 4—require all puppies to be microchipped

74 Q 378

75 Q 379

76 Defra, *Microchipping of Dogs Impact Assessment*, May 2012, p 15

77 Defra, *Microchipping of Dogs Impact Assessment*, May 2012, p 18

78 Ev 73

details up to date and the IA states that “enforcement is likely to come about as part of a wider enforcement action where dogs have come to the attention of the authorities through dangerous or nuisance dogs, poor breeding practices etc”.<sup>79</sup>

37. Prior to its abolition in 1987, only some 50% of dog owners complied with the requirement to obtain a dog licence, indicating that without public support for a policy and consistent enforcement a large proportion of the dog-owning population is unlikely to microchip their dog simply because it is mandated in law. It is vital that provisions are effectively enforced if they are to have an impact on irresponsible dog owners as well as on law-abiding ones, and this will require a concerted campaign of enforcement of provisions, including spot-checks on dogs where necessary and tough penalties on failure to comply where the offence is connected to other antisocial or criminal behaviour involving a dog. **Defra must liaise closely with enforcement agencies, including the police and local authorities, to ensure that officers are fully aware of the new provisions. It must also ensure that the public is made aware of the requirement, utilising all potential channels including via partners such as local authorities, veterinary practices, police forces and animal welfare charities. Furthermore, to ensure widespread compliance, arrangements must be made to ensure that low-cost microchipping services are provided to those less able to afford to microchip their pets or those owning assistance dogs.**

38. The need to keep data up-to-date could be a problem with implementing Defra’s proposals. Battersea Dogs and Cats Home told us that databases held incorrect information on a third of the microchipped dogs it received,<sup>80</sup> although this is likely to be a larger proportion than that for the general dog population given that many dogs are at the Home because their owners cannot be traced. ACPO considered that the registration process needed “integrity” and a single national database was needed.<sup>81</sup> However, the LGA had concerns about one private agency having this role as it would have a monopoly which would prevent market forces having a positive impact on standards and prices.<sup>82</sup> The Minister told us that there would be “four or five” databases.<sup>83</sup>

39. **We recommend that the responsibility for the accuracy of data held on a dog microchipping database be placed with the owner of the dog being sold or transferred such that the onus is on the current owner to ensure that the new owner’s details are provided correctly when the dog is transferred.**

### *Microchipping vs dog licensing*

40. Dog licensing was abolished in 1987, at which time only around 50% of owners complied with the requirement to purchase a licence.<sup>84</sup> Dog licensing was retained in

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79 Defra, *Microchipping of Dogs Impact Assessment*, May 2012, p 18

80 Ev 105

81 Ev 90

82 Ev 74

83 Q 384

84 *Dogs*, Research Paper 9816, House of Commons Library, January 1998

Northern Ireland,<sup>85</sup> where compliance remains low with only around a third of dogs licensed.<sup>86</sup>

41. We received some evidence supporting a return to dog licensing in England—a measure not included in Defra’s recent consultation. One potential benefit could be the raising of funds to help tackle dog welfare problems. The RSPCA noted that, with a 75% compliance rate, a dog licence of around £17 could generate around £107 million a year to spend on dog wardens, police resources, NHS costs and responding to imported zoonotic diseases from the trade in pets.<sup>87</sup> However, the Dogs Trust was “adamant” that a return to the dog licence would not help to prevent dog attacks, rather it would be a “bureaucratic tax” penalising millions of responsible owners.<sup>88</sup> A number of witnesses noted that microchipping provided a better approach since the chip stayed with the dog thus making it easier to link a dog to its owner.<sup>89</sup>

42. A scheme under which potential owners must prove their suitability before they are licensed to own a dog could assist in promoting responsible dog ownership. However, the majority of witnesses considered this to be an impractical approach with, for example, the BVA and the BSAVA considering it difficult to enforce.<sup>90</sup> Jeremy Browne, the Home Office Minister for Crime Prevention, noted that, since millions of people own dogs, any form of pre-ownership scrutiny of all aspirant dog owners was “probably not likely to work well in practice”.<sup>91</sup> The Defra Minister concurred, noting that it would not be practicable to require every owner to go through a suitability test.<sup>92</sup>

**43. We conclude that microchipping a dog provides a more reliable method of linking it to its owner than a licensing regime since the microchip stays with the dog at all times and can hold all the necessary data to enable enforcement agencies to identify the dog’s owner. Furthermore, we do not consider it practical or proportionate to introduce a scheme under which a potential dog owner would be required to meet conditions before being licensed.**

## Missing elements from Defra proposals

### *Stray dogs*

44. Despite a drop in 2012, the number of stray dogs has risen markedly since 2008 and currently stands at around 118,000 per year. Commentators note that during times of

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85 Department of Agriculture and Rural Development Northern Ireland (DARD NI) web pages, [www.dardni.gov.uk/index/faq/dangerous-dogs-questions.htm#legislation](http://www.dardni.gov.uk/index/faq/dangerous-dogs-questions.htm#legislation) The annual cost of a Northern Ireland dog licence is currently £12.50

86 Ev 83

87 Ev 76. A licence fee of £17-£20 would represent around 3% of the total annual cost of keeping a dog

88 Ev 83

89 Ev 105

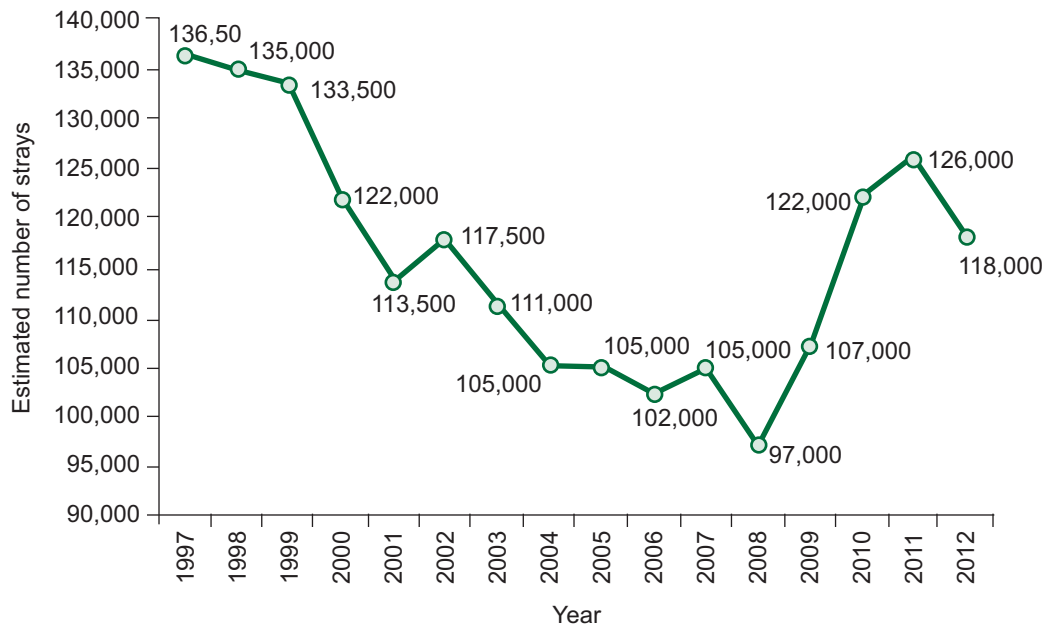
90 Ev 86

91 Q 311

92 Q 392

economic stress there is an increased likelihood of pets being abandoned by owners who can no longer afford to look after them.<sup>93</sup>

Table 1 : Estimated number of stray dogs in the UK since 1997



Source: Dogs Trust, *Stray Dogs Survey 2012 Summary Report*, September 2012, p 5

45. We received evidence expressing concern about the strain on local authorities trying to manage the rising number of stray dogs. Under the Clean Neighbourhoods and Environment Act 2005, responsibility for stray dogs passed from the police to local authorities from April 2008.<sup>94</sup> Staff at Battersea Dogs and Cats Home noted during the Committee's visit in May 2012 that local authorities had a backlog of stray dogs as dog homes had reached capacity. The Battersea Dog and Cats Home's Chief Executive told us that in the year following the transfer of responsibility for strays to local authorities, 1,100 more dogs had been brought to the Home compared to the previous year. This rise in numbers coming to animal charities had been maintained and was unlikely to abate "any time soon" due to the limited resources of local authorities.<sup>95</sup> Councillor Nilgun Canver told us that London Borough of Haringey had been "flooded" with stray dogs after the 2008 transfer, putting an "enormous burden on councils".<sup>96</sup> She considered that the responsibility for strays should be shared with the police.<sup>97</sup> The National Dog Warden Association noted that under Defra guidance councils were expected only to provide an

93 "More than 40,000 animals abandoned as recession bites for pet owners", *Metro*, 1 November 2012

94 Section 68, Clean Neighbourhoods Act 2005 (commencement No. 5 Order) terminated the role of the police in having responsibility for stray dogs. It amended section 150 of the Environmental Protection Act 1990 and repealed section 3 of the Dogs Act 1906 (c.32) (seizure of stray dogs by police) although the repeal does not apply for the purposes of section 2 (2) and (3) of the Dogs (Protection of Livestock) Act 1953

95 Q 151 [Clare Horton]

96 Q 86

97 Q 127

out-of-hours stray dog service “where practicable” which meant that many councils were not “inclined” to use their powers at a time of spending cuts.<sup>98</sup>

46. Although the Home Office Minister did not express an opinion, ACPO was strongly against a return to the police of responsibility for dealing with stray dogs, arguing that it would dilute scarce police resources which should be targeted on other issues and that stray dogs were an environmental health issue.<sup>99</sup> The Defra Minister was also not in favour of returning the responsibility for stray dogs to the police. He acknowledged it was a “considerable burden” on local authorities and charities but said “it is very difficult to know how else one would address it”.<sup>100</sup>

**47. We are concerned that the number of stray dogs has risen considerably in recent years and we recognise the strain that managing the problem places on tight local authority finances. Nevertheless, it is vital for both public safety and dog welfare reasons that dog warden services are adequately resourced. Failing this, it will be necessary for the Government to consider a return to the police of statutory responsibility for stray dogs.**

### ***Review of Dangerous Dogs Act Section 1 provisions***

48. Section 1 of the Dangerous Dogs Act 1991 makes it an offence to own or keep any of the following types of dog (unless the dog has been placed on the Index of Exempted Dogs and is kept in compliance with certain requirements):

- Pit Bull Terrier
- Japanese Tosa
- Dogo Argentino
- Fila Brasileiro

49. The legislation does not classify dogs by breed, rather by ‘type’ which means that whether a dog is covered by the prohibitions of the Act will depend on a court’s judgement as to whether its physical characteristics meet the description of any of the prohibited types.<sup>101</sup>

50. There has been considerable debate about the impact of this provision both on incidences of dog attacks and on dog welfare. While the 2012 consultation does not include consideration of any change to the section 1 provisions, some 88% of respondents to Defra’s 2010 consultation did not consider that the type-specific legislation was effective at protecting the public and 71% believed the provisions should be repealed.<sup>102</sup> Lord Henley, then Defra Minister with responsibility for this policy area, said in November 2010 that in

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98 Ev w20

99 Q128 and Ev 91

100 Q 360

101 See Defra website [www.defra.gov.uk/wildlife-pets](http://www.defra.gov.uk/wildlife-pets) for further details

102 See responses to Defra, *Public consultation on dangerous dogs: Does current dangerous dogs legislation adequately protect the public and encourage responsible dog ownership?* 9 March 2010

view of the “enormous support among experts in dog health and welfare for an end to the failed breed-specific legislation ... Ministers must now take on board the strong views from this consultation to implement changes”.<sup>103</sup>

51. Many dog attacks, including fatal attacks on people, have involved dogs of a type not banned by the legislation.<sup>104</sup> We received extensive evidence, including from animal welfare charities, reiterating strong views about the need to amend the so-called ‘breed not deed’ provisions. The RSPCA told us that current legislation was not effective in tackling the real cause” of dangerous dog problems which were “often due to the owner’s actions/omissions rather than the type of dog”.<sup>105</sup> The Blue Cross told us that “a dog is not inherently dangerous purely and simply because of the way that it looks. Any dog has the potential to be dangerous if it has not been bred, trained, reared and, importantly, kept in the right way”.<sup>106</sup>

52. We heard from the Dogs Trust that the number of dogs deemed by local authorities to be ‘status dogs’ (including not only banned types such as Pit Bulls but also permitted breeds such as Huskies and Rottweilers) had increased by 140% in 2011.<sup>107</sup> During our visit to the Battersea Dogs and Cats Home we heard that fashions for some breeds, such as Mastiff types, had led to increased numbers of aggressive dogs being imported or bred which were of types not covered by the section 1 ban. The CWU noted that, despite banning the type, the Act had not reduced the number of Pit Bull dogs in the UK—rather their numbers had grown. It considered that “demonising certain breeds” made them attractive to the “wrong people”.<sup>108</sup> ACPO noted the Pit Bull type was “without doubt the breed of choice for certain elements of the criminal and irresponsible dog owners in our communities” and had become “quite a status symbol”.<sup>109</sup> However, it considered that certain breeds were popular within certain groups “not because they are prohibited but for the same reasons that they are prohibited”.<sup>110</sup>

53. The Dogs Trust wanted a reform of the legislation to repeal the current prohibition on ownership of certain types of dog based on “looks alone”, and replace it with provisions to allow magistrates to determine whether a dog deemed to be of a type posed a threat to the public.<sup>111</sup> The Blue Cross, while accepting that at present a “total repeal” of type-specific

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103 “Defra publishes responses to dangerous dogs consultation” Vetsonline, 25 November 2010  
<http://www.vetsonline.com/actualites/detail/33480/defra-publishes-responses-to-dangerous-dogs-consultation.html>

104 For example a fatal attack on a baby in Shropshire in November 2012 was reported to have been by a Jack Russell Terrier. Furthermore, deaths caused by injuries from dogs of a non-banned type include:

2009: 18 month old child in South Wales, Staffordshire Bull Terrier and a Jack Russell  
 2007: one-year old child, Wakefield, Rottweiler  
 2006: 5 month old child, Leicester, two Rottweilers  
 2010: adult, Surrey, Belgian Mastiff  
 2009: adult, Blackpool, two Alsatisans  
 2008: adult, London, Rottweiler

105 Ev 76

106 Q 139 [Steve Goody]

107 Q 133 [Clarissa Baldwin]

108 Ev 115

109 Q 100

110 Ev 92

111 Ev 82



legislation was undesirable, nonetheless referred to the fact that many animals are destroyed “regardless of temperament”. It considered it was not acceptable that the welfare of particular dog types should be “compromised to such an extreme”.<sup>112</sup>

54. However, some witnesses such as the National Farmers Union (NFU) supported measures that discouraged the ownership of dogs of breeds “known to be aggressive”.<sup>113</sup> Furthermore, ACPO was in favour of retaining bans on the four types identified under the DDA.<sup>114</sup> However, ACPO also noted that the current list of banned types might need to be added to at some point (for example to add dogs such as Mastiffs and crossbreeds), although it did not advocate this at present.<sup>115</sup>

55. The Defra Minister told us that he did not consider that repealing type-specific legislation would promote more responsible dog ownership or reduce dog attacks, noting the police preference for retention of a ban on certain types of fighting dogs and stating that “frankly our priority must be to protect the public”.<sup>116</sup> In November 2012, after we finished taking evidence, the Welsh Government published a draft Bill proposing to focus on the “action and behaviour of an individual dog and not on the breed or type of dog” since it was “critical to acknowledge that all dogs can be dangerous under certain circumstances”.<sup>117</sup>

56. The current law banning ownership of specific types of dogs was introduced with the laudable intention of banning fighting dogs, but the list of banned types is flawed and has led to some dangerous types of dog not being included and some dogs with a good temperament being destroyed unnecessarily. We understand concerns that an immediate repeal of the Dangerous Dogs Act 1991 may have unintended consequences but believe that Government policy should be consistent with the principle of targeting the deed not the breed. **We recommend that the Dangerous Dogs Act 1991 be amended to enable the Secretary of State to add other types of dog with particularly aggressive characteristics to the list of banned types from time to time. We further recommend that Defra, the Home Office and the Ministry of Justice consider how, in individual cases where there is clear evidence that a dog of a banned type poses no threat, discretion might be applied to require the dog to be neutered rather than destroyed.**

### **Compulsory insurance**

57. The previous Government’s 2010 consultation on dog measures included proposals to require owners to take out third-party insurance against the costs of compensating those

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112 Ev78

113 Ev 109

114 Note: ACPO has drafted a Private Members Bill with measures on dog control including retention of the basic provisions on banned breeds in the Dangerous Dogs Act 1991

115 Q 103 and Q104

116 Q 369

117 Welsh Government, *Proposals for a draft Control of Dogs (Wales) Bill*, 23 November 2012

injured during an attack by their dog. The Association of British Insurers noted that it would not cover banned breed types nor reach those who already acted outside the law.<sup>118</sup>

58. The Defra Minister ruled out compulsory insurance since the insurance industry was not in favour and judged that requiring every dog owner to insure their dog against injuring a third party would not be “entirely proportionate or appropriate”.<sup>119</sup> Defra referred to the fact that, in the unfortunate case of a dog not being kept under control, there were other avenues of redress available to victims. For instance, those convicted of dangerous dog offences that led to injury or caused distress to a victim could be required to pay compensation. In addition, the victim could pursue civil damages. Defra also noted that, whilst currently it was not compulsory to purchase third-party insurance, the Department encouraged it, and many owners did have some form of cover. Furthermore, owners of one of the four banned types whose dog had been placed on the Index of Exempted Dogs must have third-party insurance.<sup>120</sup>

59. We note concerns expressed by those responding to Defra’s 2010 consultation about the potential practical problems of requiring all dog owners to insure themselves against their dog injuring another person or animal. **In view of the potentially disproportionate costs to responsible dog owners, and the likelihood of a high level of non-compliance by irresponsible owners, we do not support a requirement for owners to obtain third-party insurance against their dog attacking a person or animal.**

### **Attacks on livestock and other animals**

60. It is an offence to allow a dog to be dangerously out of control. This is deemed to occur if a dog injures someone or makes someone worried that it might injure them but, in addition, a court may determine a dog to have been dangerously out of control if it injured an animal or if the owner of the animal thinks they could have been injured if they tried to stop the dog attacking their animal.<sup>121</sup> There are also specific provisions under the Dogs (Protection of Livestock) Act 1953 (DPLA) which make it an offence for a dog to worry livestock on agricultural land. Owners can be sued for compensation under the Animals Act 1971. Despite these safeguards, the NFU told us that each year thousands of sheep and cattle were injured, at a cost to the UK farming industry of more than £1 million.<sup>122</sup> The British Horse Society has also reported an increase in recent years in the number of dog attacks on horses.<sup>123</sup> However, the NFU considered that the majority of dog owners managed their pets responsibly and that there was no need for a wide-ranging overhaul of the law, but it did need to be updated to reflect the wider range of livestock now kept in the UK not covered by the DPLA, such as camelids. Furthermore, the courts should be able to order control measures or destruction of a dog in some instances.<sup>124</sup>

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118 Association of British Insurers response to Defra, *Public Consultation on dangerous dogs: Does current dangerous dogs legislation adequately protect the public and encourage responsible dog ownership?* 9 March 2010

119 Ev 101

120 Ev 102

121 <https://www.gov.uk/control-dog-public/overview>

122 Ev 108

123 British Horse Society website, Dog Attacks pages [www.horseaccidents.org.uk/](http://www.horseaccidents.org.uk/)

124 Ev 109



61. The National Sheep Association expressed concerns about inconsistency in prosecution outcomes for those convicted of livestock worrying offences.<sup>125</sup> The NFU also wanted more rigorous enforcement of provisions, citing a lower level of priority given by police to pursuing possible prosecutions compared to 20 years ago.<sup>126</sup> In response, ACPO told us that the DPLA was “extremely old-fashioned” and “not an effective Act in today’s rural communities”.<sup>127</sup>

**62. The Dogs (Protection of Livestock) Act 1953 must be amended to provide protection to the full range of livestock now farmed, such as camelids.**

**63. Enforcement agencies must give greater priority to responding to complaints of attacks on livestock and take a more consistent approach to prosecuting offences.**

64. The Guide Dogs Association report that there are currently some eight attacks on guide dogs by other dogs each month. It told us that such attacks have cost it some £200,000 over two years as well as having a significant negative impact on the welfare and independence of blind and partially-sighted people. The Association called for an attack on an assistance dog to be made equivalent to an attack on a person and that any attack on an assistance dog be considered an aggravated attack given the severity of the impact on the owner’s mobility and quality of life. Defra told us that the Sentencing Guidelines released in August 2012 allow for an attack under the 1991 Act to be punishable by the Magistrates’ Court by a maximum of six months imprisonment. The aggravated version of the offence carries a heavier penalty of two years imprisonment and requires that a person be injured or fear injury, which the Department noted was “arguably the case in an attack on a guide dog, which is a form of attack on the owner of the guide dog”.<sup>128</sup> However, ACPO argued that currently enforcement agencies are left “without adequate legislation to deal swiftly and proportionately” with attacks by dogs on animals since, in its view, an attack on any animal covered by the Act must be aggravated (ie a physical injury must be inflicted) before any offence is committed.<sup>129</sup>

65. We note the high level of concern about attacks on assistance dogs and the impact these can have on disabled people’s ability to continue with their daily lives. **We recommend that the legislation be amended such that an attack by a dog on an assistance dog be equated with an attack on a person and be unequivocally considered an aggravated attack.**

## Home Office proposals on antisocial behaviour and crime

66. In May 2012 the Home Office published its *Putting Victims First* White Paper setting out measures to tackle antisocial behaviour and crime, which included a streamlined set of measures to deal with a range of problems from crack houses to dangerous dogs.<sup>130</sup> The

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125 “NSA Launches sheep worrying hotline” *Farmers Guardian*, 25 January 2012

126 Q 58 [Nick von Westenholz]

127 Q 96

128 Ev 102

129 Ev 89

130 Home Office, *Putting Victims First: More Effective Responses to Antisocial behaviour*, CM 8367, May 2012

White Paper envisages the repeal of existing tailored measures such as Dog Control Orders—dog controls for local areas which include, for example, banning dogs from recreation areas, requiring dogs to be on leads, and/or limiting the number of dogs per person.<sup>131</sup> The Home Office proposals divide measures into those with a community focus and those with a focus on individuals. The proposed Community Protection Orders would restrict how a public space could be used thereby enabling a local authority to, for example, restrict dog access to public spaces, or require dogs to be on leads. There would be a Directions Power in addition that would enable local authorities to direct any individual causing, or likely to cause, crime or disorder away from a particular place. Furthermore, a Criminal Behaviour Order could be imposed by the court which could set out prohibitions on an individual or require them to receive behavioural support. Such an order would be a civil sanction which the Home Office considers would be “quicker and easier to obtain” than criminal sanctions.<sup>132</sup> The Minister for Crime Prevention was clear that the proposals’ aims were to remove a “massive range of different powers that people do not fully understand and which overlap with each other”. By reducing some 19 provisions to six main approaches, it would be a “hell of a lot less complicated than the previous arrangement”.<sup>133</sup> In December 2012, after we finished taking evidence, the Home Office published a *Draft Antisocial Behaviour Bill* taking forward these proposals. It includes the proposal to repeal the provisions in the Clean Neighbourhoods and Environment Act 2005 relating to Dog Control Orders.<sup>134</sup>

67. Many commentators have criticised Defra’s consultation for omitting measures to enable authorities to act before injury or harm is caused through irresponsible dog ownership. The Home Office’s White Paper states that approaches such as its proposed Acceptable Behaviour Contracts could be used to “nip emerging issues in the bud where the owner recognises the impact their behaviour is having on the community and understands that continuing will trigger more formal consequences”.<sup>135</sup> Where a more formal response is required on the spot, the Community Protection Notice is intended to allow enforcement officers to require an owner to stop behaviour they judge is affecting a community’s quality of life. That could include, for example, requiring an owner to repair inadequate fencing if their dog regularly escapes and attacks other dogs. In addition the Directions Power will allow the police to move an owner on if, for example, their aggressive dog were frightening parents and children outside a school. The White Paper states that in the most serious cases an irresponsible owner could be given a Crime Prevention Injunction “very quickly” which could prevent them taking their dog to certain locations at certain times, require them to muzzle their dog in public and require them to attend dog training classes.<sup>136</sup> The White Paper states that its approaches will give agencies the

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131 The Clean Neighbourhoods and Environment Act 2005, sections 55 and 56, as implemented by the Dog Control Orders (Prescribed Offences and Penalties etc) Regulations 2006 and Dog Control Orders (Procedures) Regulations 2006, prescribe offences and penalties. These replace the previous system of byelaws for the control of dogs

132 Home Office, *Putting Victims First: More Effective Responses to Antisocial behaviour*, CM 8367, May 2012

133 Q 261, Jeremy Browne MP

134 HC Deb, 13 December 2012, col 62WS. The draft Bill proposes the repeal of sections 55-67 of the Clean Neighbourhoods and Environment Act 2005 which established Dog Control Orders

135 As above

136 Home Office, *Putting Victims First: More Effective Responses to Antisocial behaviour*, CM 8367, May 2012

“flexibility to deal with a wide range of problems and protect victims”. The Home Office does not believe it is necessary to legislate for a dog-specific power.<sup>137</sup>

68. The Minister reiterated in oral evidence that the Home Office’s proposals were predicated on the assumption that dog-related antisocial behaviour could be tackled in the same way as other types of antisocial behaviour, such as that related to drugs or alcohol.<sup>138</sup> However, many witnesses were concerned about this ‘one size fits all’ approach. The Dogs Trust wanted a greater focus specifically on preventing dog attacks, for example through Control Orders requiring muzzling of dogs, keeping a dog on a lead, attending training classes, or disqualifying some people from owning a dog.<sup>139</sup> It had concerns about the Home Office’s approach of considering these issues under antisocial behaviour legislation since this could be “overly complicated”.<sup>140</sup>

69. Other witnesses were also concerned about dog issues being subsumed within a more generalised framework. The CWU considered the new framework to be more of a “political stunt than an effective tool”,<sup>141</sup> whilst ACPO considered that a comprehensive Dog Control Bill could deliver a neighbourhood policing solution to many low-level issues.<sup>142</sup> ACPO, working with other agencies including the RSPCA and the LGA, have formulated proposals for Dog Control Notices. These would enable an authorised officer who has reasonable cause to believe that a dog is not under sufficient control and requires greater control in any place, to serve on the person responsible for the dog a written control notice as a preventative measure to protect the public, or protected animals. This would specify the respects in which he or she believes the person responsible for the dog is failing to keep the dog under sufficient control; and the steps he or she requires the person responsible for the dog to take in order to comply with the notice.<sup>143</sup> The steps could include: keeping the dog muzzled; keeping the dog on a lead when in public or under control as directed; requiring the person responsible to seek and implement expert advice about training and behaviour for the dog; having the dog neutered where appropriate; and keeping the dog away from particular places or persons.<sup>144</sup> The Association strongly supported the use of Dog Control Notices since they provided a “preventative and sustainable approach” that could be used flexibly in the circumstances applicable.<sup>145</sup>

70. A similar set of measures have already been implemented in Scotland. The Control of Dogs (Scotland) Act 2010 came into force on 26 February 2011 bringing in Dog Control Notices which can be imposed on any owner who fails to keep a dog under control. Failure to comply can lead to a fine and/or destruction of a dog if ordered by the court.<sup>146</sup> A dog

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137 As above

138 Q 393

139 Ev 82

140 As above

141 Ev 118

142 Q 128

143 Ev 74

144 As above

145 Q 117

146 Control of Dogs (Scotland) Act 2010. See also Scottish Government website Control of Dogs Act webpages <http://www.scotland.gov.uk/Topics/Justice/law/control-dogs>

must be microchipped within 14 days of a notice being served and either the dog's owner or an entrusted person over 16 years of age must be in charge of the dog when it is in a public place. Other conditions may also be applied by the authorised officer if he considers this "necessary or conducive" to bringing the dog under control such as:

- muzzling or keeping on a lead in a public place;
- neutering a male dog;
- keeping the dog away from certain places; or
- attending training.

71. It is a criminal offence not to comply, with a level 3 fine applicable (currently £1,000). The owner may be disqualified from keeping a dog for failing to comply with a notice and the court may apply for a destruction order for the dog where it considers that serving a notice would be inappropriate.<sup>147</sup> The Welsh Government is proposing changes to dangerous dogs legislation including the introduction of Dog Control Notices in a Bill potentially to be introduced in spring 2013.<sup>148</sup>

72. The need to prevent irresponsible breeding was highlighted by dog welfare charities including the Blue Cross which told us that Dog Control Notices would also have the benefit of imposing a condition that a dog might be kept but not used for breeding. This could not be done under existing legislation.<sup>149</sup> The Defra Minister told us that the Home Office approach "effectively achieves what Dog Control Notices achieve in Scotland", but he accepted that the potential to include a ban on breeding of dogs could be considered.<sup>150</sup> During his appearance before us, the Minister for Crime Prevention was not able to clarify the extent to which dog breeding issues would be able to be tackled alongside other issues of dog control within the Home Office's own proposals. However, in subsequent written evidence the Home Office stated that the new powers were intended to be sufficiently flexible to deal with a range of issues. While it did not propose to set out in detail "when and how particular powers could or should be used," the Department noted that there were "scenarios in which it is conceivable that an unneutered dog could be central to a particular antisocial behaviour problem." In this case practitioners could include in a Crime Prevention Injunction or Criminal Behaviour Order, a requirement to neuter the dog, provided this was "essential to preventing future antisocial behaviour".<sup>151</sup>

73. We recognise the value of streamlining the processes for tackling antisocial behaviour and crime so that agencies are able to take swift action to combat a range of issues. However, we believe that this simplistic approach ignores the real causes of antisocial behaviour related to dogs. Irresponsible dog breeding and the failure to socialise puppies in the first few months of their lives can lead to persistent problems which are harder to tackle later on. When such dogs become fully grown, their owners often find that they are unable to manage

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147 The Scottish Government, *Guidance on the Control of Dogs (Scotland) Act 2010*

148 Statement by the Welsh Government, Carwyn Jones, First Minister, *Legislative Programme*, 17 July 2012

149 Q 159 [Steve Goody]

150 Q 396

151 Ev 102 and Ev 103

them so they abandon them, increasing the number of stray dogs. Puppies that are bred and raised by irresponsible breeders may be more likely to be violent and dangerous. The current approach by the Home Office appears to focus solely on the current owner of a dog rather than the initial breeder and this approach cannot begin to tackle the scale of the problem. **We recommend that Defra and the Home Office legislate to introduce Dog Control Notices, using as a model Dog Control Notices introduced in Scotland. This will provide the police and local authorities with a comprehensive and tailored set of powers for tackling all aspects of dog-related crime and antisocial behaviour ranging from the illegal breeding of dogs, including so-called ‘status dogs’, to the training of aggressive dogs.**

74. There is an overlap in responsibility between Defra and the Home Office which could lead to a gap in addressing some dog control issues. For example, the Home Office Minister for Crime Prevention told us that while he accepted that there “may be consideration around things like breeding”, this would be more directly within the responsibility of Defra.<sup>152</sup> Meanwhile, the Defra Minister told us that “the real tools for stopping attacks are in the Home Office package”.<sup>153</sup> A number of witnesses, such as the Blue Cross and ACPO, considered that there needed to be improved co-ordination between Defra and the Home Office.<sup>154</sup>

75. Furthermore, antisocial behaviour and crime related to dogs did not appear to be a high priority in the Home Office’s development of proposals covering a whole range of different issues. For example, whilst the Home Office Minister told us that he understood the “distinction between dogs and mini-motorbikes”,<sup>155</sup> many issues specific to dogs had apparently not been considered by his Department. For example:

- whether dogs could be confiscated under the new antisocial behaviour powers;<sup>156</sup>
- what would happen to any dogs which officers wished to seize; and
- whether or not a requirement to neuter a dog could be imposed under the measures.<sup>157</sup>

**76. We are concerned about the apparent lack of priority given by the Home Office to dog-related issues which are to be subsumed within a generic framework for tackling antisocial behaviour and crime. Further, we are concerned that the split in responsibility for dog-related issues between the Home Office and Defra could lead to a fragmented approach which could be less effective at tackling both dog control and dog welfare issues.**

**77. Agencies such as the police and local authorities need a clear set of powers to tackle dog-related antisocial behaviour and crime. If Defra is not to be given the opportunity to introduce consolidated legislation, as we recommend above, the Department must**

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<sup>152</sup> Q 276

<sup>153</sup> Q 377

<sup>154</sup> Q 136 [Blue Cross] and Q 117 [Association of Chief Police Officers]

<sup>155</sup> Q 276

<sup>156</sup> Q 289 [Mike Warren]

<sup>157</sup> Q 278

**be given sufficient locus in Home Office policy development on antisocial behaviour and crime such that Government proposals take into full account dog welfare needs and the impacts of how dogs are bred and reared on dog behaviour.**

### **Training**

78. Any new powers given to enforcement agencies will only be effective with sufficient training, including on welfare aspects of dog management. The RSPCA in its advice to those involved in managing stray dogs noted that “quite often this task is carried out in the public arena, so it is vitally important that dog-catching staff have the ability to deal with stray dogs in a safe and humane manner without compromising public and personal safety or the welfare of the animal”. Those involved in any dog-control programme need to have “empathy towards dogs” but the RSPCA warned that this could be difficult, particularly when non-expert staff are given such a role. The charity considered it essential that all staff received appropriate training, that they had equipment that was fit for purpose and that roles and responsibilities were clearly defined.<sup>158</sup>

79. Neither Defra nor the Home Office Minister was able to reassure us that detailed consideration had been given to the training of general enforcement officers on issues specifically relating to dogs. The Home Office Minister told us that he hoped that it would not be “unduly onerous on people to try to adapt” to the new systems but did not provide any detail on what training might be needed for enforcement agencies.<sup>159</sup>

**80. We recommend that those agencies responsible for enforcing dog control legislation, including the police and local authorities, provide their staff with full training in dog welfare and control practices so as to enable better protection of themselves and the public from an out of control dog whilst having regard to the welfare of the dog.**

### **Community and educational work**

81. Defra’s consultation notes that its current and proposed work includes educational as well as punitive measures to tackle a variety of problems including stray, dangerous and status dogs.<sup>160</sup> The Minister highlighted the key role of education and has announced Government funding of some £50,000 to be shared by Battersea Dogs and Cats Home, the RSPCA and the Dogs Trust to “foster innovative local community projects to encourage responsible dog ownership” in areas where there are high instances of dog-related problems.<sup>161</sup>

82. Many witnesses supported this focus on educating dog owners. Angela McGlynn wanted a greater focus on prevention, including education, rather than action after an attack. She described the dog attack that led to her son’s death as “partly down to

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<sup>158</sup> RSPCA International, *Operational Guidance for Dog Control Staff*. See RSPCA webpages [www.rspca.org.uk](http://www.rspca.org.uk)

<sup>159</sup> Q 294

<sup>160</sup> Defra website, [www.defra.gov.uk/wildlife-pets/dangerous](http://www.defra.gov.uk/wildlife-pets/dangerous)

<sup>161</sup> HC Deb, 23 April 2012, col 30WS



ignorance”.<sup>162</sup> The RSPCA has urged the Government since preparation of the Dangerous Dogs Act 1991 to introduce a wider public educational programme to “curb irresponsible dog ownership,” and considered that failure by successive Governments to implement such a programme had meant that dogs were seen as part of a “throwaway society” to the detriment of dogs and society.<sup>163</sup> ACPO told us that education at all levels was “crucial” if there was to be an improvement in society’s approach towards responsible dog ownership. It did not consider that the current proposals went far enough, arguing that a more thorough approach was needed, such as including animal welfare in the national curriculum.<sup>164</sup> This suggestion met with a mixed response from Ministers. Home Office Minister, Jeremy Browne, was reluctant to add to the list of issues schools must address,<sup>165</sup> but the Defra Minister, Lord de Mauley, considered that, while an addition to the national curriculum was “unlikely” there was “absolutely a role for education about dogs in schools”, and that it was particularly worth investigating at primary school level.<sup>166</sup>

83. Lord de Mauley noted that there was “never enough funding for everything we want to do” but he considered that a “relatively good balance had been achieved.”<sup>167</sup> However, other witnesses criticised the lack of public funding for educational work. The Dogs Trust noted that most animal welfare charities had already invested significant resources in educating the general public,<sup>168</sup> and the Trust itself invested some £6 million a year in outreach work across the UK.<sup>169</sup>

84. It is important to distinguish between dogs which are allowed to become a threat due to the owner’s ignorance and those whose owners use dogs for criminal purposes. According to the League Against Cruel Sports, although dog fighting has been banned since 1835, there has been a 400% increase in dog fighting cases in recent years, with large increases in specific communities in the UK.<sup>170</sup> Whatever efforts are made to educate the public about dog control and welfare, there will be those of criminal intent who will not be persuaded of the need to change their behaviour and where effective, rigorously enforced sanctions will be required. However, greater education of dog owners, potential owners and the wider public on the control and welfare of dogs is essential to tackle problems that arise out of the ignorance of owners. In particular, education on the effective socialisation of a young puppy is key to preventing the development of an antisocial or aggressive dog.

85. We welcome the inclusion in Defra’s proposals of funding for educational work but are concerned that the funds will not be sufficient to deliver a far-reaching impact. If the Home Office’s antisocial behaviour proposals are to be effective, there must be concerted work at a local level to tackle the ignorance of some irresponsible dog owners about the impact of

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162 Q 20

163 Q 133 [Gavin Grant]

164 Ev 91

165 Q 299

166 Q 403 and Q 404

167 Q 400

168 Q 153

169 Ev 82

170 League Against Cruel Sports website, [www.league.org.uk](http://www.league.org.uk)

the manner in which they breed, socialise and train dogs on these animals' behaviour. **We recommend that Defra assess the cost-benefits of funding dog welfare charities to provide greater support to local authority antisocial behaviour teams and other bodies working at a local level to enable them to give sufficient attention to dog-related problems when dealing with multi-faceted antisocial behaviour and crime.**



## 3 Dog Welfare

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### Breeding of dogs

86. According to the RSPCA, about half of the UK's pet dogs are obtained from breeders, around 30% from neighbours/friends/the internet, 10-15% from rescue organisations and only 5% from pet shops. Recent Kennel Club research found that some 1.2 million people (one in five dog owners) may have bought a puppy from a so-called 'puppy farm'.<sup>171</sup> Canine Action UK noted the lack of accurate commercial dog breeding figures but considered there to be an "overproduction of dogs bred for the pet market" and criticised the ease with which dogs could be purchased.<sup>172</sup>

87. Under the Animal Welfare Act 2006 an owner of a pet is obliged to:

- provide a proper diet (including fresh water);
- provide somewhere suitable to live;
- cater for any need to be housed with or apart from other animals;
- allow it to express normal behaviour; and
- provide protection from and treatment of illness and injury.<sup>173</sup>

88. In addition to these welfare protections for all dogs, anyone who carries on a business of breeding dogs for sale must obtain a licence from their local authority and meet certain conditions, such as providing suitable accommodation, food, water and bedding.<sup>174</sup> The law also limits the timing and frequency of breeding from a bitch: bitches cannot be mated before they are a year old; should have no more than six litters in a lifetime; and can only have one litter every 12 months. Dog breeders should keep records to show compliance with these requirements. Puppies bred at licensed breeding establishments can only be sold at those premises or at a licensed pet shop. So-called 'hobby breeders' who are not in the business of breeding dogs for sale and produce fewer than five litters in any 12 month period do not need to obtain a licence.

89. Professor Patrick Bateson conducted an independent inquiry into dog breeding partly in response to public concern about the ease by which puppies bred under poor welfare conditions may be sold in the UK.<sup>175</sup> Professor Bateson's report, published in January 2010, focused on the problems of negligent or incompetent management of breeding bitches;

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171 "Rogue breeders and online puppy scam fools millions", The Kennel Club press release, 6 September 2012. The Kennel Club defines puppy farmers as volume breeders who have little consideration for the basic needs and care for their breeding bitches and puppies

172 Ev w36

173 RSPCA website animal welfare webpages  
<http://www.rspca.org.uk/servlet/Satellite?pagename=RSPCA/RSPCARedirect&pg=animalwelfareactadvice>

174 The requirement to be licensed is made under provisions in the Breeding and Sale of Dogs (Welfare) Act 1999 which amended and extended the Breeding of Dogs Act 1973 and the Breeding of Dogs Act 1991

175 Patrick Bateson, University of Cambridge, *Independent Inquiry into Dog Breeding, Executive Summary*, January 2010 (referred to in this report as the 'Bateson Report')

failure to socialise puppies; the sale of dogs that are unsuited to the conditions in which they will be kept; and issues related to breeding of pedigree dogs (which we consider separately below).

90. The Bateson report noted the high level of concern about the welfare implications of large-scale commercial breeding of dogs. It concluded that, while many breeders “exercise the highest standards of welfare, are passionate about caring for their dogs properly and take great trouble to ensure that their puppies go to good homes,” nevertheless “current dog breeding practices do in many cases impose welfare costs”.<sup>176</sup> The report noted that welfare concerns often arose when breeders regarded dogs as “tradeable commodities”.<sup>177</sup> Professor Sheila Crispin, Chairman of the Advisory Council on Welfare Issues of Dog Breeding,<sup>178</sup>—an independent body established following the Bateson review—stated that there are “real and immediate” challenges from both “neglectful large-scale dog breeding for profit” and “ignorant breeding by well-meaning owners who are poorly prepared to do the task well”.<sup>179</sup>

91. The current dog breeding legislation was criticised by many witnesses both in the terms of its provisions and enforcement. The BVA, the BSAVA and the Dogs Trust, amongst others, advocated stronger controls and regulation of dog breeders.<sup>180</sup> On the other hand, the Countryside Alliance argued that further dog breeding legislation was not required because the existing framework provided a “good framework of regulation”.<sup>181</sup> Nonetheless, the Alliance accepted that there might be a need for further codes and/or regulations under the Animal Welfare Act 1986 setting out issues on welfare and breeding practices in greater detail.<sup>182</sup>

92. The Advisory Council has recently devised a Breeding Standard setting out essential elements of good practice on a raft of issues related to breeding which it has sent to Defra and the Devolved Administrations for their consideration. The Council developed the Standard since, in its opinion “no other current standard published in the UK [is] comprehensive enough to fully protect the welfare of both breeding stock and their puppies”. The Standard states that a dog’s “specific experiences early in life and the relative complexity of the environment have a profound influence on behaviour throughout life”. It further notes that:

These issues are as true for cross-bred dogs as they are for Kennel Club registered and so-called pure-bred puppies. It is therefore important that only physically and temperamentally healthy dogs are used for breeding and that their puppies are reared in an appropriate environment.<sup>183</sup>

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<sup>176</sup> As above

<sup>177</sup> As above, p 20

<sup>178</sup> Note: the Advisory Council on Welfare Issues of Dog Breeding is referred to in this report as the ‘Advisory Council’

<sup>179</sup> Advisory Council on Welfare Issues of Dog Breeding, *Annual Report 2011*, May 2012

<sup>180</sup> Ev 87 and Ev 84

<sup>181</sup> Ev w18

<sup>182</sup> As above

<sup>183</sup> Advisory Council on the Welfare Issues of Dog Breeding, *Standard for Breeding Dogs*, August 2012

93. The Welsh Government has consulted on amendments to the dog breeding regime in Wales. It is proposing amendments to the Animal Welfare (Dog Breeding) (Wales) Regulations 2011 to change the threshold so that a person who has three breeding bitches and who breeds three or more litters a year will need to be licensed.<sup>184</sup> A number of witnesses to this inquiry supported such an approach. The BVA and the BSAVA told us that “five litters is an awful lot. You could produce 40 puppies from that in a year,” and they therefore supported a limit of no more than two litters per year before a breeder needed to be licensed.<sup>185</sup> The Blue Cross went further, recommending that any owner of two or more un-neutered dogs should be licensed as a breeder.<sup>186</sup>

**94. The current threshold for licensing breeders, which is set at five litters per year, could equate to some 40 to 50 dogs being produced by each breeder each year. We consider that threshold is too high and therefore recommend that anyone breeding more than two litters per year should be licensed as a breeder.**

## Sale of dogs

95. The Pet Animals Act 1951 (as amended in 1983) protects the welfare of animals sold as pets. The Act requires any person keeping a pet shop to be licensed by the local authority. Before granting a licence the local authority must be satisfied that the animals are kept in accommodation that is both suitable and clean; that they are supplied with appropriate food and drink; and are adequately protected from disease and fire. The local authority may attach additional requirements to the licence, may inspect the licensed premises at all reasonable times and may refuse a licence if the conditions at the premises are unsatisfactory. Non-compliance can lead to removal of the licence. The Kennel Club noted that enforcement of the legislation varied across the country and, along with other witnesses, proposed an end to the sale of puppies from pet shops.<sup>187</sup>

96. Despite public concern about puppy farming and the health and welfare implications for breeding bitches and their puppies, there is little public awareness of the basic precautions that should be taken when buying a puppy. For example, Professor Crispin told us puppies should always be seen with their mother.<sup>188</sup> She considered it was “absolutely essential” that the public be better educated about welfare when buying a puppy.<sup>189</sup> The BVA has supported the introduction of a puppy contract setting out requirements on both sellers and purchasers in order to safeguard the basic welfare of puppies.

**97. We recommend that Defra and other agencies such as local authorities and dog welfare charities work together to publicise puppy contracts and make buyers aware of the need to buy only from reputable sources and to ensure basic conditions are met, such as always seeing a puppy with its mother.**

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<sup>184</sup> Welsh Government, *Written Statement: Consultation on Dog Breeding Regulations*, 20 December 2011

<sup>185</sup> Q 349

<sup>186</sup> Ev 79

<sup>187</sup> Ev 99

<sup>188</sup> Q 212

<sup>189</sup> Q 204

98. We received a great deal of evidence expressing concern over the sale of dogs via internet advertisements. In the absence of even basic guidance on the purchase of pet animals online, the Dogs Trust advocated banning the sale of pets online and recommended urgent work with websites to improve the ability of their systems to “filter out unscrupulous advertisements”.<sup>190</sup> Canine Action UK also drew attention to the lack of any “real regulation” of pet advertising and the anonymous nature of internet adverts. It noted that few internet sites carry any advice for buyers, meaning a “vital opportunity to educate on good purchasing protocol is lost”.<sup>191</sup>

99. Some companies are taking steps to improve their sites. Gumtree stated that animal welfare was “at the heart” of changes to its process for listing animals for sale. For example, an advertiser of a pet for sale must now register with the website and agree to abide by certain rules—such as not selling a dog sourced from commercial breeders or a puppy aged under eight weeks.<sup>192</sup>

100. The Advisory Council stated that the Government should be “ready to update the legislation controlling the advertising, sale and supply of dogs” since, although already regulated, current controls were “old and outdated” and needed to be replaced with ones which were both effective and resource efficient.<sup>193</sup>

101. The internet is making it easy for disreputable breeders to find a market for dogs and puppies and to operate without appropriate traceability, transparency and accountability due to the anonymous nature of an online transaction. This could have grave consequences for the health and welfare of the animal being sold, as well as causing buyers distress and cost. We welcome the work of those websites and agencies attempting to find solutions, but not all websites are taking steps to improve and, as Gumtree’s evidence highlighted, there are means by which an unscrupulous trader could circumvent the processes designed to protect animal welfare.<sup>194</sup> **We recommend that Defra works with websites and with other Government departments, including the Department for Business, Innovation and Skills, initially to develop a voluntary Code of Practice to which it should encourage any internet site offering dogs or puppies for sale to adhere. This Code should establish minimum requirements for any listing of a dog or puppy for sale on the internet, such as pre-registration of the seller so that they can be identified at a later date if necessary and setting a minimum age of eight weeks for any puppy sold.**

## Pedigree dogs

102. Professor Bateson’s inquiry included pedigree dog breeding and explored a number of concerns about health and welfare raised in a 2008 television documentary, *Pedigree Dogs Exposed*.<sup>195</sup> This documentary criticised some pedigree dog breeders and the Kennel Club

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190 Ev 84

191 Ev w36

192 Gumtree blog, <https://blog.gumtree.com>

193 Ev 111

194 Ev w92

195 The BBC broadcast *Pedigree Dogs Exposed* in August 2008. This set out concerns about health and welfare issues related to pedigree dog breeding. A follow-up programme was broadcast in 2012

for allowing Breed Standards, judging standards and breeding practices—such the mating of dogs closely related to each other—to compromise the health of pedigree dogs.

103. Professor Bateson concluded that some of the main reasons why some breeders continued to breed unhealthy animals included the owner's early exposure to a breed and opportunities for them to care with animals with a health problem. However, he also said that "it cannot be denied that some recognise an opportunity for making money....irrespective of welfare issues".<sup>196</sup> Professor Bateson's report made a number of recommendations addressed to the Kennel Club, the veterinary profession, the research community and local and central government. They included tackling:

- the use of closely related breeding pairs which had led to an increase in already high levels of inbreeding;
- the use of breeding pairs carrying inherited disorders; and
- the artificial selection for extreme characteristics that were "directly responsible for the failure to meet one or more welfare criteria".<sup>197</sup>

### ***Response from the breeding community***

104. The Kennel Club told us that "significant and effective steps" had been taken,<sup>198</sup> both before and since Professor Bateson's report, and that it recognised that the Club was in a "strong position to influence, help and work with relevant parties," since its registered breeders were "obliged to follow its rules". However, there remained irresponsible breeders who operated outside the Club's sphere of control.<sup>199</sup>

105. The Kennel Club has a General Code of Ethics by which all breeders who register their puppies or dogs must abide. This includes a statement that a breeder should agree not to breed from a dog or bitch which could in "any way be harmful to the dog or to the breed".<sup>200</sup> However, the Club does not appear to collate data on compliance with this requirement. The Club also has an Assured Breeder Scheme under which breeders must make use of health screening schemes relevant to their specific breed stock (including DNA testing, hip dysplasia, elbow dysplasia and inherited eye condition schemes). The Club would like to see principles and standards similar to the Assured Breeder Scheme made mandatory for anyone breeding dogs.<sup>201</sup> Nevertheless, the Club continues to accept registration of dogs not bred under this scheme. Furthermore, as Professor Bateson's report notes, there is no requirement under the Club's Assured Breeder Scheme to apply the results of health tests to breeding decisions.<sup>202</sup>

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196 Bateson Report, p 35

197 Bateson Report, Executive Summary, p3

198 Ev 98

199 As above

200 The General Code of Ethics is on the Kennel Club website at <http://www.thekennelclub.org.uk/item/247>

201 Ev 98

202 Bateson Report p 23

106. Dog welfare charities considered that the Kennel Club and the veterinary profession had made “some progress” in prioritising the health and welfare of pedigree dogs,<sup>203</sup> with some witnesses praising the “significant strides” made by the Kennel Club “pushing quite hard” on the Assured Breeder Scheme and vet checks at dog shows.<sup>204</sup> Yet these charities, as well as the BVA and the BSAVA, considered that there was still much to be done to protect the future health of dogs.<sup>205</sup> In 2011 the Advisory Council stated that it was unlikely that the Bateson report had had “any impact on irresponsible breeders, in part through ignorance, but also because some aim to make as much money as possible without any consideration for animal welfare”.<sup>206</sup>

107. Whilst we recognise that the Kennel Club and individual breed clubs do not have a remit to control the actions of all pedigree dog breeders, let alone all dog breeders, these bodies have a vital role to play in influencing the opinions of breeders and buyers. In particular, those considering purchasing a pedigree puppy or dog will be influenced in their decision by the fact that the animal may be registered with the Kennel Club. The Kennel Club has a vital role in shaping the culture of the dog breeding community and must make far greater efforts to ensure that it pursues every opportunity to communicate the need for high health and welfare standards to be at the centre of all breeding practices. **We recommend that the Kennel Club refuse to register puppies that do not meet the conditions of its Assured Breeder Scheme so as to send a strong signal to breeders about the need to adopt high health and welfare standards. The Assured Breeder Scheme should require key tests for heritable health problems to be undertaken and the results of these tests applied to breeding decisions as a condition of membership of the Scheme.**

### *Tackling inbreeding and inherited disease*

108. The pedigree dog breeding community places a value on ‘line breeding’—mate selection based on genealogy. Many breeders make a distinction between line breeding and inbreeding, but, as Professor Bateson notes, this is a distinction without a difference.<sup>207</sup> Although there can be positive outcomes from inbreeding if it leads to the loss of some deleterious genes and thus improve the health of a breed, Professor Bateson highlighted a range of health problems linked to inbreeding. These were also a focus of the *Pedigree Dogs Exposed* television programme. The Kennel Club has now banned first degree matings (ie parents to offspring, siblings to each other). However, in some breeds there has been such a level of inbreeding that the genetic pool is very limited and the number of genetically distinct individuals of certain breeds is so low as to pose a potential threat to the continuation of that breed.<sup>208</sup> Research published by Imperial College London based on Kennel Club data found “extremely inbred dogs in each breed except the greyhound” with

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203 Ev 84

204 Q 164 [Clare Horton and Steve Goody]

205 Ev 84

206 Advisory Council on Welfare Issues of Dog Breeding, *Annual Report 2011*

207 Bateson Report, p15

208 Calboli FC, Sampson J, Fretwell N, Balding DJ, *Population structure and inbreeding from pedigree analysis of purebred dogs*, August 2008. Examples of small population size include Boxers, Rough Collies, English Springer Spaniels, Akitas



an “effective population size of between 40 and 80” for all but two of the breeds studied.<sup>209</sup> The BVA and the BSAVA recommend increasing the diversity of the gene pool by a) limiting the use of popular sires, b) prohibiting the breeding of puppies where the coefficient of inbreeding is greater than 12.5%,<sup>210</sup> and c) by outcrossing.<sup>211</sup>

109. Outcrossing has improved the genetic diversity of some breeds, but there are those in the breeding community who oppose breeding away from the ‘pure lines’. As the Bateson report notes, whilst respondents stated that breed purity should under “no circumstances take precedence over welfare” there was “little support among current breed societies” for outcrossing.<sup>212</sup> Professor Crispin highlighted the lack of knowledge of many breeders, stating that many of those who run breed clubs knew “very little science” and were “ignorant about the effects of inbreeding”.<sup>213</sup> The Kennel Club said that it was “willing to look at crossbreed programmes as long as they are scientifically based” and that the Club would register these crossbred dogs and allow them to be shown. It has undertaken work on outcrossing including with Dalmatians, Bloodhounds, Otterhounds, Foxhounds, Poodles, Miniature Bull Terriers, Dachshunds and Belgian Shepherds.<sup>214</sup>

110. Professor Bateson acknowledged the need to develop breeding strategies specific to individual breeds to prevent ever smaller gene pools leading to worse problems or creating new ones. He referred to the work occurring internationally on breed issues noting that as much collaboration as possible should be pursued, particularly since some countries such as New Zealand, Sweden and Finland were “way ahead of us”.<sup>215</sup>

**111. We recommend that the Kennel Club and breed clubs work with the veterinary and research communities to co-ordinate action to develop outcrossing strategies for those breeds which have the most pressing health issues linked to inbreeding and narrow gene pools. These bodies should ensure that they liaise with international counterparts to learn from the experiences of those countries with similar breed problems.**

### *Data gathering*

112. The Advisory Council stated that “only with good data on incidence can disease be tackled effectively by identifying those individual dogs who are affected or may be genetic carriers”.<sup>216</sup> The Council considered that the veterinary profession should have a role in

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209 Bateson Report, p 17

210 The coefficient of inbreeding indicates the probability that two genes at any locus in an individual are identical by descent from the common ancestors of the two parents. The inbreeding coefficient of an individual is approximately half the relationship between the two parents. This equivalence only applies to low levels of inbreeding in an otherwise outbred population. e.g. two single first cousins normally have a relationship of 1/8. If there has been no previous inbreeding, their offspring will have a coefficient of 1/16. With high levels of continuous inbreeding this relationship breaks down with corresponding increases in coefficients to a maximum theoretical value of 1.0, resulting from close inbreeding over time

211 Outcrossing is the practice of introducing unrelated genetic material into a breeding line. Dog breeders may choose to outcross by mating a dog of one breed with a bitch with no common ancestor in order to introduce desired traits

212 Bateson Report, p 21

213 Q 195 and Q 197

214 Associate Parliamentary Group on Animal Welfare, *Dog Breeding Update Report*, July 2012

215 Q 199

216 Ev 111

collecting data on inherited defects. Professor Crispin noted that data gathering to date had been “pretty grim”.<sup>217</sup> Professor Bateson’s report concluded that, while a long list of heritable diseases affected dogs, “little or no hard data” was available on their prevalence amongst the UK dog population.<sup>218</sup>

113. The BVA and the BSAVA recommended improving data gathering so as to identify individuals with heritable diseases or exaggerated characteristics and that this information should be made available to those seeking to breed from or buy progeny from these animals. They welcomed the DNA testing programmes largely funded by the Kennel Club and run by the Animal Health Trust.<sup>219</sup> There have been some significant new programmes aimed at filling the data gap which have been welcomed by the Advisory Council—in particular the SAVSNET project run by the BSAVA and Liverpool University,<sup>220</sup> and the VetCompass project, co-ordinated by the Royal Veterinary College. The latter aims to develop online surveillance of inherited and acquired disorders in dogs and cats through collecting data from vets. The Royal Veterinary College retains the data securely and it noted that veterinary practitioners had been “very positive” about the project with the sharing of data covering over 125,000 dogs.<sup>221</sup> Furthermore, initiatives such as the Kennel Club’s Mate Select, which provides information on health test results and on the co-efficients of inbreeding for breeds, helps to provide data on the implications for the health of offspring of potential matings.<sup>222</sup>

114. Nevertheless, Professor Crispin was concerned about the lack of co-ordination, stating that “what happened after *Pedigree Dogs Exposed* was that people decided they would collect data, but they all went running off in different directions rather like a bunch of ferrets. We need good quality, robust data”. She was also concerned about the need to secure funding for such research.<sup>223</sup>

115. The most effective approaches to improving the health of pedigree dogs will be those based on good data so that breed-specific assessments can be made and strategies developed for overall breed health. **We endorse the work of academics, veterinary professionals and breeders who are working to provide sufficient data to develop strategies to improve the health of breeds, including outcrossing where relevant. However, it is vital that there is proper co-ordination of research and data gathering and that adequate funding is secured.**

116. The insurance industry in countries such as Sweden collects health data to enable a full picture of health problems in pedigree dogs. Some witnesses advocated this approach for the UK. Professor Bateson told us that he found that:

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217 Q 191

218 Bateson Report, para 4.15

219 Ev 87

220 The Small Animal Veterinary Surveillance Network (SAVSNET) aims to provide information on the frequency of occurrence of diseases in the small animal vet-visiting population through two parallel surveillance projects <http://www.liv.ac.uk/savsnet>

221 Ev w65

222 For further details see <http://www.the-kennel-club.org.uk/services/public/mateselect/Default.aspx>

223 Q 191



it was impossible to get data out of the insurance companies. In Sweden there is a big insurance company that has readily given data on health problems in dogs. We really need this here. I do not know how one could apply pressure to the insurance companies, but it would be very important to have that information, because they are collecting it all the time. That would be yet another way of trying to get information about the prevalence of diseases.<sup>224</sup>

117. The Association of British Insurers (ABI) accepted that in theory it would be possible to gather such data but noted that there could be practical issues, such as sample size affecting reliability, and data would need to be extrapolated to industry level to avoid commercial objections from insurance companies.<sup>225</sup> Sue Ellis, Defra's Deputy Director, Animal Welfare Team, told us that Defra had had no discussions on the possibility of requiring insurance companies to provide data. Nevertheless, the Minister told us that he recognised the logic in this approach but was "mindful of the data protection controls" and had asked Professor Crispin to consider the issue further.<sup>226</sup>

118. We note the potential value of data held by the insurance industry on claims related to dog health which could be used to inform the development of health improvement programmes. **We recommend that Defra investigates with the insurance industry the potential for aggregated, anonymised data to be provided to researchers on the incidences of inherited and other diseases in dog breeds.**

### *Breed Standards*

119. It is clear that the morphology of some breeds has changed significantly over time. Professor Bateson's report included pictures to show how appearances had changed, for example in Basset Hounds and Dachshunds.

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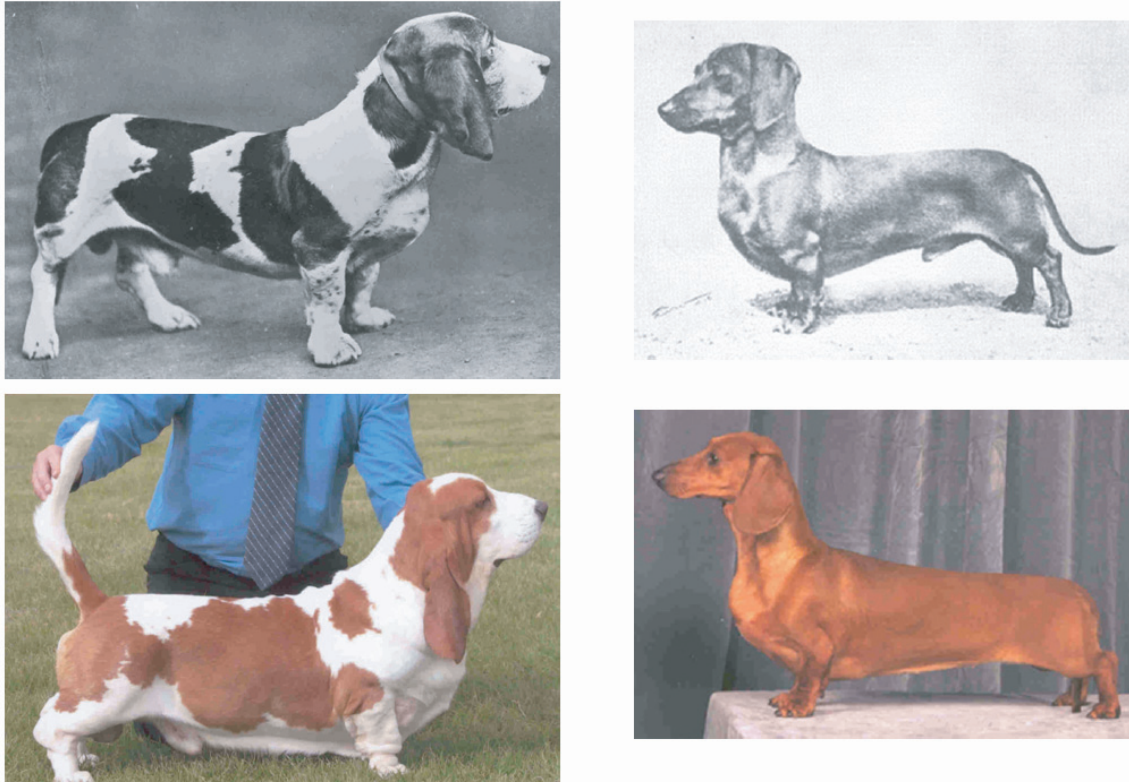
224 Q 191

225 Ev w97

226 Ev 129

Figure 1 shows: left, the Basset Hound in 1901 (top) and 2004; and right, the Dachshund in 1930 (top) and 2004.

Figure 1



Source: Patrick Bateson, *Independent Inquiry into Dog Breeding*, p 32

120. The Kennel Club determines Breed Standards for some 210 pedigree dog breeds. These set out in a detailed “picture in words”, the desired physical characteristics which are used by judges at all licensed breed shows. The Kennel Club owns the standards and all changes are subject to approval by the Club’s General Committee.<sup>227</sup> Both the television documentary *Pedigree Dogs Exposed* and the Bateson report noted that the change in physical characteristics to meet idealised appearances as set out in Breed Standards has had negative impacts on the health of some breeds. The *Pedigree Dogs Exposed* programme linked extreme conformity to these standards in some breeds to a range of health issues, including those related to skull and back structures and problems with skin and eyes. The Bateson report stated that “in some instances, the Breed Standard and selection for specific characteristics contained within it, can be demonstrated to be directly threatening to health and welfare”.<sup>228</sup> It stated that “selection for form rather than use has created in specific breeds a number of welfare problems that need to be addressed”.<sup>229</sup>

121. The Bateson report also referred to the fact that both dog owners and the veterinary profession have become “desensitised” to the difficulties suffered by dogs bred to reflect

<sup>227</sup> Kennel Club website, Breed Standard webpages [www.thekennelclub.org.uk/item/210](http://www.thekennelclub.org.uk/item/210)

<sup>228</sup> Bateson Report, p 33, para 6.20

<sup>229</sup> Bateson Report, p 39

extreme traits.<sup>230</sup> For example, in May 2012 the Royal Veterinary College published a study which found that “many owners of short-nosed dogs consider breathing problems to be normal for the breed”.<sup>231</sup> The Chief Executive of the Universities Federation for Animal Welfare stated that “it is likely that many other genetic welfare problems, caused by selective breeding for particular physical characteristics are also perceived by pet owners as normal”. He added that a lack of information was a problem for pet owners which the Federation was trying to address by provision of an online resource describing welfare conditions on a breed by breed basis.<sup>232</sup>

122. In recent years, the Kennel Club has introduced a number of measures to improve the health and welfare of pedigree dogs, including revisions to some Breed Standards. It has targeted a number of key breeds such as Bulldogs, Basset Hounds, Cavalier King Charles Spaniels and Rhodesian Ridgebacks. The Kennel Club’s website states that the Club wants to ensure that:

the show-ring is a positive force for change—as Professor Bateson said that it could be—and that it acts as an incentive for breeding healthy, happy dogs—in order to achieve this it has to ensure that dogs are bred without exaggerations.<sup>233</sup>

123. According to the Kennel Club, it has reviewed the Breed Standards to ensure that none contains “any wording that could be interpreted as encouraging exaggerations and to make it absolutely clear that health must always come first”. However, the Club notes on its website that “sadly all of this is no guarantee that some irresponsible breeders will stop breeding their dogs with exaggerations that are dangerous to their health”.<sup>234</sup> The Dachshund Breed Council argued that, since only 16% of Miniature Smooth-haired Dachshund litters registered with the Kennel Club were bred by people involved in showing, then “any argument that the dog-showing breeder community is responsible for the ill-health of pedigree dogs has no basis in fact for Dachshunds”.<sup>235</sup> The Dachshund Breed Council, which represents 18 Dachshund breed clubs, told us about its work as a co-ordinating body to promote health and welfare in Dachshunds through education and research. It had made a number of amendments to the Dachshund Breed Standard to emphasise the need to avoid exaggeration, and made this a “key message” in educational events.<sup>236</sup>

124. However, some commentators remain concerned that too little has been done to address the consequences of the Kennel Club’s Breed Standards on the health of pedigree dogs. The RSPCA cited the fact that of 22 recommendations made to the Kennel Club on Breed Standards only eight had so far been implemented.<sup>237</sup> The Dogs Trust considered it

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230 Bateson Report, p 22

231 “Worrying numbers of “short-nosed” dog owners do not believe their pets to have breathing problems, despite observing severe clinical signs,” Royal Veterinary Society press release, May 2012

232 “Breathing problems ‘considered normal’ by owners of short-nosed dogs”, *Veterinary Record*, 19 May 2012. The Universities Federation for Animal Welfare (UFAW) website is at [www.ufaw.org.uk/geneticwelfareproblems.php](http://www.ufaw.org.uk/geneticwelfareproblems.php)

233 Kennel Club webpages, [www.fitforfunction.org.uk](http://www.fitforfunction.org.uk)

234 Kennel Club webpages [www.thekennelclub.org.uk/item/4204](http://www.thekennelclub.org.uk/item/4204)

235 Ev 127

236 Ev 125

237 Q 164 [Gavin Grant]

unacceptable for dogs with genetic health problems to continue to be held up as a “pinnacle for good breeding” at dog shows.<sup>238</sup> The BVA and the BSAVA wanted Breed Standards to emphasise health and not aesthetics, and in a rebuttal of the arguments made by the Dachshund Breed Council, referred to the “disproportionate influence” of show dogs on the desired phenotype and genotype of a breed.<sup>239</sup> The Associations urged “greater pressure” on those showing and breeding dogs to improve the health and welfare of their dogs and called for an independent review of Breed Standards led by vets.<sup>240</sup>

125. Nonetheless, the Kennel Club states that “there will be no place for such dogs at Crufts ... or other championship dog shows”.<sup>241</sup>

**126. Whilst we recognise that the Kennel Club and some breed clubs have taken steps to address the consequences of Breed Standards on the health of some pedigree dogs, progress has been slow and many problems remain. Those involved in breeding dogs, including the Kennel Club, breed clubs and individual breeders, must redouble their efforts to eradicate health problems caused by conformation to Breed Standards.**

**127. We recommend that the Kennel Club commission an annual review of Breed Standards to be undertaken by an independent panel of experts led by relevant representatives from the veterinary profession.**

### *Vet checks at dog shows*

128. A further measure the Kennel Club has introduced to improve pedigree dog health and welfare is the requirement for any dog from one of 15 ‘high profile’ breeds winning ‘best in breed’ category at certain dog shows to undergo a veterinary health check.<sup>242</sup> At Crufts and other championship shows held in 2012 several dogs awarded best in breed failed these vet checks and were not allowed to proceed any further in the show. Many witnesses, including dog welfare charities such as the RSPCA and the Dogs Trust, welcomed these checks which the Trust considered to be a “positive step” to discourage the showing of unhealthy dogs.<sup>243</sup> The BVA and the BSAVA also welcomed vet checks but wanted them extended to cover more breeds. They also urged the publication of health and genetic test results before a dog is awarded champion status.<sup>244</sup> The Associations responded positively to our suggestion that random checks could be made on any dog being entered in a dog show ahead of the event.<sup>245</sup> Professor Crispin told us that the Kennel Club’s proposed extension of checks beyond the current 15 ‘high profile’ breeds would make it

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238 Ev 84

239 Ev 87

240 Q 335

241 Kennel Club Webpages, <http://fitforfunction.org.uk/content.asp?contentId=4>

242 The Kennel Club has identified 15 so-called ‘high profile’ breeds based on the potential for conformation standards to raise health issues

243 Ev 84

244 Ev 87

245 Q 346

“fairer all round”. She noted that the resistance to the checks from breeders had diminished over time.<sup>246</sup>

**129. We welcome moves by the Kennel Club to introduce vet checks at dog shows. Extending these checks to other breeds will be a helpful step. The Kennel Club should also consider the feasibility of performing additional checks on dogs before their entrance to show is accepted, perhaps through selecting dogs at random to reduce the burden of conducting a large number of checks.**

### ***Regulation of pedigree dog breeding***

130. There are mixed views as to whether the types of voluntary approaches discussed above are sufficient to drive timely improvements in dog health or whether there needs to be additional regulation. The Dogs Trust would like the Government to introduce legislation to help prevent “inappropriate breeding practices” particularly the intentional inbreeding of closely related dogs or those with “known debilitating genetic illnesses”.<sup>247</sup> The RSPCA noted that, since Defra preferred other means, such as accreditation schemes or education programmes, “no progress has occurred in England on dog breeding legislation”.<sup>248</sup> Professors Bateson and Crispin told the Committee that they considered that Defra should take a more proactive role in driving through change.<sup>249</sup> Professor Bateson labelled Defra’s approach “a bit reactive” and noted that change could be effected by amending the Animal Welfare Act.<sup>250</sup>

131. Professor Bateson’s report led to the setting up of the Advisory Council on Welfare Issues of Dog Breeding to develop “evidence-based breeding strategies that address the issues of poor conformation, inherited disease and inbreeding, as appropriate to the specific breed and to provide advice on the priorities for research and development in this area”.<sup>251</sup> The RSPCA told us that it welcomed the Council’s establishment since it had “undertaken a lot of good work on agreeing breeding standards and recommendations for the top eight priority welfare issues”.<sup>252</sup> While Defra has committed to considering the Advisory Council’s recommendations, a majority of those submitting evidence to the All Party Group on Animal Welfare (APGAW) considered the Council should have “more statutory power to apply recommendations immediately” and be given increased resources in terms of “both manpower and money”.<sup>253</sup> The BVA and the BSAVA considered that the Council was “on the right track” since it could bring stakeholders together to take a more co-ordinated approach, but urged Defra to redress the lack of funding so that the Council could “work properly”.<sup>254</sup>

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246 Q 210

247 Ev 84

248 Ev 77

249 Q 177

250 As above

251 Bateson Report, p 4

252 Ev 77

253 As above

254 Ev 87



132. The Advisory Council itself has argued that the Government should consider providing some financial support for a specified period since the body is currently funded through charitable donations. A match-funding arrangement would enable it to work “more closely with Government and to undertake more complex research and projects with confidence”.<sup>255</sup> Professor Crispin regretted the Council’s lack of power and told us that at the moment the Advisory Council could “recommend as much as we like, but our recommendations can be totally ignored”.<sup>256</sup> The Minister told us that an advantage of the Council was that by working through consensus its recommendations “carry consequent weight and influence”, however he could not commit to providing it with financial support.<sup>257</sup>

133. We were not convinced by the Minister’s evidence to us that Defra places a high priority on tackling health and welfare issues linked to dog breeding. He was unable to provide us with detailed information at our oral evidence session in October 2012. Asked whether Defra had assessed the effectiveness of local authorities in relation to their dog welfare role, the Minister said it had not and had no plans to do so formally.<sup>258</sup> On the issue of establishing minimum criteria for breeding, he considered this was something it was “less appropriate to regulate for” but when pressed he was not “able to elucidate why I think that but it is the view I have”.<sup>259</sup> On the matter of inbreeding and Breed Standards causing welfare problems he said “it is not something that I have given a lot of thought to”.<sup>260</sup> On several occasions the Minister said he would be able to answer questions following a meeting with the Chair of the Advisory Council.<sup>261</sup>

134. We are concerned that Defra appears to have been, and continues to be, reactive rather than proactive on issues relating to pedigree dog health and welfare. The Minister appeared poorly briefed, disengaged and content to rely on the Advisory Council to which the Department has delegated the responsibility but not the powers to enable it to be effective. The current limits to the Advisory Council’s remit hamper its ability to drive change. **We recommend that Defra consider giving the Advisory Council on the Welfare Issues of Dog Breeding a regulatory role on the implementation of provisions relevant to dog breeding. Funding should continue to be provided by those involved in dog breeding such as the Kennel Club and dog welfare charities.**

135. Professor Bateson’s report raised the possibility of an amendment to the Animal Welfare Act 2006 so that “any person breeding dogs should have regard to the health and welfare of both the parents and the offspring of the mating”. He recommended that a statutory Code of Practice on the Breeding of Dogs should be established under the Animal Welfare Act 2006.<sup>262</sup> Despite the overwhelming evidence that certain conditions are inherited, outcomes are not straightforward to predict in individual cases. Breeders can test

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255 Ev 111

256 Q 181

257 Ev 129

258 Q 406

259 Q 416 and Q 417

260 Q 431

261 For example Q 419, Q 430

262 Bateson Report, Executive Summary, p 4



their dogs and bitches for diseases such as hip dysplasia, Syringomyelia, congenital eye conditions and heart defects, and there are DNA tests available for a range of other diseases.<sup>263</sup> However, it is not possible to establish in advance the health outcomes for the offspring of specific matings for many disorders.<sup>264</sup>

136. Current legislation provides little protection for puppies that may inherit health problems due to inbreeding or breeding for conformation. Whilst it is not possible currently to predict with total certainty the health outcomes for all matings, nonetheless health tests on individual dogs and general breed data could enable breeders to make better informed judgments about the probability of a mating leading to puppies with a specific health problem. Despite some progress under a voluntary approach, this information is not currently being fully utilised by all breeders. **We recommend that Defra consider amending the Animal Welfare Act 1986 to place a duty on anyone breeding a dog to have regard to any offspring's health and welfare. As part of this consideration, Defra must ensure that sufficient data is available to a breeder at an affordable cost to enable them to make informed decisions as to whether it is appropriate to breed from any dog or bitch.**

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263 For examples see Kennel Club webpages, <http://www.thekennelclub.org.uk/download/8288/dnatestsworldwide.pdf>

264 Kennel Club webpages on genetic health [http://www.doggenetichealth.org/intro\\_disease.php](http://www.doggenetichealth.org/intro_disease.php) Approximately 400 inherited diseases have now been identified in the dog and of these the majority have a simple recessive mode of inheritance. However some of the inherited conditions that most worry present day dog breeders are more complex, being caused by problems in more than one different gene, so called *polygenic* diseases (eg hip dysplasia). In addition, some of these polygenic conditions are also influenced by environmental factors. Hip dysplasia, for example, can be affected by both exercising and feeding

## 4 Conclusion

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137. The large number of responses to our call for evidence for this inquiry is testament to the public concern about dog control and welfare issues. However, there is an apparent lack of corresponding commitment from the Government to tackle the problems of out of control dogs and the health and welfare of dogs linked to poor breeding.

138. Defra's proposals on tackling irresponsible dog ownership will do little to prevent dog attacks. Defra appears to have left responsibility for preventative measures to the Home Office to address in its antisocial behaviour measures but we were not persuaded that dog issues will be a priority under the Home Office 'one size fits all' framework for tackling antisocial behaviour. Defra and the Home Office must work together to give enforcement authorities the flexibility to act swiftly on concerns about a dog and its owner before they lead to aggressive action with devastating consequences for victims. The use of specific measures such as Dog Control Notices, already introduced in Scotland, could provide a far sharper tool for local authorities and police.

139. We were disappointed that Defra has done little to improve dog welfare linked to dog breeding. Undoubtedly some bodies and breeders are trying to implement improvements so as to raise health and welfare standards, and some progress is being made. However that progress is too slow and inconsistent. There is an over-reliance on voluntary action from a community some of whose members have entrenched ideas at odds with the scientific evidence. We have concluded that significant improvements in the well-being of dogs will only be achieved if the Government empowers a body such as the Advisory Council on Welfare Issues of Dog Breeding to enforce regulations that apply to all breeders.

## Conclusions and recommendations

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### Dog Control

1. The high number of dog attacks demonstrates that the current legislation on dangerous dogs has comprehensively failed to protect the public from attacks by out of control dogs, many of which have had horrific consequences. We were disappointed that the Minister was unable during our oral evidence session last October to provide the Committee with either detailed or comprehensive answers on a range of dog control and welfare issues. His evidence has done nothing to reassure us about the priority that Defra gives to this important issue. We believe the current approach set out by the Government is too simplistic and does not take adequate account of the importance of preventative action to deal with irresponsible dog breeders. (Paragraph 17)
2. Defra's consultation failed to reflect widespread public concern about irresponsible dog ownership, and its proposed measures announced in February 2013 were woefully inadequate. We recommend that Defra undertakes urgently a comprehensive consolidation of the legislation relating to dangerous dogs so as to provide a clear statutory basis for taking action on irresponsible dog owners. As a precursor to this, Defra should consult the Law Commission on the opportunities for the Commission to prepare a consolidation of dog control legislation. (Paragraph 18)
3. We recommend that the Government frames clear guidance for law enforcement officers and the Crown Prosecution Service enshrining Ministerial assurances that the application of measures under the Dangerous Dogs Act 1991 to offences taking place in private places will not protect trespassers. Defra should publish draft clauses as soon as possible for full consultation. (Paragraph 24)
4. We endorse the Government's proposals to require dog owners to microchip their dogs, principally in view of the likely welfare benefits. We welcome the Government's recognition that it is essential to require all dogs, not only puppies, to be microchipped in order to deliver the benefits over a reasonable timescale and to enable effective enforcement. Defra should publish the details of what it proposes as soon as possible. (Paragraph 34)
5. Defra must liaise closely with enforcement agencies, including the police and local authorities, to ensure that officers are fully aware of the new provisions. It must also ensure that the public is made aware of the requirement, utilising all potential channels including via partners such as local authorities, veterinary practices, police forces and animal welfare charities. Furthermore, to ensure widespread compliance, arrangements must be made to ensure that low-cost microchipping services are provided to those less able to afford to microchip their pets or those owning assistance dogs. (Paragraph 37)
6. We recommend that the responsibility for the accuracy of data held on a dog microchipping database be placed with the owner of the dog being sold or

transferred such that the onus is on the current owner to ensure that the new owner's details are provided correctly when the dog is transferred. (Paragraph 39)

7. We conclude that microchipping a dog provides a more reliable method of linking it to its owner than a licensing regime since the microchip stays with the dog at all times and can hold all the necessary data to enable enforcement agencies to identify the dog's owner. Furthermore, we do not consider it practical or proportionate to introduce a scheme under which a potential dog owner would be required to meet conditions before being licensed. (Paragraph 43)
8. We are concerned that the number of stray dogs has risen considerably in recent years and we recognise the strain that managing the problem places on tight local authority finances. Nevertheless, it is vital for both public safety and dog welfare reasons that dog warden services are adequately resourced. Failing this, it will be necessary for the Government to consider a return to the police of statutory responsibility for stray dogs. (Paragraph 47)
9. We recommend that the Dangerous Dogs Act 1991 be amended to enable the Secretary of State to add other types of dog with particularly aggressive characteristics to the list of banned types from time to time. We further recommend that Defra, the Home Office and the Ministry of Justice consider how, in individual cases where there is clear evidence that a dog of a banned type poses no threat, discretion might be applied to require the dog to be neutered rather than destroyed. (Paragraph 56)
10. In view of the potentially disproportionate costs to responsible dog owners, and the likelihood of a high level of non-compliance by irresponsible owners, we do not support a requirement for owners to obtain third-party insurance against their dog attacking a person or animal. (Paragraph 59)
11. The Dogs (Protection of Livestock) Act 1953 must be amended to provide protection to the full range of livestock now farmed, such as camelids. (Paragraph 62)
12. Enforcement agencies must give greater priority to responding to complaints of attacks on livestock and take a more consistent approach to prosecuting offences. (Paragraph 63)
13. We recommend that the legislation be amended such that an attack by a dog on an assistance dog be equated with an attack on a person and be unequivocally considered an aggravated attack. (Paragraph 65)
14. We recommend that Defra and the Home Office legislate to introduce Dog Control Notices, using as a model Dog Control Notices introduced in Scotland. This will provide the police and local authorities with a comprehensive and tailored set of powers for tackling all aspects of dog-related crime and antisocial behaviour ranging from the illegal breeding of dogs, including so-called 'status dogs', to the training of aggressive dogs. (Paragraph 73)
15. We are concerned about the apparent lack of priority given by the Home Office to dog-related issues which are to be subsumed within a generic framework for tackling

antisocial behaviour and crime. Further, we are concerned that the split in responsibility for dog-related issues between the Home Office and Defra could lead to a fragmented approach which could be less effective at tackling both dog control and dog welfare issues. (Paragraph 76)

16. Agencies such as the police and local authorities need a clear set of powers to tackle dog-related antisocial behaviour and crime. If Defra is not to be given the opportunity to introduce consolidated legislation, as we recommend above, the Department must be given sufficient locus in Home Office policy development on antisocial behaviour and crime such that Government proposals take into full account dog welfare needs and the impacts of how dogs are bred and reared on dog behaviour. (Paragraph 77)
17. We recommend that those agencies responsible for enforcing dog control legislation, including the police and local authorities, provide their staff with full training in dog welfare and control practices so as to enable better protection of themselves and the public from an out of control dog whilst having regard to the welfare of the dog. (Paragraph 80)
18. We recommend that Defra assess the cost-benefits of funding dog welfare charities to provide greater support to local authority antisocial behaviour teams and other bodies working at a local level to enable them to give sufficient attention to dog-related problems when dealing with multi-faceted antisocial behaviour and crime. (Paragraph 85)

## Dog Welfare

19. The current threshold for licensing breeders, which is set at five litters per year, could equate to some 40 to 50 dogs being produced by each breeder each year. We consider that threshold is too high and therefore recommend that anyone breeding more than two litters per year should be licensed as a breeder. (Paragraph 94)
20. We recommend that Defra and other agencies such as local authorities and dog welfare charities work together to publicise puppy contracts and make buyers aware of the need to buy only from reputable sources and to ensure basic conditions are met, such as always seeing a puppy with its mother. (Paragraph 97)
21. We recommend that Defra works with websites and with other Government departments, including the Department for Business, Innovation and Skills, initially to develop a voluntary Code of Practice to which it should encourage any internet site offering dogs or puppies for sale to adhere. This Code should establish minimum requirements for any listing of a dog or puppy for sale on the internet, such as pre-registration of the seller so that they can be identified at a later date if necessary and setting a minimum age of eight weeks for any puppy sold. (Paragraph 101)
22. We recommend that the Kennel Club refuse to register puppies that do not meet the conditions of its Assured Breeder Scheme so as to send a strong signal to breeders about the need to adopt high health and welfare standards. The Assured Breeder Scheme should require key tests for heritable health problems to be undertaken and

the results of these tests applied to breeding decisions as a condition of membership of the Scheme. (Paragraph 107)

23. We recommend that the Kennel Club and breed clubs work with the veterinary and research communities to co-ordinate action to develop outcrossing strategies for those breeds which have the most pressing health issues linked to inbreeding and narrow gene pools. These bodies should ensure that they liaise with international counterparts to learn from the experiences of those countries with similar breed problems. (Paragraph 111)
24. We endorse the work of academics, veterinary professionals and breeders who are working to provide sufficient data to develop strategies to improve the health of breeds, including outcrossing where relevant. However, it is vital that there is proper co-ordination of research and data gathering and that adequate funding is secured. (Paragraph 115)
25. We recommend that Defra investigates with the insurance industry the potential for aggregated, anonymised data to be provided to researchers on the incidences of inherited and other diseases in dog breeds. (Paragraph 118)
26. Whilst we recognise that the Kennel Club and some breed clubs have taken steps to address the consequences of Breed Standards on the health of some pedigree dogs, progress has been slow and many problems remain. Those involved in breeding dogs, including the Kennel Club, breed clubs and individual breeders, must redouble their efforts to eradicate health problems caused by conformation to Breed Standards. (Paragraph 126)
27. We recommend that the Kennel Club commission an annual review of Breed Standards to be undertaken by an independent panel of experts led by relevant representatives from the veterinary profession. (Paragraph 127)
28. We welcome moves by the Kennel Club to introduce vet checks at dog shows. Extending these checks to other breeds will be a helpful step. The Kennel Club should also consider the feasibility of performing additional checks on dogs before their entrance to show is accepted, perhaps through selecting dogs at random to reduce the burden of conducting a large number of checks. (Paragraph 129)
29. We recommend that Defra consider giving the Advisory Council on the Welfare Issues of Dog Breeding a regulatory role on the implementation of provisions relevant to dog breeding. Funding should continue to be provided by those involved in dog breeding such as the Kennel Club and dog welfare charities. (Paragraph 134)
30. We recommend that Defra consider amending the Animal Welfare Act 1986 to place a duty on anyone breeding a dog to have regard to any offspring's health and welfare. As part of this consideration, Defra must ensure that sufficient data is available to a breeder at an affordable cost to enable them to make informed decisions as to whether it is appropriate to breed from any dog or bitch. (Paragraph 136)



# Formal Minutes

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**Wednesday 6 February 2013**

Members present:

Miss Anne McIntosh, in the Chair

Thomas Docherty  
George Eustice  
Barry Gardiner

Mrs Mary Glendon  
Neil Parish

Draft Report (Dog Control and Welfare), proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 139 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Seventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 12 February at 2.30 pm]

# Witnesses

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## Wednesday 5 September 2012

Page

**Angela McGlynn**, campaigner on dog control issues, and **Luciana Berger**, Member of Parliament for Liverpool Wavertree

Ev 1

**Richard Leaman**, Chief Executive, Guide Dogs for the Blind Association, **Nick von Westenholz**, Head of Government Affairs, National Farmers Union, and **David Joyce**, National Health and Safety Officer, Communication Workers Union

Ev 6

## Wednesday 12 September 2012

**Councillor Nilgun Canver**, Local Government Association Licensing Champion/Member of Safer and Stronger Communities Board, **PC Keith Evans** and **Assistant Chief Constable Gareth Pritchard**, Association of Chief Police Officers

Ev 16

**Claire Horton**, Chief Executive, Battersea Dogs and Cats Home, **Steve Goody**, Director of External Affairs, Blue Cross, **Clarissa Baldwin**, Chief Executive, Dogs Trust, and **Gavin Grant**, Chief Executive, RSPCA

Ev 23

## Wednesday 17 October 2012

**Professor Sheila Crispin**, Advisory Council on the Welfare Issues of Dog Breeding, and **Professor Sir Patrick Bateson**, Lead, Independent Inquiry into Dog Breeding

Ev 32

**Ian Seath**, Chairman, Dachshund Breed Council, and **Professor Steve Dean**, Chairman, the Kennel Club of Great Britain

Ev 37

## Wednesday 24 October 2012

**Mr Jeremy Browne MP**, Minister for Crime Prevention, Home Office, and **Mike Warren**, Head of the Crime and Anti-Social Behaviour Reduction Unit, Home Office

Ev 45

**Peter Jones**, President, British Veterinary Association, and **Mark Johnston**, President, British Small Animal Veterinary Association

Ev 55

## Wednesday 31 October 2012

**Lord de Mauley**, Parliamentary Under-Secretary for Resource Management, the Local Environment and Environmental Science, Defra, and **Sue Ellis**, Deputy Director, Animal Welfare Team, Defra

Ev 62

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Association of Chief Police Officers (ACPO)	Ev 88:Ev 92:Ev 93
Battersea Dogs & Cats Home	Ev 103
Blue Cross	Ev 77
British Veterinary Association and British Small Animal Veterinary Association	Ev 85
Communication Workers Union (CWU)	Ev 114
Dachshund Breed Council	Ev 125:Ev 127
Department for Environment Food And Rural Affairs (Defra)	Ev 99:Ev 101:128
Dogs Trust	Ev 82
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Kennel Club	Ev 96
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Royal Society for the Prevention of Cruelty to Animals (RSPCA)	Ev 75

## List of additional written evidence

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(published in Volume II on the Committee's website [www.parliament.uk/efracom](http://www.parliament.uk/efracom))

Simon JR Adams BSc. BVMS. MRCVS. Veterinarian and Welfare Adviser	Ev w39
Animal Behaviour and Training Council	Ev w27
Animal Wardens Ltd	Ev w2
anonymous contributor	Ev w24
anonymous contributor	Ev w37
anonymous contributor	Ev w75
Association of British Insurers	Ev w97
Sheila Atter, Ridley Cesky Terriers	Ev w96
Janetta Bensouilah	Ev w3
British Association for Shooting and Conservation	Ev w46: Ev w47
Anna-Lisa Browne of The Dog House, Dog Training and Behaviour	Ev w92
Maria Burke	Ev w24
Jaqi Bunn	Ev w31
Linda Buxton, Leigh Dogs and Cats Home	Ev w1
Canine Action UK	Ev w36: Ev w93
Care and Respect Includes All Dogs Campaign (C.A.R.I.A.D)	Ev w49
Centre of Applied Pet Ethology's Association of Pet Behaviourists and Trainers	Ev w60
City Remembrancer, Parliamentary Agent to the City of London Corporation	Ev w73
Companion Animal Welfare Council	Ev w45
Countryside Alliance	Ev w16
Dartmoor Livestock Protection Society (DLPS)	Ev w33
Mary Davis	Ev w25
The Dog Union	Ev w90

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Frances Ellis and Margaret Brady, Animals in Need	Ev w94
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Essex Animal Welfare Forum (EAWF)	Ev w10
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Diane Foreman, Principal Environmental Health Officer, St Helens Council	Ev w9
Carol Fowler, Dog Health Campaigner	Ev w6
Greater Merseyside Dog Welfare Forum	Ev w42
Gumtree.com	Ev w91
Louise Haig	Ev w23
Jolanda Hill DVM, MRCVS	Ev w2
Claire Horton-Bussey	Ev w2
Patricia James	Ev w57
Emma Judson	Ev w69
Angela Kennedy	Ev w29
Chris Laurence MBE QVRM TD BVSC MRCVS	Ev w13
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Mayor of London	Ev w75
Naomi Mignone	Ev w41
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Northern Ireland Minister for Agriculture & Rural Development	Ev w80
Hayley Parr	Ev w74
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Lucy Riggs	Ev w74
Philippa Robinson, founder of The Karlton Index	Ev w68
Amanda Roche	Ev w59
John Rogerson KCAI and Davis Davies ex police dog handler	Ev w4
Royal Veterinary College's VetCompass Project	Ev w63
Robert and Greta Sainsbury	Ev w20
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Jessica Thomas-Day	Ev w72
Tonbridge & Malling Borough Council	Ev w12
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# List of Reports from the Committee during the current Parliament

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## Session 2012–13

First Report	Greening the Common Agricultural Policy	HC 170 (HC 654)
Second Report	The Water White Paper	HC 374 (HC 602)
Third Report	Pre-appointment hearing: Chair of the Water Services Regulation Authority (Ofwat)	HC 471-I & -II
Fourth Report	Natural Environment White Paper	HC 492 (HC 653)
Fifth Report	Desinewed Meat	HC 120 (Cm 8462)
Sixth Report	Draft Water Bill	HC 674
Seventh Report	Dog Control and Welfare	HC 575

## Session 2010–12

First Report	Future Flood and Water Management Legislation	HC 522 (HC 922)
Second Report	The Marine Policy Statement	HC 635
Third Report	Farming in the Uplands	HC 556 (HC 953)
Fourth Report	The draft National Policy statement (NPS) on Waste Water	HC 736
Fifth Report	The Common Agricultural Policy after 2013	HC 671 (HC 1356)
Sixth Report	Implementation of the Common Fisheries Policy: Domestic Fisheries Management	HC 858 (HC 1485)
Seventh Report	Pre-appointment hearing: Chair of Gangmasters Licensing Authority	HC 1400-I & -II
Eighth Report	EU proposals for the dairy sector and the future of the dairy industry	HC 952 (HC 1548)
Ninth Report	The Welfare of Laying Hens Directive—Implications for the egg industry	HC 830 (HC 1664)
Tenth Report	The outcome of the independent Farming Regulation Task Force	HC 1266 (HC 1669)
Eleventh Report	The draft National Policy Statement for Hazardous Waste	HC 1465 (HC (Session 2012–13) 540)
Twelfth Report	EU proposals for reform of the Common Fisheries Policy	HC 1563-I & -II (HC (Session 2012–13) 108)
First Special Report	The National Forest: Government response to the Committee's Fourth Report of Session 2009–10	HC 400
Second Special Report	Dairy Farmers of Britain: Government response to the Committee's Fifth Report of Session 2009–10	HC 401





# Oral evidence

## Taken before the Environment, Food and Rural Affairs Committee on Wednesday 5 September 2012

Members present:

Miss Anne McIntosh (Chair)

Richard Drax  
George Eustice  
Mrs Mary Glendon  
Neil Parish

Ms Margaret Ritchie  
Dan Rogerson  
Amber Rudd

### Examination of Witnesses

*Witnesses:* **Angela McGlynn**, campaigner on dog control issues, and **Luciana Berger**, Member of Parliament for Liverpool Wavertree, gave evidence.

**Chair:** Good afternoon and welcome. I give a warm welcome to Angela McGlynn especially, and to Luciana Berger, my colleague, who is with us this afternoon. I thank you most warmly for participating in our inquiry on dog control and welfare. I am going to ask Luciana to introduce herself for the record.

**Luciana Berger:** I am Luciana Berger, Labour and Co-operative Member of Parliament for Liverpool Wavertree.

**Chair:** And if you can just introduce yourself for the record, Mrs McGlynn.

**Angela McGlynn:** Angela McGlynn, the mother of John Paul Massey.

**Q1 Chair:** Ms McGlynn, for the purposes of our inquiry, we would be most grateful if you told us in your own words exactly what happened to your son.

**Angela McGlynn:** John Paul was killed by the family dog at his grandmother's house. He was four years of age and that was two and a half years ago. There was nothing previous to lead us to suspect anything would happen with the dog. It was just a family pet; it had not bitten or anything before. We do not know why it did it, but it did.

**Q2 Chair:** For our information, had the dog, Uno, shown any signs of dangerous behaviour prior to this incident?

**Angela McGlynn:** Nothing whatsoever—no, nothing. I have two nephews that were younger than John Paul as well and there was nothing to any of the children.

**Q3 Chair:** Had any agencies or police given Uno's owner any advice or taken any action about the dog prior to this incident?

**Angela McGlynn:** No.

**Q4 Chair:** I understand from newspaper reports that possibly the housing association had been informed that there was this dog and it might have been an illegal breed, but no action was taken.

**Angela McGlynn:** Yes. A neighbour apparently called to say there was a pitbull in the house. It went through the police calls and nobody came to the house.

**Q5 Chair:** How do you think the present law and the present system of dealing with irresponsible dog owners or dangerous dogs let you and your family down at the time?

**Angela McGlynn:** I believe it did let us down because that was six months previous to what happened to John Paul, and a pitbull, as we know now, is an illegal dog and it was reported. We did not know it was a pitbull, but the phone call did state it was a pitbull and the police did not come to the house to check the dog or anything like that. So if they had done they would have seen it was a pitbull and the dog would not have been there, because it would have been given up.

**Q6 Chair:** Do you think that anything has changed since that tragic incident that would make police and housing associations, for example, act differently?

**Angela McGlynn:** The Independent Police Complaints Commission (IPCC) have said that they have changed the rules within the police force and things like that. I do not know what changes they have made towards reports on that level and phone calls.

**Q7 Amber Rudd:** Ms McGlynn, could you tell us about what support and help you were given by the police and other agencies after the tragic event? Were you offered some sort of counselling? Did they try and talk to you about the event? Was there help given to you about whether there should be a prosecution? Were you well informed in the process?

**Angela McGlynn:** One of the family liaison officers was quite good. The detective who led the investigation—he was more in touch with my mum really—was really good and my mum still speaks to him now and again. The bereavement officers who looked after John Paul for two weeks at Alder Hey Hospital were fantastic. They offered counselling support for my eldest son. Once Christian was charged, there was nothing after that.

**Q8 Amber Rudd:** I know that you are very involved now in campaigning. Looking back on it, do you feel there was more support that could have come your way that a mother in your situation should be offered?

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**Angela McGlynn:** Yes, because in my case, once the charges were made, I just felt that that was it, really. It was like, “Get on with it”, basically. My whole life had been ripped apart within seconds and then you have court cases and everything, as well.

**Q9 Amber Rudd:** What could be done better, do you think, to help people in that situation?

**Angela McGlynn:** I do not really know, to be honest.

**Q10 Amber Rudd:** No, it is a tragic situation, so maybe there is not anything. Can I move on to something slightly different? Do you think the punishment for people whose dogs attack children are really sufficient? To be frank, what length of time do you think people should spend in jail if their dogs kill or injure people? Have you given some thought to that since the event?

**Angela McGlynn:** It is a difficult one, with it being my brother’s dog and my mother was there at that time, and my mother is the only other person really, apart from his parents, that we would leave him with. So we had concerns at the end of the day. I have forgotten the question.

**Q11 Amber Rudd:** Taking your mother out of the question and looking at it more generally perhaps, because I know that you are a general campaigner on this as well, do you think that there is the right level of justice being meted out where there are injuries or deaths caused by dogs? Do you think that the law should have a different approach?

**Angela McGlynn:** As I say, it is a difficult one. You have got people with status dogs who have perfectly trained the dogs to be vicious and then you have the likes of what happened to us, with it being what we thought was a daft family pet. It is a difficult one on that side, but we would welcome any changes and anything that can be done really.

**Q12 Neil Parish:** Thank you very much for coming along this afternoon. In your experience of the tragedy that you had, do you think that the public attitude towards dangerous dogs is changing? What has been your experience?

**Angela McGlynn:** It is the same. I would say it is more with the status dogs. I do not think that people take any notice of it. I have had people say to me, “Thanks for doing your campaigning because I have got rid of the dog,” or “I have kept it away from children,” or “I have kept it muzzled,” and stuff like that, which I had never thought of before. Then you also have people saying, “My dog would not do that; my dog is not a pitbull.” That is because people are not being made aware of the statistics of the other breeds of dogs that are attacking. I think people should be more knowledgeable about stuff like that, so they know it can be a Jack Russell, instead of just pitbulls.

**Q13 Neil Parish:** Have you had the experience with those who keep the status dogs? Very often—I had better word this carefully—it is the way the owner brings up the dog that creates the danger. Do you think that the public are aware of this really?

**Angela McGlynn:** That is the most common one that you hear: “It is the way you bring up the dog; it is down to the owner.” In some cases it is, but not in every case.

**Q14 Neil Parish:** Do you think the public would accept more control over dog owners and there being more control over the dogs? What do you think is going through the public mind at the moment?

**Angela McGlynn:** I do not know. That is a difficult one, really, with dog owners and people with children, because some people treat the dog like a child really. They need to start realising that it is actually a dog, and that is where I think the knowledge of the attacks and the different breeds and the number of attacks that are happening should be more available.

**Q15 Neil Parish:** Yes, and I think that what we are trying to differentiate is between those dogs that perhaps suddenly turn and those dogs that are being bred by the owner to be dangerous.

**Angela McGlynn:** Yes.

**Q16 Chair:** We are going to come onto muzzling and microchipping, but Luciana, can I ask your view? Obviously you know the local community. Would you say this was an isolated incident?

**Luciana Berger:** Sadly, it is not an isolated incident. If you have the opportunity, there was a report done for *Newsnight* in my constituency that covers this; it is 10-minutes long and is available on YouTube. We went into a local park and saw firsthand a dog that was not on a lead and was clearly very dangerous and went for the cameraman on television. That was not by design. I have people that come to see me in my constituency surgeries once a month, if not more, with very serious concerns about dogs. One of the reasons I have been so involved supporting Angela and involved in the campaign is that we know from the figures that 6,000 people are hospitalised every year, and those are the official figures. That does not include people that go to their GPs or do not report it. We should be doing everything possible in terms of prevention and that is where I see the biggest gap at the moment. Speaking to the police locally in Merseyside, it is very challenging for them to do anything before an attack takes place and that is why I have been so involved in the campaign.

**Q17 Chair:** There is some work being done by Defra and some work being done by the Home Office—and it is a lot of the focus of the inquiry—about whether the focus should be on behaviour of individual dogs or should the focus be on breeds, as in a particular dangerous type of breed, from what you have seen?

**Luciana Berger:** We need to look at both. The challenge with the breeds at the moment is that there is a lot of cross-breeding. Speaking to the police handlers, who have to determine whether a dog is or is not a banned breed, even that presents many challenges in and of itself. Beyond that, we also know that many attacks take place by dogs that are not on the banned breed list. We know that some dogs do have a pre-disposition to be more violent, but equally, if someone does not have the skills and expertise to

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best look after their dog, then that dog also could attack someone. So it is about looking beyond the breeds to the deed that happens.

**Q18 Chair:** Are you surprised that, with attention having been brought to Uno, no action was taken either by the housing association or the police when those reports were made?

**Luciana Berger:** The issue is around what can actually be done within the constraints of the law as it currently stands. It comes back to this question about prevention. So you report it, but actually what can the police do until something happens and what can dog wardens do or the council do? If there was something on the prevention front, for instance, like a dog control notice, if there was any concern that I could report—

**Q19 Chair:** If it was an illegal breed it would be covered by the present law.

**Luciana Berger:** You say that; however, many illegal breeds are still returned to their owners. So even within the legislation as it stands, we still have banned breeds going back to their owners, under very strict conditions, but if you speak to the police, as I have spent a lot of time doing, people do not then adhere to the six prescribed things that they have to do.

**Q20 Ms Ritchie:** I want to move on to the issue of the action to stop future attacks. Angela, you have been active in asking for tougher action to be taken on dogs to stop more attacks on children. What do you think are the key action points or the key things that Government should do?

**Angela McGlynn:** They need to look at prevention more than acting after the fact. It is great that people will be punished afterwards, but we need to start preventing first. People need to start being educated, as I said, about the statistics and the different breeds of dogs. People need to be made aware of that, because I do feel that what happened to me was partly down to ignorance, because I had only ever heard of one child that was attacked before, which was Ellie Lawrenson; she was killed by two pitbulls two years before John Paul in St Helens. Those dogs were actually bred as fighting dogs and given steroids. That is where we thought, “My dog is not like that”—the typical thing that people say—and “We did not know it was a pitbull”. People should be made aware of the actual breeds and the number of attacks that are happening.

**Q21 Ms Ritchie:** In that respect, do you think it would be practical to require dogs to be muzzled around children and how could that be enforced in people’s homes? Maybe that is a question for Luciana.

**Angela McGlynn:** We certainly need people to have more rights, because lots of attacks, especially on children, are on private property and are in a relative’s house or their own house. We certainly need that to be looked at. At the minute, the dog seems to have more preference really, if it is on its own property when it attacks a child, than a child has. With the muzzling you can get muzzles where the dog can still eat and drink—it does not actually restrict the dog—but it will prevent it from biting a child.

**Q22 Chair:** Can I just press you on that? What Margaret was asking was how it could be enforced. If it is on private property in someone’s home, who is actually going to be responsible? If there is any question at all about that dog, should that dog just not be around children? Why could it potentially behave in that way?

**Angela McGlynn:** When I was saying I would like to see dogs muzzled around children, I was speaking from my own experience from what happened to my son. There was no reason to think any different or that it was going to even bite him, never mind kill him. There was nothing before that. The dog just turned and it killed him.

**Q23 Chair:** So there was nothing, even when it was reported to the housing association, about him? There were no behavioural indications at all other than the breed.

**Angela McGlynn:** No, there was nothing. My mum had complained about it barking when it was a pup, like a dog barking basically. That was it.

**Q24 Ms Ritchie:** Will the Government’s current proposals to require puppies to be microchipped have much impact on the problem of dangerous dogs? For want of reference, I represent a constituency in Northern Ireland where microchipping came into play in April this year.

**Luciana Berger:** Angela has asked me to reply on her behalf. In terms of microchipping, you highlight that Northern Ireland has introduced it and I believe that Wales and Scotland have too, and it would be nice to see a uniform approach across the United Kingdom on this very issue. Microchipping is a massive benefit to owners, if not just to the wider public as people quite often lose their dogs. We have heard many reports of people that have had their pedigrees stolen from their homes and if they had a microchip it would be much easier to identify them. There are benefits on both sides to having a microchip. I understand that over 60% of the British public already do microchip their dogs. I was at an event where the Dogs Trust in my constituency provided it to those people that could not afford it for free. You can do it at a relatively low cost. I would be very keen to see all dogs microchipped as soon as possible.

**Q25 Ms Ritchie:** As an addendum to that, do you think that it would be sensible for the Government to require all dog owners to register their dogs and prove their suitability to own dogs? Would this have helped prevent the attack on your son?

**Angela McGlynn:** I believe so, and I agree with that, yes. I think they should be registered. That would also save on the time of the investigation into whose dog it is and things like that because it would all be on a database.

**Q26 Chair:** On microchipping and dog registration, when we had dog licensing, between 30% and 50% of dog owners did not comply. Of those people who are not behaving well who own dogs, what is to make them microchip, particularly those who are breeding dogs for illicit purposes and whose dog will never

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cross the threshold of a vet? How would either of you imagine that we could legislate? If they were not prepared to buy a licence, would they be prepared to pay for a microchip?

**Angela McGlynn:** You could relate that to if the dog was not licensed or microchipped then they could face a fine, in the same way that if people do not buy a TV licence then they get a fine.

**Q27 Chair:** But you have to find them and the dogs are probably going to come in as strays and we have thousands of strays each year. In fact, Northern Ireland has the highest number of strays, even though they have introduced compulsory dog licensing. It is a bit of a catch-22. I wondered if you had given any thought to how we can get around this problem?

**Luciana Berger:** I know, for instance, that the number of stray dogs in Britain has escalated massively and we do not have microchipping, so I do not think you can connect it with the microchipping issue. It is obviously a challenge for those people who choose not to.

**Q28 Chair:** I put it to you that strays have gone up for two reasons: the licensing was stopped in 1987, and then the 2007 Clean Neighbourhood and Environment Act passed stray dogs from the police, where they had provision for kennels, to local authorities, where they had no provision for kennels, so they have had to make that in times of budgetary constraint. Was that a good move? Against that, I do not know whether you have given any thought to how we can reduce the number of strays and entice people to license or microchip?

**Luciana Berger:** There are a number of issues and I would not want to conflate the two. I think strays are one issue, and I know from talking to the RSPCA, for instance, that they are very concerned. However, you can do microchipping for a very low cost and/or for free, and I saw that firsthand in my constituency only last week. People will jump at the opportunity to do microchipping if they can access it for free because they equally want to be connected with their pet if it goes missing. We have to respect and appreciate the fact that the vast majority of people are responsible dog owners and will access that service. It is about informing and educating the wider public too.

**Q29 Richard Drax:** Ms McGlynn, can I give you an example from my constituency before I ask you a couple of other questions? I had a constituent whose young daughter, who was about three, went to a neighbour who she knew, and a Scottish terrier attacked her face and nearly destroyed her eye. She has two things she wants to look at: one is this thing that in a private house the law cannot reach the dog owner or the dog; secondly, there should be some severity introduced into whatever law is brought in—i.e. if it is a bite, that is not quite as serious; if it is a terrible tragedy like yours, or an eyeball, clearly it is very different and the dog should be put down. Would you agree, if the law was to go that way, that the degree of severity should be taken into account?

**Angela McGlynn:** I have not actually thought of that before, but I think that would help, to be honest. I totally agree with that.

**Q30 Richard Drax:** Going back to education, which is a point you touched on earlier, have you any evidence, with all the campaigning that you have been doing, that dog owners are being taught about the dangers of their animals, in particular to children?

**Angela McGlynn:** No, I do not have any evidence to say whether they are or they are not. I just think—sorry, can you repeat the question?

**Q31 Richard Drax:** Of course I can. Is there any evidence that people are trying to educate dog owners, particularly owners of potentially dangerous dogs, about the dangers those animals might cause to children? For example, when I grew up I was always taught never to touch a sleeping dog, for example. There were basic rules. Is there any evidence that dog owners are being reached at all, by the police, the local authorities, or that there is any literature that is going out? Is there anything like that?

**Angela McGlynn:** I have not seen any.

**Q32 Richard Drax:** So as far as you know, there is nothing. Now turning it on its face, do you know if children in schools are being educated about the dangers of dogs in the park, for example?

**Angela McGlynn:** I have heard some cities are doing that. My family liaison officer did contact me, over a year ago, and said that the Merseyside Police were looking at going around schools and asking me to go with them and I said, “Yes.” That was over a year ago and no-one has ever mentioned it since.

**Q33 Richard Drax:** So do you think some sort of education in schools would be a good thing to introduce if it is not already being done?

**Angela McGlynn:** Yes, definitely.

**Q34 Richard Drax:** Lastly—this is perhaps a slightly difficult question in a sense—who do you think can best influence these dog owners, whether the dogs are being bred as pets or, on the darker side, for some sort of aggressive use as status dogs? Who is best placed to get to these dog owners, do you think: the police or the local authority or the Government?

**Angela McGlynn:** I think it is all of them together. Even the dog owners and us as campaigners cannot expect the law to change and that will stop it. Everybody has got to play a part, even the dog owners themselves. They have got to play a part in protecting our children.

**Q35 Richard Drax:** Lastly, presumably we need clearer law, because clearly there is confusion here. What we need is clarity, would you agree?

**Angela McGlynn:** Yes. I do agree with that. The other thing is the cross-breeds and stuff like that. People can access these dogs from the local newspaper by ringing a mobile number and they are taking at face value what they are told the breed of the dog is. Steps to look at things like that could be taken to stop the cross-breeding in the first place.

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**Luciana Berger:** I wanted to respond to your point about private property. We both actively welcomed the Government's announcement when they said, in response to the consultation, that they would be amending the law to cover private property. I hope that will be forthcoming as soon as possible. Now that we have some time in the legislative timetable perhaps it would be a good time to introduce that. We know that around 60% to 70% of attacks do happen on private property in the home. That would be a massive step forward if the police could actually take some action, particularly for people that go into people's houses. We have met with Royal Mail on a number of occasions: 12 postmen are attacked every day. I spent some time hearing from health workers and social workers that that is a massive issue for them when they are going into people's homes. We hope that the Government will get a move on in making that change.

You also mentioned resources and whether there are enough resources for education. One of the other things the Government did was to say that there was some funding available to help those agencies involved in education. I hope they will look seriously at what that budget is, because if you think about how far £50,000 goes across the country, it is pretty limited.

**Q36 Chair:** Can I come back to the private property aspect? As you will expect there are some reservations where perfectly well behaved dogs are used against potential thefts, particularly from farms. Would you accept that there could be some caveats to the extension to private property?

**Luciana Berger:** I think that the caveat that the Government came out with was very sensible.

**Q37 George Eustice:** You made a very important point there, which is that you are not going to solve this problem just through law, and I know that you have done a huge amount to raise awareness about the dangers of dogs and to get people to think about these issues. Coming back to what further the Government could do, we have touched on lots of different issues, but what do you think would be the single most important thing? If you had to nominate one thing that the Government could do, what would it be as a change in the law?

**Angela McGlynn:** I think private property, because I personally do think that the dogs have got more preference, or more rights if you like, than the children. It seems to be all for the dog really and for the children it is like, "Oh there is nothing we can do about it because it is not an illegal breed." The other thing is I do not understand why dogs that are found to be illegal breeds, like pitbull types, are not just taken and destroyed straightaway because they are illegal in the first place.

**Q38 George Eustice:** Do you think that is not really being enforced enough? In your case it was obviously an illegal breed, wasn't it, but not enough was done?

**Angela McGlynn:** Yes. That is why I go back to people being told and being knowledgeable about dogs, because I did not even know what a pitbull was and certainly did not know that the dog was a pitbull. To be honest, if I had known that it was a pitbull I still would not have known that it was on the dangerous dog list; I did not even know that there was a dangerous dog list. Everything that I know now I know because of what happened to my son. People need to start thinking about them as dogs; they are animals. You get this fluffy little pup and it becomes part of the furniture, and that is where we need to start bringing education and letting people realise that they are not human; they are not another child, basically, but that is the way people treat them, as we did.

**Q39 Chair:** Luciana, you said that dogs are being handed back to their owners. Would you like to elaborate on that?

**Luciana Berger:** There are some people that go to court. It is a challenge enough to get to court on many occasions and there are many frustrations. A precedent has been set in London recently, which has presented even further complications as the judge was only looking at the danger of the dog, rather than the owner who had a violent background. They go through the court process and they can actually have the dogs given back to them, even when it is determined to be a dangerous dog breed, on condition of six things, which include neutering, microchipping and tattooing. You have to have insurance, and the dog has to be muzzled in public and kept on a lead. However, we know from various police forces that when they do follow up people have not adhered to those six conditions. For instance, they have not renewed their insurance. That is the biggest sticking point in particular.

**Q40 Chair:** So would you like to put on the record that that should be reviewed as part of this?

**Luciana Berger:** I think it is a very serious point. We know that last year alone kennel costs were over £6 million to police forces up and down the country. They have gone through the process of having to take something to court and then the dog is handed back and those owners do not adhere to the conditions prescribed by the courts. That is a very serious issue.

**Q41 Chair:** Is there anything else you would like to add?

**Angela McGlynn:** No.

**Chair:** Thank you both very much indeed for being with us and sharing your experience. I wish you continued success with your campaign.

**Angela McGlynn:** Thank you for inviting me.

### Examination of Witnesses

*Witnesses:* **Richard Leaman**, Chief Executive, Guide Dogs for the Blind Association, **Nick von Westenholz**, Head of Government Affairs, National Farmers Union, and **David Joyce**, National Health and Safety Officer, Communication Workers Union, gave evidence.

**Chair:** Welcome to all of you and thank you in advance for participating in this inquiry. I wonder if I could ask each of you, perhaps starting with Mr Westenholz, to introduce yourself and give your position for the record if you would.

**Nick von Westenholz:** Nick von Westenholz, Head of Government Affairs at the National Farmers Union.

**Richard Leaman:** Richard Leaman, Chief Executive of Guide Dogs for the Blind.

**David Joyce:** Dave Joyce. I am the National Health and Safety Officer for the Communication Workers Union.

**Q42 Chair:** You are all very welcome. I should declare that I was bitten in a very sensitive place at the top of my thigh—I still bear the scar—during my first ever election campaign. I did seek hospital treatment, but the dog was owned by a Conservative owner and I was hopeful of their support, so I chose not to press charges.

Can I ask each of you in turn whether, in your view, the increasing number of attacks on people and livestock indicates a failure of the Dangerous Dogs Act 1991? It is probably generally agreed that when all parties agree on a piece of legislation that is rushed through, it might not always be the best piece of legislation.

**Nick von Westenholz:** The National Farmers Union's key interest here is obviously around dog attacks on livestock, dogs worrying livestock or even injuring and killing livestock. There is a question about whether the Dangerous Dogs Act is the legislation that is most pertinent to that particular problem in any case. Obviously the Dogs (Protection of Livestock) Act 1953 is actually supposed to be the most relevant piece of legislation for livestock worrying and attacks, and we would say that piece of legislation certainly is in need of serious reform. The greater question is whether reforming that law alone would tackle the issue of dogs and livestock or whether reforming the Dangerous Dogs Act could be an alternative and suitable vehicle with which to tackle the issue of dogs and livestock.

**Richard Leaman:** Guide Dogs believes that the Dangerous Dogs Act is not working effectively at the moment. We do not believe the legislation goes far enough and we certainly do not think the police are enforcing it. We also do not think that the punishment for those who allow their dogs to commit these crimes is sufficiently harsh, despite the recent changes. For us it is a variety of different approaches: the law on dangerous dogs; the regime for dealing with those who have allowed it to happen; and also a series of measures, including education of dog owners, that will help to solve this problem. They must be taken together, not one thing in isolation.

**David Joyce:** CWU launched its Bite Back campaign in 2007–2008, because that year we reached a situation where 6,500 postal workers were being attacked by dogs. Two of our members have been nearly killed in attacks. That in itself demonstrates the

fact that the current legislation goes nowhere near dealing with the problem. The age-old cartoon image of the postman being chased down the garden path, being snapped at by the local dog with the letters going everywhere, is no joke. In reality, it is a very serious and a very dangerous situation. Currently, 12 of our members—12 postal workers—are attacked every single day. Even with all of the internal efforts we have put in over recent years, we have only been able to reduce that number of attacks down to around 4,000 to 5,000 every year. There are also 100 telecommunications engineers from BT attacked.

In answer to your question about whether the Dangerous Dogs Act has been effective, it is probably one of the worst pieces of legislation that has ever found its way onto the statute book. It has been totally ineffective as far as protecting our members is concerned. There is no protection at all. Of those 5,000 attacks that occur on postal workers every year, 70% occur on private property where we have no protection in law at all. Of course the irresponsible owners—that is the problem we are talking about here—are completely immune from any responsibility and consequences in law. The legislation is a total failure and it needs to be addressed, very urgently.

**Q43 Chair:** Mr von Westenholz, are you saying that the 1953 Act does not cover the situation and you would like to see a specific offence covering dog attacks on other animals, including livestock and horses?

**Nick von Westenholz:** The 1953 Act attempts to cover it. The shortcomings of the 1953 Act are primarily the enforcement mechanisms. At the moment there is a £10 fine. That is the maximum fine that can be levied for an offence under the 1953 Act, which may have added up to something in 1953 but clearly is not very much now, and up to a maximum of £50 for repeat offenders. There is no provision in there for control orders on the ownership of dogs or even possibly in some cases the destruction of dogs. There is no provision for including more exotic animals such as alpacas or llamas under that, and some of the provisions relate only to sheep, rather than livestock as a whole. It is not that the Act completely fails; it is really whether the enforcement mechanisms under the Act, and some of the specific provisions, are appropriate.

The fact is that there are hundreds, perhaps even thousands, of instances of dog attacks on livestock every year. It seems to us that that is a number that is rising, and the anecdotal evidence we have from our members is that the police do not always have the time or the resource or the energy to pursue these. The owners are not necessarily owners of status dogs or dogs that are known to be aggressive; they may just not really be aware of the nature of the problem. They are not being pursued and there is no real mechanism to deter that sort of behaviour.



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**Q44 Chair:** Can I just put a question to Mr Leaman and Mr Joyce? Do you find that the higher incidence of strays since 1987 is causing a problem for your organisations, and do you think we need a more fundamental overhaul of the current law than Defra is proposing?

**Richard Leaman:** We do. We see about eight guide dog owners a month whose dogs are attacked. The impact on the owner emotionally is absolutely devastating—the fact that they then revert back to the isolation they had before their dog was attacked. Quite often both the dogs and their owners are afraid to go out again, and this is happening eight times a month, which is an increase on last year and the year before. This is an inexorable rise in attacks. It is devastating for the owners and for the dogs, many of whom are withdrawn from service. We do not get any government funding. Each dog has a lifetime cost of £50,000, so there is also a financial impact on an organisation that is trying to get blind people out and about. The more dogs that are attacked, the less we can help other people. Our view is that the Dangerous Dogs Act is not preventing these attacks, the police are not enforcing the existing law and an overhaul is required.

**David Joyce:** There are no preventative measures in the current legislation, and that obviously is a very major downfall. One of the things that CWU has been campaigning for, as one of the major planks of our Bite Back campaign, is to introduce preventative and proactive measures within the legislation, which give the enforcing officers, both the police and the dog wardens, the ability to actually take action before attacks take place. At the moment, they have to wait until somebody is attacked, bitten and injured before they can actually consider whether they can take any action at all. We believe that the introduction of dog control notices would be a genuine preventative action, which could allow the authorities to take swift action against irresponsible dog owners at the first sign that there was an aggressive or a menacing dog displaying all the traits of the possibility that an attack would take place.

One of the things we do in Royal Mail is we try to identify every single address where there is a dog, so we can actually try to control the risks of our people being attacked. Of course, we cannot do that on our own. It would be very powerful if there was the introduction of dog control notices, whereby if we identified that there was the potential for an animal to attack one of our members we could actually notify the authorities and the authorities could actually issue a control order or a control notice on the owner to take various actions from a menu of possible remedies to bring that dog under control before it attacks either one of our members or another worker or a child.

**Q45 Chair:** Mr Joyce, do you think the recently introduced stronger sentencing will help in the situations that you have described?

**David Joyce:** We do. Of course, it was our organisation that identified to the Ministers that there had never been any guidance given to the courts in relation to sentencing. Because our members work across the UK and cover every single one of the 420

local authority areas, we were getting this huge disparity in sentences handed down to offenders who were found guilty of offences under the Dangerous Dogs Act. They varied quite considerably. For example, for two very similar offences, in one area there was a £225 fine handed down and in another area the individual got an 18-month suspended sentence, a £1,000 fine, a tagging order and a life ban on ownership of a dog—that's some disparity in sentencing. We pointed out that we needed more consistency in sentences and we needed sentences and penalties that fitted the crime. I am glad to say that the Minister responded to that and we got the sentencing guidelines that have come in.

It is early days yet to tell whether that will be effective, but we hope it will be. Certainly we have got that guidance there now: the guidance to the courts is that they should be handing down stiffer penalties and we hope that in time that will be effective. Certainly we will be monitoring it, and if it is not effective, then we will be coming back to say that it has not really worked and that we need to review that particular issue again.

**Q46 Chair:** Mr von Westenholz, mindful of what you said earlier, do you believe an attack on another animal or livestock by a dog should be an aggravating factor in the sentencing?

**Nick von Westenholz:** Do you mean an attack on another animal alone or involved in an attack on a human as well?

**Chair:** I think an attack on a human is covered. What we have established is that a dog-on-dog attack or a dog on another animal or livestock is not covered. Should it be an aggravating factor?

**Nick von Westenholz:** Yes, it should be.

**Q47 Chair:** Mr Leaman, do you believe it should be generally an aggravating factor, or especially if it is a guide dog for the blind or the deaf?

**Richard Leaman:** I think it should be an aggravated offence when any assistance dog is attacked because, in effect, it is an attack on the owner, who is disabled and in many cases it is an attack on the owner, either emotionally or physically, so yes, absolutely.

**Q48 Ms Ritchie:** This is a question for each of you. Scotland and Northern Ireland have adopted some different approaches to dog control. Do you consider that there are elements in these approaches that could be effectively applied in England and Wales, for example, dog control orders or licensing?

**David Joyce:** Absolutely. We worked very closely with the Scottish Government and the Northern Ireland Government on introducing their legislation. We are obviously very familiar with it. Likewise we have been working very closely with the Welsh Government, who have recently announced that they will be publishing a Bill for consultation before the end of this year and introducing a Bill for Wales early in the new year, which we are obviously delighted about. They have worked very closely with us and we have been given a clear indication that the Bill will contain all of the elements that we would like to see in it.

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Both the Scottish and Northern Ireland legislation contain some very fundamental measures, which have not, sadly, been picked up in the Defra-recommended changes that were subject to consultation, the primary one being in the area of preventative measures. There are no preventative measures that have been included in the proposals for England by way of dog control notices. Of course, they do exist in Scotland and in Northern Ireland. Additionally of course, the Northern Ireland legislation has introduced compulsory microchipping for all dogs. Alongside that, they have retained the dog licence and they have introduced a regime whereby the funding that is accrued from the licensing helps to fund the enforcement of the regime. Certainly, I would recommend to the Westminster Government that they look very closely at the legislation that we have currently got in Northern Ireland and Scotland and follow their lead.

**Richard Leaman:** Yes, I would agree entirely with that. There is a lot that has been done in Northern Ireland and Scotland that can and should be done in England. We would also like to see the proposed legislation from Defra go a little further with regard to microchipping. Currently, the proposal is that it is only for puppies. Our view is that there are several problems with that: the first is that it will take at least 12 to 14 years for that to work through the system. In the meantime, how on earth do you enforce whether or not that dog was old enough to have been microchipped at the time, and so on and so forth? We think the idea of simply constraining microchipping to puppies alone is a serious shortcoming in the Defra proposals. Yes, we do think they could learn a lot from other devolved legislation, absolutely.

**Nick von Westenholz:** We would simply add that clearly it would be sensible to look at the effectiveness of the measures introduced in the devolved administrations. From our point of view it is simply a point about getting effective legislation in place that actually tackles irresponsible ownership and reduces the number of aggressive dogs. Anything we can learn is clearly a good idea.

**Q49 Neil Parish:** Mr Joyce, your union has raised concerns about the proposed reforms to the Criminal Injuries Compensation Scheme, which could exclude postal workers attacked by out-of-control dogs from receiving compensation. Should the Government make it compulsory for dog owners to be insured against their dog harming people or animals before such changes to the scheme are introduced?

**David Joyce:** We certainly do support that. I believe that the Government should seriously consider the introduction of compulsory insurance for owners of dogs. There was a lot of furore about this before the general election. The *Daily Mail* and *The Telegraph* were saying that it was going to cost every dog owner across the UK £600, when in fact the Dogs Trust actually provide a scheme: if you become a member of the Dogs Trust for £20—£10 if you are unwaged or a pensioner—you get third-party liability cover up to £1 million. That is nowhere near beyond the expense of a dog owner who spends more on feeding their dog in a week than it would cost to insure the animal.

Certainly, we would be very much in favour if the Government was to change its position and say that they were going to support the introduction of compulsory insurance. I have heard arguments to say that only responsible owners will insure their dogs and the irresponsible will ignore it. Okay, but if we are going to adopt a situation where we only introduce laws that we believe 100% of the population is going to abide by, then we are moving towards a state of bedlam. There are 30 million cars on the road and we know that 1 million drivers or more do not insure their cars. I have not heard the proposal that because of that we should abandon car insurance. We believe that is a very sensible way forward.

You have identified something that is going to hit our members in a bad way. Presently, running at 5,000 attacks a year, it depends on who the owner is and what their resources are as to whether our members will get any compensation at all. One of our members was nearly killed—Paul Coleman in Sheffield. He was actually attacked by two dogs owned by a criminal who was subsequently sentenced to a long term in prison for drug-related offences. He was a man of straw, in legal terms: he had no resources, no insurance, no bank accounts, no nothing. After we exhausted every other possible angle of trying to secure compensation for Paul Coleman, we had to go to the Criminal Injuries Compensation Scheme—a scheme of last resort, let us not forget that. We secured him £7,000 after a four-year battle. If he had been attacked by someone who had an insurance policy the compensation would have been in six figures. Let us not forget that the man was nearly killed.

We are in a situation now where we take personal injury compensation claims on behalf of our injured members, obviously. We hope that the owners are insured. If they are not and we end up with the Criminal Injuries Compensation Scheme, where about 1,000 of our members each year end up, we will get some level of compensation; it will not be very generous, but it will be something. The Government is proposing basically to end compensation payments under the CICS for dog attack victims. That is devastating for our organisation, because we know a large number of our members very shortly, if the Government does not change its view on that, are going to end up with no compensation. We keep hearing a lot of argument about rebalancing the law in favour of the victim; here is a clear example of rebalancing the law in favour of the criminals, in favour of irresponsible, reckless and negligent owners. I am glad you raised that, Neil, because it is a very important issue for us and we hope that the Government will change its mind.

**Q50 Chair:** It is now on the record. I am sure a responsible dog owner would not find £20 difficult to pay, but I think you have highlighted the problem, which is that of the irresponsible dog owner. How would you ensure that the irresponsible dog owner paid for insurance?

**David Joyce:** Depending on who gives you the statistics, we have a dog population of between 8 million and 10 million. My view is that if you can afford to own a dog and feed a dog and do the

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basics—provide its normal welfare with its inoculations and so on—then you can afford to insure it. That is my view, because it is not that expensive. It is not beyond the reach of somebody who can afford to own a dog. Therefore, we believe that that is something that should be seriously considered. With that growing population of dogs we need to have a remedy in place to look after those people who are injured.

**Chair:** Thank you, we have got a lot to get through. Can I ask you to be very brief?

**Q51 Neil Parish:** You raised the case of a criminal whose dog had bitten and had probably been trained to bite in the first place, I suspect. How do we actually get those guys to insure because they are beneath the radar screen?

**David Joyce:** They are beneath the radar screen, but if we introduce compulsory insurance and they do not abide by that legislation, they have committed an offence and they can be taken to task by the enforcing agencies. Additionally, it is not beyond the realms of imagination to look closely at how we organise motor insurance in this country. Everybody who drives a car and insures their car pays a small amount into a central pot, the Motor Insurers' Bureau. Thereby, if you are involved in an accident and the other driver is uninsured or untraced then you can get your compensation for the repairs of your car and your injuries through the Motor Insurers' scheme. Likewise if we insured animals and had a central pot in the same way we could actually cover those people.

**Chair:** Mr Joyce thank you, we have got that. Mr Leaman would like to make a point.

**Richard Leaman:** If I could just add to that, the microchipping debate is exactly the same.

**Chair:** We are coming on to microchipping.

**Richard Leaman:** Arguably we need to do that so we can actually find out who those people are who do not have their dogs microchipped and punish them for that.

**Q52 George Eustice:** Coming back to the Dangerous Dogs Act, I wondered if I could ask Mr Leaman: you talked about the increase in attacks on guide dogs. Do you know roughly what proportion of those are from banned breeds?

**Richard Leaman:** There is no specific evidence to indicate a particular breed is guilty of more attacks than others. Our view, which is based on years of experience, is that it is more about the owner than the dog. There are very, very few fundamentally bad dogs. There are a huge number of very bad owners.

**Q53 George Eustice:** This is quite an important point. So it is not banned breeds like pitbulls that are causing this?

**Richard Leaman:** Pitbulls are interestingly responsible for the largest number of serious injuries because of the way they attack and the way their jaws are configured.

**Q54 George Eustice:** When you say a large number, do you know how many?

**Richard Leaman:** As I say, we have about eight dog attacks a year. Four pitbull types out of 183 is the exact number for the last year, but for the eight attacks a month there is no breed-specific issue. There is certainly an owner-specific issue; it is about the type of dog owner rather than the dog.

**Q55 George Eustice:** On that, quite a lot of the evidence we have had suggests that actually the 1991 Act is a blunt instrument because these banned breeds are not the modern problem; it is others—mastiffs and Staffordshire terriers and things like that—that are used as status dogs if they are raised in the right way. Is that your view?

**Richard Leaman:** We agree with that view. There is plenty of evidence to show that if you take a German shepherd, for example, it can be trained to be a very aggressive guard dog, but it can also be trained to be a loving and caring guide dog. It entirely depends how you train the dog.

**Q56 George Eustice:** In that case, would you support the removal of Section 1 of the 1991 Act, or do you think that would weaken it if you removed the notion of banned dogs? When we visited Battersea Dogs Home, they talked about a pitbull that was not a threat to anyone, but would have to be put down anyway.

**Richard Leaman:** Our view is that it is more about deed than breed. We would wish to see identification of the dog, a linkage to the owner and then a punishment to the owner for the crime of the dog.

**Q57 George Eustice:** Mr Joyce, I was interested in what you said about there being a big problem of attacks on postal workers. What sanctions does the Royal Mail have now? Are you able to say, "We are withdrawing postal deliveries for some time unless you put a post box at the end of the garden"? Everything that you have discussed so far about orders sounds very litigious, when it might actually be someone's collie dog running around in the garden. It is quite a difficult problem to solve through existing or new legislation, whereas a simpler approach may be from the Royal Mail saying, "We are not delivering anything further. You can pick it up from the local post office until you put a box at the end of your garden."

**David Joyce:** If you think that we have not tried anything then please suggest it, but I bet your bottom dollar you will not come up with anything that we have not tried. We work very closely with Royal Mail. We have run a number of campaigns. This summer we ran a major campaign, jointly with Royal Mail, on public awareness. We always get a huge spike in attacks during the summer when the kids are off school; you have got the front, back and side doors and windows open, and the family are in the garden and the dog is running around. We get a huge increase in attacks because the dog obviously has direct access to our members.

We have gone out and asked the public to be more responsible. We have asked them to consider fitting letter cages to backs of their doors because 12 of our members have had their fingers bitten off in the last 12 months; there have been 50 fingers bitten off in the

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last five years. We have asked them to keep their dogs under control in a safe place if they cannot guarantee that they will not potentially attack one of our members when we come to do deliveries. We have asked them to think about the fact that they will be getting a delivery from Royal Mail or Parcelforce six days a week, 52 weeks of the year, and try to be more responsible and prevent attacks taking place—*[Interruption.]*

**Chair:** Order. The Committee stands adjourned.  
*Sitting suspended for a Division in the House.*  
*On resuming—*

**Q58 Dan Rogerson:** Good afternoon, gentlemen. I have listened with interest to what you have had to say so far. We touched briefly on the issue—particularly with Mr Leaman and Mr von Westenholz—about attacks on other animals, as well as humans. What do you think would be the best way to change the law to cover that, particularly around the issue of guide dogs but also, of course, livestock? What changes in the law are you recommending that the Government ought to take on board?

**Richard Leaman:** We are very clear that the proposals that Defra have made recently are heading in the right direction. We are very keen to see microchipping but, as I said earlier, we would like to see all dogs microchipped within the next couple of years. We would also like to see an attack by a dog on an assistance dog—so, other dogs as well as guide dogs that support people—seen as a criminal offence, and we would like to see the police enforcing the law.

**Nick von Westenholz:** It is about making sure that enforcements around attacks on livestock are properly pursued. The evidence from our members is that whereas maybe 20 years ago generally the police took quite seriously instances of livestock attacks, that is not so much the case now. These instances are happening and there is nothing really being done about it and so, not surprisingly, there might be some escalation, as I said we think there is. It is about making sure that the enforcement mechanisms are more effective—increasing the amount of fines, for example, and putting in other mechanisms such as control orders or a ban on ownership or the like—but also making sure that those are then pursued, which is as important. It is not just about changing the legislation; it is making sure that the legislation is properly enforced.

**Q59 Dan Rogerson:** I have a follow-up question—it has been answered, I think, in regard to livestock—about the level of sanction and the sort of sanction you think would be appropriate for attacks on other animals. Is there anything that you are specifically recommending, about what you would like to see as a range of penalties, for example?

**Richard Leaman:** We would like to see the penalties for those owning dogs that commit these offences to be a lot more severe than they currently are. If you look at the impact it has on both the blind person and the dog, even 18 months in prison is really not, in our view, adequate, so greater than that, I would say.

**Q60 Richard Drax:** Mr Joyce, this question is aimed at you, really: how far would extending the Dangerous Dogs Act to cover offences committed on private property solve the problem of dog attacks on postal workers, when a third of those attacks are on public land already covered by criminal law?

**David Joyce:** 70% of attacks on our members are on private property and there are no criminal sanctions, so the simple answer is that the law should be extended to apply everywhere equally, exactly the same, as it currently does in Scotland, as it currently does in Northern Ireland, and as it will in Wales next year. It has to apply everywhere equally. We are the biggest stakeholder here, because we are the only organisation with 70,000 people on the streets six days a week, 52 weeks of the year, delivering 70 million items a day, and 120 million at Christmas. Therefore, if there is going to be a dangerous dog out there with an irresponsible owner, it is going to be our people who come across it first and foremost.

**Q61 Richard Drax:** I missed the last bit of the question. Forgive me for being slightly late back. Can I just ask you what your opinion would be of this: in America, for example, you see in the movies that they put letters at the end of the drive, don't they, in these little boxes? I do not know whether you have been asked this but would it be possible that legislation could be passed that, if people commit an offence—or the dog does—they could be made to put, by law, a letterbox at the end of the drive, where you do not have to go to the house? What do you think of that idea?

**David Joyce:** I got cut short by the division earlier on, because I was not able to finish my answer as to what we do and what we can do by way of simple solutions to possibly addressing the issue. What we do is we run campaigns where we address owners and we suggest to them, “Would you consider, first and foremost, if you have an animal, fitting a dog letter-cage behind the door? Secondly, would you be prepared to accept what we call a gate-box or an outside box?” and some householders accept that and others say, “No, I want you to continue to deliver it through my front door”, as we are legally obliged to under the Postal Services Act. We face a paradox in this country. We all have the legal right, under the Postal Services Act, to have the mail delivered to our door, and long may that be the case, but, it would be good if we could get the agreement of the owner to accept a gate-box. For example, lots of farms and commercial premises accept it.

**Q62 Richard Drax:** Sorry to interrupt but my point is: do you think the law could be changed to enforce it?

**David Joyce:** It could.

**Q63 Richard Drax:** So, that would be an idea.

**David Joyce:** Yes, it would be an idea to consider, because, certainly, our campaigns have been quite successful to get a number of residents and commercial premises to accept that arrangement. If there was legislation, obviously that would strengthen that position. Just to finish on the point, the big

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difference now is that postal workers are under instruction that, if they approach an address and they feel that they are under threat—there is a dog running loose—then they should not attempt a delivery and they should report the situation, whereas, in the past, they were told that they should try to make the delivery. We have done everything we possibly can internally, ourselves, by way of better control measures and voluntary arrangements with the householders, to drive down the number of attacks, but we cannot do it on our own. We do need legislation.

**Q64 George Eustice:** You do not have the ability at the moment, then, to suspend postal deliveries?

**David Joyce:** Yes, we do.

**Q65 George Eustice:** How long are you allowed to do it?

**David Joyce:** What happens is, after an attack takes place, we will immediately suspend delivery. There were discussions with the regulator to explain and understand the problem that we faced, and we got their support. We got the support of the enforcing authorities as well. The suspension will remain in place until such time as we can be convinced by the owner or occupier, and the enforcement authorities, that it is safe to recommence delivery. We do not like suspending deliveries.

**Q66 George Eustice:** But that is quite a powerful tool in itself, isn't it?

**David Joyce:** It is a powerful tool but it is not a popular tool because, in many situations, you cannot, for example, only suspend delivery to the one address where the dogs are. We get situations where irresponsible owners allow their dogs to run up and down the street, and we have situations where—

**Q67 Chair:** I think we are getting confused here. The question is very much whether you can suspend the service.

**David Joyce:** We can suspend the service, and we can suspend the service until such time as we believe that it is safe to resume the service to those addresses but, again, I wish to stress it is something that we do not like doing because we pride ourselves on delivering an excellent service to the public, and other innocent householders suffer—neighbours, for example—if we suspend the deliveries. We do not like doing it, but we can do it and we do do it.

**Q68 Chair:** Mr von Westenholz, you referred to dogs running loose and attacks on people visiting farms. Is there a case for post boxes being put at the end by the farm gate?

**Nick von Westenholz:** Yes, I think so, and a lot of farmers do actually do that. I think that is fairly common, in fact.

**Q69 Dan Rogerson:** On the issue of extending the law to private property, I think it is fairly clear there is support for that, certainly from the previous witnesses as well. There are questions, then, around something which the now former Minister raised

about unlawful trespass and people entering property with unlawful intent. It would not cover that, so we have the issue around the use of guard dogs, or whatever, so that people feel secure—sometimes in rural areas, they are quite exposed or away from people. Do you have a view on that part of the thing about what should be covered by trespass and how we can be sure that people who are entering—other than postal workers; it is fairly clear what they are there to do. There are a whole range of other workers who may be delivering or may be servicing a piece of equipment or meter-reading, or all sorts of things, and political deliveries and canvasses, as we heard earlier on from the Chairman, who get affected by this as well. How do we set guidelines?

**Nick von Westenholz:** I think it is difficult. I am not quite clear on the law in this area but I think postmen are not legally considered trespassers. I am not sure if I am right but I think people doing deliveries are implied to be there with permission, so they would not be trespassing. But there are issues, certainly in rural areas, as you say. We are concerned that people who do rely on their dogs, even just to alert them—to bark when there is an intruder—are often in very remote areas; there are no neighbours and there is nobody else around, so they can be quite reliant on their pets. The other issue, of course, is a lot of farms have rights of way very close or even right through them, so there is every chance that there will be regular visitors who, again, are not trespassing if they are sticking to the right of way but who may come into contact with dogs.

Of course, there may be issues where the dog is not dangerous or even acting dangerously, but maybe people who are do not have pets themselves might perceive a risk and, therefore, make a complaint or call the police. I think it is just very important that, if the provisions around bringing private properties into the current regime—which I think we would accept, because there are very good reasons to do that—are the case, a lot of very hard thought is given to how you do bring in the caveats that we have heard of to prevent them applying to trespassers.

**David Joyce:** I agree entirely. The legislation should be framed so that it does not protect burglars and trespassers with criminal intent. What we are trying to do here is we want the law changed so that property owners and tenants have a legal duty to ensure that everyone who visits their premises, like postal workers, who come daily, are safe and that they must also, in my view, be prepared for children to be less careful than adults, because children are often unaware of the full extent of any dangers. Responsible owners need to ensure that their animals are secure and we do not see the horrific attacks that take place all too often. What we are aiming at here is to make sure that people who are legitimately there, to provide a service that the occupier or the tenant wants, are safe when they are there, and that the owners accept their responsibility around that.

**Richard Leaman:** We would just like to see guide dog owners and assistance dog owners, who are legally on private property, protected by the law.

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**Q70 Dan Rogerson:** There are issues around cold-calling, which some people do not like, but people have peddlers' licences and so on—it does not happen so often now—so there is a legitimate reason for them to be knocking on the door uninvited, so that is the sort of issue we would like to consider. If any of you have any views on those specific points, perhaps you could submit them in writing to the Committee, because I think that is an area that we will have to look at.

Returning to the issue of farm animals, would extending the law in this manner mean that farmers would have to restrict the places they keep dogs and their use of farm guard dogs as well?

**Nick von Westenholz:** Of course, it depends on how the law is framed, and it goes back to what we said before. The other issue is that, of course, on farms there are often working dogs and there may be, on those private properties, sheepdogs, for example, freely moving around a fairly wide area, and we would not want the law to place restrictions on those animals—having to be on leads or tethered, or whatever it might be. Clearly, there is good reason for working dogs to have some freedom of movement. Again, this goes back to the fact that it is a complex area that needs to be carefully drafted.

**Q71 Neil Parish:** Mr von Westenholz, can I ask you particularly on the thorny issue of dog owners going through and using rights of way through farms? Should there be additional restrictions on dog owners using rights of way through farms in order to protect livestock from out-of-control dogs? Sometimes they could be chasing pregnant ewes or whatever.

**Nick von Westenholz:** I think the current legislation should cover most instances, although I think, as I said at the beginning, there are some areas where it needs tightening up; the definition of livestock, for example, and, in the area of fines, what an appropriate fine might be. I am not sure the legislation, in a way, is hugely short of the mark; it is the fact that it is not in any way being enforced properly. The fact is that these attacks do happen—increasingly so—and many farmers are finding it very difficult to get any compensation and to get the police to follow up on the attack properly. Really, a lot of it is about enforcement.

The other point, of course, is that it is also about information and education, and we do a lot in trying to remind people using rights of way. We have done some work with the Ramblers Association to educate dog-walkers on the risks of having dogs around livestock. That has to go hand-in-hand with an effective enforcement mechanism for when people break the law.

**Q72 Neil Parish:** In a way, it goes a little bit back to the insurance side. If you insure your own animals for straying and they then cause problems, naturally people can claim against your insurance. Turning that on its head, especially if you have dogs that are owned but are loose, without the owner, causing trouble—because that very often happens—how would you deal with that situation, or how would you like it dealt with?

**Nick von Westenholz:** I think we would welcome measures that increase the amount of insurance that dog owners have, because, as I said, a major issue is people losing livestock. It is difficult to quantify sometimes—it may be abortions in ewes that are pregnant—and the compensation can be very difficult to come by, so anything that increases the chances of farmers getting compensation would be welcome. Often, however, the farmers themselves will not have insurance, because it is completely non-cost-effective for a farmer with 12,000 sheep to insure every single one of those.

**Q73 Mrs Glendon:** Each one of you has mentioned microchipping as important, so this question is addressed to all of you. Defra's consultation does place a great deal of emphasis on microchipping as a tool to help tackle irresponsible dog ownership. Do you all think that the Department's focus on this is right?

**David Joyce:** The Communication Workers Union fully supports compulsory microchipping. We want to see that introduced. We want to see it introduced for all dogs within 12 months of the legislation coming on to the statute books. We do not support the proposal that it should be introduced for puppies. We do not think that will be enforceable and secondly, of course, it would take about 12 to 15 years to filter its way through the dog population of the UK. The reason why we are so keen is that we have many situations where attacks take place and the owner simply denies ownership. We all know that, with the current legislation, it is difficult to prove the ownership of a dog if those people wish to make it very difficult, and many prosecutions and many investigations fizzle out, simply because they cannot link the dog to an owner. Therefore, compulsory microchipping would provide us, or the enforcement authorities, with a situation where they could far more easily link the dog to the owner and take the appropriate action against the owner, should an attack take place. Our view is very strongly in favour of compulsory microchipping for all animals, right across the piece, within 12 months of the legislation coming on to the statute books.

**Richard Leaman:** Guide Dogs agrees entirely with that position. We see the need to establish a link between the irresponsible owner and the dog that conducts the attack as a critical part of the process of enforcing the law. If that dog is not microchipped, then that should also be—and will be, if the Defra proposal comes into being—an offence in its own right, as would having no tax disc on your car. It is exactly the same issue. Arguably, the people who do not have a tax disc on their car will be the same sort of people who do not have a microchip for their dogs, but that does not mean to say we should not enforce tax discs on cars and that we should not enforce microchipping with dogs. We have enough trouble getting the police to implement the existing law, which is not strong enough without microchipping. We and the police—and I can speak with some confidence, having discussed this with some of ACPO's dogs team—both feel that microchipping is a

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critical part of the process of bringing these people to justice.

**Nick von Westenholz:** We certainly do not reject the idea of compulsory microchipping but I think we would say that the focus on microchipping as a solution might be ill-judged. For us, certainly in our opinion—and I think it came up in the previous witnesses—the sort of people who may be at the core of this problem are also the sort of people who are unlikely to get their dogs microchipped, even if it is compulsory. At the moment, of course, it is compulsory to have your dog collared and tagged with the identification of the owner. When we have problems with dogs worrying livestock, and we do have problems with the fact that we do not know who the owners are, that is often because they have not, despite the current law, put correct identification on the dogs. That would likely be the case in the event that microchipping was compulsory. However, as I said, it is not that we are against compulsory microchipping; we are just not convinced that it is the answer to the issue here. I would say that probably most of our members who we have spoken to would microchip their dogs, and I think most responsible members do.

**Q74 Mrs Glendon:** From your experience, what level of reduction in dog attacks could be expected if owners were required to microchip?

**Nick von Westenholz:** I do not have an answer to that, I am afraid.

**Richard Leaman:** It is a very difficult question to answer, but, to be perfectly honest, the current rate of increase of eight guide dog owners a month being attacked is totally unacceptable, and we believe this will help us to at least stabilise the number, if not reduce it. I think to do nothing and, as David said on my right, to wait for 12 years for something to be done about it is completely unacceptable.

**David Joyce:** If we knew the sum total of reductions that that would produce, then tonight I would be filling in my lottery ticket and I would be winning a lot of money. We do not know but what we do know is that, obviously, microchipping alone will not be the solution to all the problems. It is part of the solution. We see it as part of a package of measures that could be introduced, that would certainly see us experience a sustained reduction in dog attacks—certainly on our members—because, first and foremost, we could aid the enforcing authorities in securing prosecutions against irresponsible owners. It would be a tool that would certainly be very, very useful for dog wardens and police officers, when they are undertaking an investigation, to be able to link the owner to the animal and thereby more effectively secure a prosecution against the irresponsible owner. We see it as an important component in a package of measures that we would like to see introduced. That is our view on that.

**Q75 George Eustice:** I wanted to move on to the issue of licensing. I think, Mr Leaman, in the evidence from your association, you said that you thought there was a case for licensing of perhaps owners rather than dogs. Could you explain how you

think that might work? Would that be like an old-style dog licence or a different type of licence?

**Richard Leaman:** Guide Dogs would be keen to see some form of licensing, provided it is not overly bureaucratic, and that is a huge proviso. We do see the need to link the dog to the owner, and, in line with many of our colleagues in the charity sector dealing with dogs—the Kennel Club in particular—we also see the need to ensure that that licence comes with the requirement to be able to own that dog responsibly and to be trained in owning that dog responsibly. Yes, we do think licensing is the right thing.

**Q76 George Eustice:** Just to interrupt, when you say, “If it can be done in an unbureaucratic way”, what is an unbureaucratic way?

**Richard Leaman:** If we look at the way Government has moved across to the internet for a lot of its services, so the gov.net approach to providing people with information, with forms to apply for, and with ways of even changing your tax disc, we believe that there are more modern and effective ways of licensing that are low-cost and can only be introduced and should only be introduced if they can be done in a very low-bureaucracy way.

**Q77 George Eustice:** I am quite interested in this idea, but it seems to me that the RSPCA, for instance, do not send a rescue dog to any old home; they go and they inspect the home, they see the owner, and they make an assessment about whether that is a suitable place to place a dog. It seems to me, for such a thing to work, you would need to do the same for all people who wanted to own a dog, and that necessarily requires somebody in person, who understands dogs, to go to a home and assess it.

**Richard Leaman:** Yes, but, in a way, with respect, that is using a hammer to crack a nut, because, as several witnesses have said, I am sure the vast majority of dog owners are responsible. If we look at the approach taken in Scotland, with dog control orders that say that, if you demonstrably show you are an irresponsible dog owner and we have managed to identify that dog is yours, because it is chipped and it is registered to you, then you should go through a series of measures and controls to ensure you are a responsible owner. That approach is certainly one we would prefer, rather than a blanket requirement to convince eight million or so responsible dog owners to be better dog owners.

**Q78 George Eustice:** Mr von Westenholz, there are a number of bits of legislation in place around the breeding of dogs, which require people have a licence to breed dogs on a commercial scale, although, obviously, there are exemptions, I think, for having less than 12 litters a year. Do you think there might be scope to amend that legislation to remove that exemption in certain circumstances, particularly if it was, say, to breed status dogs? It seems to me that the big problem at the moment is that there is no control over these cowboy breeders who maybe have just one or two dogs and have a handful of litters a year, and raise them all appallingly.



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**Nick von Westenholz:** I would not see any issue with doing that—with moving the threshold on that. I think there is an issue with a more widespread general licensing regime touching on all owners, for the bureaucratic reasons that you have mentioned, but I would not see a particular problem with extending the scope of the breeding exemption.

**Q79 George Eustice:** Mr Joyce, you might want to come in on this particular one. The Home Office have proposed a kind of one-size-fits-all or catch-all approach to antisocial behaviour generally, and talk of dogs being just one part of that, with there are issues around drugs and all sorts of other things. Do you think taking that kind of holistic approach is a good thing, or is it in danger of leaving the issue of dogs as a sort of poor relation within that suite of measures?

**David Joyce:** I think it is a very bad thing—a very bad thing indeed. I have examined the proposals, which fall short of what we have in Scotland and Northern Ireland, and fall short of what we are going to get in Wales. Why the Government has chosen to go down this particular line, is beyond me. Certainly, I have discussed this in great detail with the Association of Chief Police Officers, with the Police Federation and with the National Dog Warden Association, and we have looked at what is being proposed here. In fact, it is not that easy to understand but, when we drill down below the surface, the proposals tell us that what the intention is is that, in respect of dangerous dogs, the Community Protection Order (Level 2) will apply and, in a situation where, for example, a menacing dog is identified by a dog warden or a police officer, they will then have to go to make the case to a senior officer. If they get past that first hurdle, then they will have to go to a magistrate and apply to the magistrate to issue an order, which will then be served on the owner.

In this day, when we are hearing a lot about cutting down on red tape and bureaucracy, and, of course, the police service, like many other bodies, is facing difficulties and cuts with tight fiscal constraints etcetera, they are going to have to decide their priorities. I do not believe that, in situations like that, they are going to want to waste a day of police constables' time sitting down at the magistrates' court to get one order for one dog, when we have the alternative, which we already have in place in two parts of the UK—and it is going to be in place in a third part—where, simply, the trained police officer or dog legislation officer can make a judgment, can write out an order and can serve it; it is as simple and straightforward as that. That, as I say, is what we are going to have in three parts of the UK. Why we are not talking about introducing that for England is beyond me. I do not believe that that proposal is an effective proposal.

**Q80 Chair:** Could we ask the other witnesses to reply as well, please?

**Richard Leaman:** No, we are not that clear whether these will be of any benefit at all. We would like to see more information on it. We would like to know more about the proposals. If, as a whole, they address the underlying cause of dog attacks, which is the

antisocial behaviour of the owners, then they could be a good thing.

**Nick von Westenholz:** I would say the same. I would like to see more evidence, once it has had some time.

**Q81 Chair:** I did put the same question to the other witnesses; it would be helpful to hear from each of you. Why should people be inclined to microchip, particularly the more criminal, darker, underworld element, when they were not inclined to purchase a licence for their animals prior to 1987?

**Nick von Westenholz:** That would be the question we would also ask, and that is the reason why we are not convinced that compulsory microchipping necessarily is necessary.

**Richard Leaman:** Our view is that we need to establish the linkage between dog and owner. If we do nothing, that linkage will never be established and, as I mentioned earlier, just because some people do not buy their road fund licence, it does not mean to say we should not enforce the law with road fund licence. We believe, by targeted, intelligence-led operations, we can enforce a law against those who have dogs that are not microchipped or dogs that are microchipped that behave in a criminal way. We think the law could be enforceable and we think it should be enforced, if only because of the 180-odd very vulnerable people a year whose lives are being destroyed by these people.

**David Joyce:** I do not believe we should legislate. We feel that the irresponsible owners are not going to become responsible overnight, and of course they are not. They are going to be committing offences and, if they commit offences, they should be prosecuted. The problem we have today in the UK is an out-of-control dangerous dog situation—let's not mince our words there; it is out of control. It has crept up on society and we need to do something about it. We need to make sure that we have in place a registration scheme where we can, first and foremost, repatriate stray dogs with their owners—that is a great benefit—but, secondly, as well, have a better way of linking the owner to the animal in an attack situation.

**Q82 Chair:** You have been very clear on that. My question is: for those people who are reluctant to microchip and those people who were reluctant to purchase a dog licence, what would you recommend the Government could do to ensure that they do? I think we like the idea of the third-party insurance, but do you have any proposals that you could help the Government with in this regard?

**David Joyce:** Overall—not only on that particular issue but on the whole package of issues—we need to do more on public awareness, education and training. There have been a lot of good schemes run by local authorities in combination with the animal welfare charities. The Dogs Trust, the RSPCA, Battersea Dogs Home and Blue Cross have done a lot of good work and have got a lot of very good results out of local initiatives around these issues. That, I believe, should be expanded, and we should make that part and parcel of the whole package of changes, not only in legislation, but with that as well, and win the hearts and minds of these responsible owners over to this.

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Once they realise the problem that we are trying to tackle here, I am sure that the overwhelming majority would support what we are trying to achieve.

**Q83 Chair:** You have pre-empted my last question. Mr Leaman, do you have any thoughts on whether the Defra package goes far enough as regards educating dog owners and whether schools should do more?

**Richard Leaman:** We welcome their proposals; we do not think they go far enough. We certainly do not think the amount of money that is being currently allocated to education and to broader awareness is anywhere near enough. Given the number of owners and those who interact with dogs, this would require a substantial amount of money to get right, and it would be part of a number of measures to resolve the dangerous dogs problem.

**Q84 Chair:** Just before I turn to Mr von Westenholz, can I just ask: how much of this is common sense and why should we be throwing money at it?

**Richard Leaman:** It is a very good question. We do feel that, in the vast majority of cases, owners are responsible—they do get their dogs chipped and they do get themselves trained to bring up their dogs—so we are particularly focused on dealing with those who are irresponsible, who do not get their dogs chipped and who should be brought to justice. It is a very, very difficult question. Again, for me, it is the same as the licensing issue: I do not think that a blanket approach to the entire dog-owning population of the UK is probably worth it, but there is a significant proportion of dog owners who probably do need education, and there are those who allow their dogs to conduct criminal attacks who must be given that education and training.

**Nick von Westenholz:** As I said earlier, I think the awareness and education element—certainly when we are talking about issues around livestock—is a really crucial, preventive element, and we already do a lot of work. I would not necessarily advocate Government throwing a lot of money at it, but I think anything we can do, specifically on this issue—which, for maybe more people, is not so much commonsense; a lot of people do not understand the ways of farming or the countryside and maybe are not clear that dogs around livestock can present problems—to increase awareness and education around that is as vital a part of the answer as going down the legislative route.

**David Joyce:** Relying on common sense alone will not work. I think we have perhaps been trying to rely on common sense to date, and that is why we have a situation where 250,000 people are bitten and attacked by dogs every year, 11 people have been killed in dog attacks since 2005 and 5,000 postal workers are attacked every year. Common sense alone will not cure the problem. We need some affirmative, positive action. Driving your car is common sense but we still get 3,000 people killed on the roads every year, so that will not meet the requirements of going anywhere near addressing the problem that we have. We do need an effective, new, comprehensive piece of legislation and appropriate enforcement, supported by a good package of education, training and public awareness, to address the problem.

**Chair:** Mr Joyce, Mr Leaman and Mr von Westenholz, on behalf of the whole Committee can I thank you very much indeed for being so generous with your time and participating in our inquiry? We are very grateful.

## Wednesday 12 September 2012

Members present:

Miss Anne McIntosh (Chair)

George Eustice  
Barry Gardiner  
Mrs Mary Glendon  
Neil Parish

Ms Margaret Ritchie  
Dan Rogerson  
Amber Rudd

### Examination of Witnesses

*Witnesses:* **Councillor Nilgun Canver**, Local Government Association Licensing Champion/Member of Safer and Stronger Communities Board, **PC Keith Evans**, Association of Chief Police Officers, and **Assistant Chief Constable Gareth Pritchard**, Association of Chief Police Officers, gave evidence.

**Q85 Chair:** Good afternoon and welcome to you. Thank you very much indeed for agreeing to participate in our inquiry into dangerous dogs' welfare and control. Could you each introduce yourselves, simply for the record? Just give your name and your positions, if you would. Could we start with you, Councillor Canver?

**Nilgun Canver:** I am Councillor Nilgun Canver. I am here on behalf of the LGA.

**Gareth Pritchard:** I am Gareth Pritchard. I am the Assistant Chief Constable for North Wales Police, but I am the ACPO lead for dangerous dogs.

**Keith Evans:** I am Keith Evans. I am Dog Legislation Officer for the West Midlands Police and an adviser to the Association of Chief Police Officers.

**Q86 Chair:** Thank you. In terms of housekeeping, there may well be a pause for a vote, for which we will adjourn for 15 minutes and come back as quickly as we can. We thank you for your patience and forbearance in that regard. What we are hoping to do is to look at all the existing legislation that applies and the work of the two Departments concerned, Defra and the Home Office. Only one witness needs to speak for each organisation. One thing that changed was the requirement for English dogs to be licensed, which ended in 1987. We understand that the take-up was only 50% anyway. What were the implications of that ceasing? Also, the Clean Neighbourhoods and Environment Act 2005 ended the requirement for the police to kennel and safeguard stray dogs. That passed to local authorities. Do you believe that those two changes accounted for the particular upsurge that we have seen in the problem of stray dogs and dangerous dogs as well?

**Nilgun Canver:** In principle, we agree with the Government about applying some changes to the law with regards to tackling dangerous dogs. We have not heard from the Government for a while. We were very concerned, with the police and the charities, that we were left on our own without any support. I am glad that now we are moving towards changing all of this. In terms of the Clean Neighbourhoods and Environment Act and responsibility moving to the local councils and police relinquishing their responsibility, it has had an enormous impact on local authorities. Just to give you some indication, between 2003 and 2008, in my borough of Haringey, we had 10 to 12 dogs and incidents registered as serious and

dangerous through the antisocial behaviour team; but between 2008 and 2012 and up to now, the number has increased to 42. That can give you an indication of how that increase happened. At the same time, we had very few stray dogs coming to our attention before 2008. For a couple of years, we were flooded with the number of stray dogs. This put an enormous burden on councils as we did not have the kennelling capacity; we did not have dedicated people working on these things. It took a while to deal with these stray dogs.

In terms of licensing—if I remember your first question correctly—there is already provision in the legislation for breeders to license those dogs that litter. There is provision in the legislation, but I am not sure if further legislation would be helpful, because we need to deal with the behaviour of the dogs. We need to give more responsibility to the owners.

**Q87 Chair:** Who would like to reply from the police? Thank you, Mr Evans.

**Keith Evans:** On the point of the old-fashioned licence, the licence in those days was pretty much to license an individual to have dogs. Everyone is in agreement now that the emphasis must be placed on registering a dog and accountability between an individual and an individual dog. Much as some parties would advocate the return to a licence, its form must take far more of a registration aspect, as opposed to just licensing a piece of paper that entitles you to own a dog.

**Q88 Chair:** If I could move that argument on, if there was only 50% uptake in those who owned dogs registering those dogs, before 1987, what can the Government do, whether it is voluntary microchipping or even compulsory microchipping, to ensure a higher compliance with any change in the law?

**Keith Evans:** This comes through education again. Also, the charitable sector is assisting greatly in this area of encouraging people to microchip their dogs. The general awareness of the benefits of microchips is far greater now. The licence was not seen to serve a purpose, but the general population now sees the purpose of microchipping, registering and the accountability of the owners, because their dog is now linked to them through the microchip. People can see the genuine benefits of that.

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**Q89 Chair:** We will be coming on to that in more detail. Can I just ask about the Dangerous Dogs Act 1991, and to what extent you believe it should be completely overhauled? In particular, I am looking at the sentences under that Act. Are they stringent enough to act as a deterrent? Where a dog is being used as a weapon, do the sentences reflect, for example, someone using a knife as opposed to a dangerous dog?

**Keith Evans:** The sentencing aspect, with regards to a dog dangerously out of control, should not be confused with where a dog is used as a weapon. If an individual uses a dog as a weapon that case should be dealt with, from the time of the incident through to the prosecution, as an assault: the dog in itself is a weapon. Therefore, the sentencing for an assault will always be far greater than the sentencing under the Dangerous Dogs Act for an aggravated Section 3, for example, where the act that involves the dog injuring somebody was not a deliberate act. It was not a malicious act; it was through the irresponsible behaviour of the owner.

**Q90 Chair:** Whether it is on private or public property?

**Keith Evans:** Currently both, under our proposals.

**Q91 Chair:** Do you believe that there should be a change in the law?

**Keith Evans:** Yes, very much so. ACPO supports the moving of powers that are currently under Section 3 of the Dangerous Dogs Act to cover private places, yes.

**Nilgun Canver:** The LGA is of a similar view, as we welcome this aspect. It will be very helpful to councils and the police in taking action as a result.

**Q92 Barry Gardiner:** Do you think the Defra consultation goes far enough? If you do not, in what areas does it not go far enough?

**Gareth Pritchard:** In terms of dog control generally, we would like to see a more comprehensive Bill. There are many aspects that we are concerned about around seeking to protect the public: we are very well aware of the serious injuries, especially to children, that we deal with; powers in private places; an effective preventative strategy; a proportionate response to the dangers that we see; powers to protect workers in people's homes. I have obviously had a number of meetings with Defra and, having spoken with the Minister and met animal charities and a number of the people who are here today, there is quite a consensus in the responses that you have had as a Committee, and in the discussions that we have had, that there is a need for a comprehensive set of proposals in the form of a dog control Bill. We are still using the 1871 legislation, but we are concerned about the gaps. Powers in private places is a major concern, as is our ability to protect people effectively. We are spending huge amounts of money on kennelling, which does affect animal welfare, and we are clearly experiencing financial cuts, like many other public services. That is a concern. We would like to see a more comprehensive set of dog control measures.

**Nilgun Canver:** We welcome the approach in terms of improving the legislation, and we are pleased that, at the moment, dog behaviour contracts are now accepted as an important tool. The Home Office is proposing some amendments to antisocial behaviour legislation, which is also very much welcomed, in the sense that we have argued in the past, especially with the charities, that dog behaviour contracts would be a useful tool to prevent the escalation of bad behaviour and to tackle irresponsible dog ownership. Now, I understand, it is part of the proposals, which is quite welcome. Nevertheless, we have got concerns about compulsory microchipping, because we really want the legislation to encourage people to become responsible dog owners and tackle the issues.

**Chair:** We are coming on to that in a moment.

**Q93 Barry Gardiner:** Could I just press you there, Councillor Canver? The LGA is a signatory to the Draft Bill. What you have outlined, up to this point, has fallen short, in some way, I would have said, of the control notices that you have proposed and signed up to in that Bill. Do you think it essential that those control notices be contained in an Act?

**Nilgun Canver:** Yes, of course, because there are good examples of that. Eastleigh Council has got very good voluntary informal arrangements along those lines. It is proven that it can work and it is quite positive.

**Gareth Pritchard:** We would favour dog control notices to have an effective preventative strategy. At the moment, we are reactive when the incident occurs, so we would favour the control notices, yes.

**Q94 Barry Gardiner:** Can I just say to both of you from ACPO that I was very impressed that two of you came today to address the Committee? It does strike me, though, that, as a Member of Parliament who repeatedly finds himself in a position where we are working with local residents' associations on this issue, one of the commonest complaints is the lack of seriousness with which local police officers take low-level complaints about dogs being out of control. It is only when something actually escalates into an attack that the police seem to take any notice. I am delighted that both of you are here today, but I would be far more delighted if you could give us some assurance that police forces up and down the country are going to start taking those warnings from local residents much more seriously.

**Gareth Pritchard:** I understand the concern. Clearly we are seeking to react to those issues. What we are seeking is a more flexible structure and for neighbourhood policing teams to be able to deal with community concerns far quicker. We do have dog legislation officers, such as Keith here, but there are around 100 across England and Wales. What we would like is a clear legislative structure, which involves dog control notices, so that we are not taking people to court but dealing with problems, concerns and apprehensions in the community quickly.

**Q95 Barry Gardiner:** Mr Pritchard, don't you feel that having a dog officer in a sense says to other officers on the force, "Dogs ain't my problem,"

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whereas you would not have that for knives or other issues of concern?

**Gareth Pritchard:** I agree completely. We have dog legislation officers because of the complexity of the legislative structure. I would like many of these issues to become neighbourhood policing issues, with a preventative strategy so that, if you have a police community support officer who has concern about a dog outside a school, there is a tool available for that officer to deal with that effectively. I would like to see it more routinely and effectively utilised, but I accept your concerns.

**Q96 Barry Gardiner:** Many of us would like to see some neighbourhood community police officers left, but that is another matter. At the moment, I think I am right in saying that you have powers—and I am shifting to dog-on-livestock attacks—at your disposal under the Dogs (Protection of Livestock) Act 1953 to deal with attacks on livestock, but you are not using them to any extent, are you? Is that not one of the problems? There are powers there in that area, but the police are not actually using them. Is it not part of the issue that these things are simply not a priority for you?

**Keith Evans:** The Protection of Livestock Act is extremely old-fashioned. It does not have the power of seizure of the dog, as soon as we know who the owner of the dog is. It does not have the power of arrest. The fines are minimal, and it is one of the few pieces of legislation where we have to get the permission of a chief constable to commence an investigation. I advise, and have passed on information recently via the police knowledge website, that officers should start to look at alternatives to the Livestock Act to investigate criminally attacks on livestock, for example the Animal Welfare Act. Where just control measures are sought, they are, a lot of the time, better off using section 2 of the 1871 Act. The Protection of Livestock Act is not an effective Act in today's rural communities. It does not even incorporate things like llamas and alpacas, which are regularly farmed. Within the draft of the proposed Bill, that is one of the Acts that would be repealed.

**Q97 Barry Gardiner:** What level of sanctions do you believe is appropriate for attacks by dogs on other animals?

**Keith Evans:** It varies in the severity. A dog chasing a cat up a tree is obviously not a matter for police involvement. A dog seriously attacking another dog, attacking a guide dog for example, is something that needs dealing with robustly.

**Q98 Barry Gardiner:** What if the dog catches the cat?

**Keith Evans:** Again, if it is a protected animal, then that would be covered under the legislation.

**Q99 Barry Gardiner:** That was not quite my question. You have deflected that slightly, haven't you? What if the dog catches the cat and destroys it?

**Keith Evans:** If a dog catches a cat and kills it, under the Draft Bill that would be an offence, as it was a dog attacking a protected animal.

**Q100 Amber Rudd:** Good afternoon. Could I ask you about the issue around different breeds of dogs? Why has the Dangerous Dogs Act 1991 not really worked in relation to banning certain types of dogs? Could you tell me how you believe amending the Act to remove references to specific breeds or types currently banned under the section would weaken attempts to prevent dog attacks?

**Keith Evans:** Let's be honest—it is the pit-bull-type dog that we have all got in our minds. The reason it has not worked and we have seen an explosion is that it is a very difficult dog to control and eradicate, because it can be created over a relatively short time, over a number of generations. It is, without doubt, the breed of choice for certain elements of the criminal and irresponsible dog owners within our communities. It has become quite a status symbol. The Act has been hampered by the fact that it is so easy to reproduce. Sorry; what was the second part of your question?

**Q101 Amber Rudd:** How would you respond to the view held by some people that we should not name certain breeds in new legislation but focus on the deed—i.e. not the breed?

**Keith Evans:** ACPO would not want to see the repealing of breed-specific legislation at this time. Without doubt, the pit-bull terrier, the pit-bull-type dog, is the most betrayed and abused breed the world has ever seen. It is the breed of choice amongst certain members of the criminal and irresponsible dog-owning community. It is the breed of choice especially with regards to organised dog fighters. It is a breed of choice for them for one reason and one reason only: it is the best breed of dog, pound for pound, for killing what is in front of it. It does this through hundreds of years of selective breeding.

**Q102 Amber Rudd:** Even though it has not worked as it is, for the reasons you have given, you would not want to see those breeds removed from any new legislation.

**Keith Evans:** What we would wish to see is, through education, robust, workable legislation and working within communities, a change in society's approach to responsible dog ownership. When that has changed to a position where we feel that the repealing of breed-specific legislation would not be an immediate and direct endangerment to public safety, ACPO would welcome the repealing of breed-specific legislation.

**Q103 Amber Rudd:** What about the new breeds that we might get from criminal types trying to breed them—the larger mastiffs and crossbreeds?

**Keith Evans:** As we move away from breeds and more to the deeds of the dog, this is something that we must be mindful of and, through robust education and enforcement, make sure that certain breeds are not allowed to take over from where the pit bull left off, as it were.

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**Q104 Amber Rudd:** You want to continue naming certain breeds and be alert to naming additional ones, if that is required.

**Keith Evans:** If need be, but we certainly would not advocate it at this time.

**Q105 Chair:** Could I just return to what Barry Gardiner said about cats? What we heard last week from the NFU was about attacks of dogs on livestock. There has been a lot in the press about attacks by dogs on horses. Do you believe that the present provisions of the legislation cover cats, livestock and horses sufficiently, or do you believe that it should be amended?

**Keith Evans:** We believe it should be amended. There is some confusion. We have had some successes at court on attacks on horses while they are being ridden. The British Horse Society has seen an increase in the number of people being injured and incidents involving dog attacks on horses. We would want to see the law changed, so that any attack by a dog on an animal, such as a horse or any protected animal, is a criminal offence.

**Chair:** That is very helpful, thank you very much.

**Q106 Neil Parish:** This question really is directed to our police officers. How can the Defra proposal on extending the Dangerous Dogs Act to private property be implemented so as to give sufficient safeguard to those whose dogs attack people not authorised to be on the property? Basically, how do we balance it? We do not want the postman bitten, because he or she should be there, but also dogs are there sometimes to guard property.

**Gareth Pritchard:** That is a piece of work that we have done and we have looked at various scenarios. Clearly we would want to protect people who are on property with implied or express permission. We have looked at scenarios where a child may go into a garden to retrieve a ball. It is possible to give safeguards so that people who are unlawfully on property are not protected, but it is clear that, where the postal worker, the midwife, the nurse, the social services or the home help attend, we believe they deserve protection. It is a protection to allow the police to investigate and gather evidence. That is what we are seeking. We want to gather the evidence at the scene. We want to investigate and then hand over to the Crown Prosecution Service, as we do with other offences, which will look at the situation and see if it passes the evidential test and the public interest test. Our interest is to carry out a thorough investigation.

We are getting to scenes now where there has been an incident on private property; the ambulance will call us; officers will attend; a child will be seriously injured. It is a significant incident, but then we become aware, the response officer, that we have not got the powers. So it is a power to investigate. There are safeguards here. I think I want to reassure you that we are looking to put those safeguards in. We have a working group that sits to look at dangerous dog issues, which includes a force solicitor, and we have

looked at that in some considerable detail to ensure the proper safeguards. Clearly we are looking from a public safety point of view. You heard last week, and have seen the evidence in the papers quite often, especially of children getting seriously injured and the deaths that have occurred. There is a balance there, and we have done the piece of work to give that balance—to give that reassurance to people that people unlawfully on their property will not be protected, but the people who are lawfully and legitimately there can have the safeguards of the law.

**Q107 Neil Parish:** What you are doing sounds good, but how does a dog differentiate between somebody who is coming into the house perhaps to burgle or a kiddie going over to collect their ball? What you are saying sounds very good, but how does that work in practice?

**Gareth Pritchard:** When we look at the volume of situations that we experience now, a lot are within the dwelling. They are people, children especially, who are seriously injured. When we look at the volume of circumstances, mostly it is quite clear how we would want to protect the post office worker or the child. There would be, I think, appropriate wording to ensure that there would be those safeguards. We have crafted some wording around that and we have shared that with Defra, so we have looked at that issue to try to ensure there is a balance there. Clearly there would have to be education and clarity in the legislation to ensure that everybody is aware of the circumstances and the boundaries where there would be concern. We would be happy to work on that in some considerable detail to give that reassurance.

**Q108 Chair:** It would be helpful to have that with the Committee, if we could.

**Gareth Pritchard:** Yes, certainly.

**Q109 Neil Parish:** Just a final question: where farmers have dogs as guard dogs, if you change the legislation, they will probably have to change the habits of how those dogs on farms protect against, perhaps, Travellers or anybody entering the property. How are you going to deal with that situation?

**Keith Evans:** We must differentiate between a farm dog and a guard dog. Once it is a guard dog, it is subject to the Guard Dogs Act, and the signage and containment that accompany that. With regards to a farm dog that may be of an unsociable nature, we would expect, if a farm was open and there was implied access—say there was no gate from the road to the farm—that the farmer would have a duty of care to ensure that legitimate visitors to the premises were protected from attacks from his sheep dog, for example. If he had a dog that was known to be quite unsociable, then really he has a duty of care to the people visiting the property in terms of maybe some sort of a gate—you would discuss post boxes at garden gates, etc. Maybe these are something he would have to consider.

**Q110 Neil Parish:** Finally on that one, sheep dogs are notorious for rounding people up and nipping them in the back of the leg. I am not saying it is very

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pleasant, but it is not a vicious attack. I do not think people enjoy it when it happens. How are you going to differentiate between what is a potentially vicious dog and one that is really rounding up people rather than sheep? That is what they do; I am afraid I have to plead guilty to having dogs that do it. They are not vicious, but they do it. This is what the worry is.

**Keith Evans:** As was touched on moments ago, there is always the test of the public interest. Once you have the offence, it is not cast in stone that a prosecution will take place. Whether it is in the public interest for a prosecution to take place on this individual is a second line of defence, for example.

**Q111 Neil Parish:** Can I move then to microchipping, please? What level of reduction in dog attacks could be expected from requiring owners to microchip their dogs?

**Gareth Pritchard:** Microchipping would be a step forward. We have to be clear that it would be an assistance, but there is a level of detail about what we are seeking to achieve with microchipping, in terms of the percentage of people who would microchip their dogs. We see the frequent transfer of dogs around the criminal community, and therefore it is a step forward. As for how that would assist in reducing dangerous attacks, we need some more work. Clearly it would assist with stray dogs, but there is more detail to be worked through to get to the actual success, how it is enforced and managed, and the accessibility of it on a 24/7 basis. There is clearly more to be done to clarify what can be achieved and how that would be managed in the long term.

**Q112 Chair:** Councillor Canver, can I bring you in? I think you are against compulsory microchipping.

**Nilgun Canver:** On behalf of LGA, I would like to say that we have concerns around compulsory microchipping, because we do not see how it will make someone a more responsible owner. At the moment, some responsible owners are voluntarily microchipping their pets. When we reunite the owner with a stray dog, we realise that it is helpful but, sometimes, when we get a stray dog that is microchipped, you check the data and the data is outdated; people do not upgrade the information, so it is no use whatsoever.

I presume the aim of the legislation is to ensure that we can also reach those youngsters who own status dogs, so that they become responsible owners as well, or the criminal community that is causing problems. However, we have doubts that these people will be part of the microchipping process at all, so we will not be reaching the very people that we want to reach in the first place.

As a result, we are in favour of having wider legislation and tools that lead people to become more responsible. There are always issues around crossbreeds, where people go around any legislation and identification of certain breeds that are banned in the legislation.

**Q113 Neil Parish:** Quickly on the microchipping, Defra's proposals are just to microchip puppies. If I can ask the police as well, how are you going to

ensure that puppies that are bred in backyards are microchipped and those dangerous dogs you are trying to link to owners?

**Keith Evans:** It is very difficult to try to establish whether a dog is outside the law or within the law. You get a dog of a certain age, two or three years old, and we are a couple of years down the line. Should that dog fall under the umbrella of having been microchipped as a puppy or not? We are in favour of a three-year gradual approach to compulsory microchipping. Three years from now, every dog in the country would be microchipped, black and white.

**Q114 Neil Parish:** You are not saying just puppies; you are saying all dogs within three years.

**Keith Evans:** Compulsory microchipping over a gradual three-year period, yes.

**Nilgun Canver:** Again, we have doubts it will serve the purpose. As you know with horses and greyhounds, having several different databases has caused problems as well. There needs to be a central database for these things upgraded regularly, if it ever happens. We would like to see more emphasis on responsible dog ownership.

**Chair:** Thank you. We stand adjourned for 15 minutes. I ask members to come back as quickly as possible, and for your forbearance.

*Sitting suspended for a Division in the House.*

*On resuming—*

**Chair:** As I explained, we may be interrupted by a further vote, so thank you very much for your patience. I am going to ask Margaret Ritchie to carry on.

**Q115 Ms Ritchie:** Thank you, Chair. Going back to the issue of dog licensing, do you think a dog licensing scheme, with conditions to be met by the owners as to their suitability to own a dog, would help to reduce dog attacks? Following on from that, how could such a scheme be introduced in a non-bureaucratic and cost-effective manner?

**Keith Evans:** As we touched on earlier, the licensing aspect, as we would see it and as proposed in the Bill, would move away from the word "licensing" and more towards registration; towards accountability for the individual who registered that dog. "Licence" is probably the wrong word because, from ACPO's perspective, we would not be looking at conducting tests on the ability of somebody to act as a responsible dog owner. The registration, the database, would be in place to link the dog to the person, rather than the suitability of the person to be a dog owner.

**Q116 Ms Ritchie:** I represent a constituency in Northern Ireland where dog licensing still exists. Have you talked to your colleagues, through your Association, from the PSNI regarding this issue and its effectiveness there?

**Keith Evans:** I believe it has seen a slight drop in the number of strays in the last couple of years. I believe that Northern Ireland was one of the hotspots for strays nationally at the time, so we will be looking at it. The suitability of dog owners would not be the sort of direction we would be looking at; we would be looking at accountability.



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**Nilgun Canver:** We have recommended that licensing legislation needs to be reviewed. It might improve the standards and it might well be helpful, but the end result will not be to reduce dog attacks, unless we encourage people to be more responsible owners. Even the crossbreeds, or any breed of dangerous dog, if they are trained and looked after by a responsible owner, can be a quite good pet.

**Q117 Ms Ritchie:** The Home Office proposes a “one size fits all” set of measures to tackle antisocial and criminal behaviour. Does this risk authorities prioritising other issues, such as dog crime, over dog-related issues? Does the Scottish model of dog control notices offer a better approach?

**Gareth Pritchard:** We are looking closely at the Scottish model as it is being implemented now. It is of concern that we are looking to the Home Office and Defra, as they are the two Departments looking at this, as well as the Ministry of Justice, because there are issues with delay in the criminal justice system. It causes us concern that there is a split of ownership in the issue. We would prefer to see dog control notices, because I think they are a preventative strategy; it is a proportionate approach that can be used to show flexibility to the circumstances and the risk of threat and harm. We would prefer to see a dog control notice. We are looking very closely and have contacts in Scotland to see how that would work, especially as the Welsh Government has also said that they are looking at the Scottish model, will examine that closely, see how it works and how it will be used. We would favour that.

**Nilgun Canver:** We have a similar view that dog control notices will be helpful as a preventative measure. They will allow authorities to intervene at the early stages, before it escalates and turns into a vicious attack. With help and support, people can be trained to become responsible owners, as long as we can lay down what is expected of them and lay down some standards. Dog control notices will enable authorities to get into that arrangement with the owners. At Eastleigh Council, as I said before, there are examples of that; they have already been doing that informally and it has been working very well. We are happy to provide some information about that to you.

**Chair:** I wonder if I could just turn to dog welfare and breeding.

**Q118 George Eustice:** It is linked to the licensing. I was very interested to hear what you said about you not necessarily wanting to license people; it would be too bureaucratic and you thought owners should take responsibility for their dogs. One of the big problems with this is that, once a dog is past the age of one, if it has been bred by somebody who is frankly not good enough to breed dogs, the owners of the dog quite often end up with a huge mastiff that they cannot control anymore. That is when they abandon it. I just wondered if you felt that there was any scope to toughen the regulations around the breeding of dogs. At the moment, hobby breeders, if they are breeding fewer than five litters a year, do not need a licence. Do you think there may be a case for lowering that

threshold to, say, two litters a year? You could even say that, if you are breeding a particular type of dog, such as a guard dog or particular breeds that are aggressive, you need a licence, come what may.

**Nilgun Canver:** It might help to have guidance and improve the legislation like that but, at the end of the day, our concern is that, even with the previous legislation, where there were specific breeds identified as dangerous dogs, people have gone around the legislation by crossbreeding and creating equally powerful dogs, and used them irresponsibly. In that sense, some improvements might help, but it should not be over-bureaucratic, consuming an enormous level of resources. Any legislative improvement needs to be easily accessible, the tools provided need to be accessible, and it needs to be easy to implement and workable. We need workable legislation.

**Keith Evans:** I think we are all in agreement that the irresponsible breeding of dogs and the subsequent lack of socialisation during the sensitive period of the development of a puppy are one of the cornerstones of society’s problems with dogs, at this moment in time. We would welcome any improvements in the legislation to try to suppress that, but we are also aware that enforcement of that sits with the local authorities.

**Q119 George Eustice:** Are the right tools in the box? I know there are exemptions for anyone breeding fewer than five litters a year.

**Keith Evans:** Maybe we could bring that down to two or three litters. For people who are engaged in the backstreet breeding of dogs, is there anything governing their knowledge? The sensitive periods of socialisation for these puppies are such an important part of the puppy’s development. By the time they are passed over to the owner, quite a lot of that has gone.

**Q120 George Eustice:** That is my point. Really targeting it on the breeding I thought might actually help. I think Birmingham is the area you said you cover. Do you have any sense of how many backstreet breeders there are in a city like Birmingham?

**Keith Evans:** I would not know; too many.

**Q121 George Eustice:** Are we talking hundreds?

**Keith Evans:** I really would not know, sir. If there is one, there are too many.

**Q122 George Eustice:** Finally, what about approaching it the other way? Already, under the 1871 Act, the courts can issue an order to say somebody cannot own a dog. Would there be scope for saying that somebody could not breed a dog? You would not try to have a licensing scheme, but would actually prevent them from breeding dogs, but with a lower threshold so that, for anyone associated with criminality or antisocial behaviour more broadly, you could issue an order that would not stop them owning dogs but would stop them breeding them. Do you think that might be something that would work?

**Keith Evans:** It would work. It is finding the right piece of legislation to slide that into. In Section 2 of the Dogs Act 1871, the sanctions that they can impose in sentencing for that are extremely broad. I would

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have to take advice but, off the top of my head, I cannot see why that sanction could not be put in place anyway.

**Nilgun Canver:** Could you clarify again? You were going to elaborate on that, in terms of your question.

**Chair:** Very briefly.

**Q123 George Eustice:** No, I will not elaborate. What I am effectively saying is, at the moment, you can issue an order to stop someone owning a dog. What if the courts could also issue an order to stop them breeding dogs, but where the threshold would be different? You would not say that this is somebody who has really abused a dog or been terrible, but the courts take the view that they are not fit to raise them.

**Nilgun Canver:** If I can respond with a specific case from my borough, where the dog was behaving dangerously and it was a banned crossbreed, what happened was the magistrates could not order for the dog to be put down. Rather than doing that, they put it on an exemption register. They have given some orders for the dog to be muzzled all the time and neutered, but it did not stop the fear of the neighbours and the whole area. In a sense, I am not sure whether it will have any positive impact.

**Q124 Barry Gardiner:** I wanted to focus on education and Defra's proposals on education, but I want to make a distinction in your minds, and I would like you to address both aspects of this. Councillor Canver, when you were talking about microchipping, you said microchipping is not going to make owners more responsible, and of course it is not, but part of making owners microchip their dogs is not just to make those owners more responsible; it is actually to get them to do the responsible thing. There are two focuses here, aren't there? One is on the action and the other is on how you transform and educate the owners to improve their own practices. Do you think that the Defra proposals, as they stand, are adequate to achieve either or both of those objectives?

**Gareth Pritchard:** It is a long-term proposal in terms of addressing peoples' attitudes towards dogs. There is much that can be done in different stages. We clearly have a safeguarding issue, with a number of cases where family members have dogs that cause injury to children within their premises. There are issues of certain parks and areas where there is a proliferation of dangerous dogs, where the Community Safety Partnerships can get involved.

There are other things in terms of restorative justice; many forces are using restorative justice on a whole range of issues. When there is a concern, like the case that Mr Parish mentioned earlier—which is a minor issue, a minor injury—education and training can be part of that restorative solution in that case. There are many levels to tackle that action on the street, but also the attitude, with more means of disposal and more means of educating people to the particular circumstances. There are a variety of options to get to the same end goal.

**Nilgun Canver:** Taking the responsible act and getting the pet or dog microchipped is one thing, but encouraging that person to become a responsible owner is another. In that sense, getting the owner to

get their dog microchipped does not necessarily lead to becoming a responsible owner. We have doubts that compulsory microchipping will make them a responsible owner and bring the desired results.

**Q125 Barry Gardiner:** Let us leave microchipping out of this, because it is not about microchipping; it is about education. The point about microchipping is simply, if it is the right thing to do, it is the right thing to do whether or not it makes the owner more responsible. Sometimes it is right to get irresponsible people to do the responsible thing.

**Chair:** Could we just ask about schools?

**Barry Gardiner:** It is the education point.

**Nilgun Canver:** Yes, the education point is important. We need to be able to educate especially our youngsters and young people who own status dogs in how they can become a responsible owner themselves. We need to think about this very carefully and find ways of encouraging them to become responsible owners.

**Q126 Barry Gardiner:** My question was: do you think that the proposals that Defra introduced go far enough in that direction?

**Nilgun Canver:** No, they do not.

**Q127 Chair:** Can I just ask on resources, Councillor Canver, one question in two parts? You seem to indicate, and I just want you to confirm, that you do not believe the local authorities have the capacity, in terms of staff and resources, to deal with the rising number of stray dogs. Would you propose a return to the statutory role for police in managing stray dogs and assisting tackling dangerous dogs?

**Nilgun Canver:** My personal view on this is that, in some ways, yes; maybe it needs to be a shared responsibility. In our experience at the moment, the difficulty is that we give more responsibility to accredited people to take some action but, at the end of the day, they do not have the power of arrest or the power to investigate the situation. We need to be empowered differently, and if giving them statutory responsibility and having shared responsibility in this will lead to that, then it should happen.

**Q128 Chair:** Would the police welcome that?

**Gareth Pritchard:** No. Clearly we want to focus on public protection and public safety. That is where we feel the concern is. We would not wish to take back responsibility for stray dogs. We are really concerned about the level of serious injury and the level of fear in communities from dangerous dogs. We have a reduced number of dog legislation officers. Hopefully, with a comprehensive Dog Control Bill, we can get through a neighbourhood policing solution to many of those low-level issues. We have restorative justice and other training opportunities, but we would not wish to see our resources focussed on strays.

**Q129 Chair:** They can lead to dangerous dogs. I think we have established that the resources, particularly in times of economic constraint, are putting a burden on local government.

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**Gareth Pritchard:** If the stray leads to significant danger, clearly we would be involved, hopefully with an effective preventative strategy, in taking action and minimising that danger.

**Chair:** Can I thank all three of you for participating, for being so generous with your time and for understanding our need to go and vote? Thank you very much indeed.

### Examination of Witnesses

**Witnesses:** **Claire Horton**, Chief Executive, Battersea Dogs and Cats Home, **Steve Goody**, Director of External Affairs, Blue Cross, **Clarissa Baldwin**, Chief Executive, Dogs Trust, and **Gavin Grant**, Chief Executive, RSPCA, gave evidence.

**Q130 Chair:** Ladies and gentlemen, good afternoon. May I thank you very much indeed for agreeing to participate? Could we invite each of you in turn to introduce yourselves and say which organisation you are from?

**Gavin Grant:** Thank you, Chairman. I am Gavin Grant, the Chief Executive of the RSPCA, and I suspect possibly the only person in the room who was with the Home Secretary a day or two before the drafting of the Dangerous Dogs Act 1991.

**Chair:** So it is all your fault.

**Gavin Grant:** In essence.

**Clarissa Baldwin:** Clarissa Baldwin, Chief Executive, Dogs Trust, and I sat on the committee when we gave evidence on the 1991 Act.

**Steve Goody:** Steve Goody; I am Director of External Affairs for Blue Cross, and was involved also in the development of the Dangerous Dogs Act.

**Claire Horton:** Claire Horton, Chief Executive, Battersea Dogs and Cats Home. I was not involved in anything to do with it; it was nothing to do with me.

**Q131 Chair:** Thank you all very much indeed. As we have four organisations, could I just say that, where you agree, can we just have one nominated person? Again, there may well be a vote; we hope not but, if there is, could you just bear with us? Can I begin by saying a warm thank you for all you do, for the dogs and indeed the public as well? A particular thank you to Blue Cross, because you are represented at Catton, in the constituency of Thirsk, Malton and Filey. Could I put a question to the Dogs Trust, first of all? You did a recent study and, rather alarmingly, it has shown the number of stray dogs has gone up quite considerably, and, I have to say, particularly in Yorkshire, between 2008 and 2012. Do you think this can be attributed, in some way, to the Clean Neighbourhoods and Environment Act, which came into effect in 2008?

**Clarissa Baldwin:** We run a stray dog survey every year, and it is now in its 16th year. It is done through local authorities, which, as we now know, have responsibility for stray dogs. There was a story in it that the numbers had gone up since 2008, but, frankly, over the last two years, the numbers really have stayed quite stable. That is both in terms of the numbers of instances of straying on the streets of the UK and also the numbers of dogs being destroyed. In a way, it is a positive story, but it is still 118,000 instances of straying in the UK.

**Q132 Chair:** The Battersea Dogs and Cats Home, on the record, I think probably takes the largest number. Is this putting a strain on your resources?

**Claire Horton:** We are the largest single facility in the country, and last year we took in 3,000 stray dogs. That has actually gone up by about 40% since 2008 but, again, for the last two years our numbers have been fairly stable.

**Q133 Chair:** Just to ask, in terms of stray dogs, has this in your view led to a higher incidence of dangerous dogs and irresponsible dog owners? Do you believe that a comprehensive overhaul of all the legislation is required?

**Steve Goody:** From Blue Cross's perspective, there is a degree of correlation between the number of stray dogs and the increase in dog attacks. It is not directly proportionate and attributable, however. We would also like to make the distinction between dangerous dogs and status dogs. Both are usually talked to in the same breath, but they are, I think, quite distinct in terms of category. Dangerous dogs, by their very nature, are dogs that are dangerous and pose a threat to individuals and other animals, as has already been discussed. Status dogs, generally speaking, are dogs in the ownership of individuals who have them for a variety of purposes, which might be as a fashion accessory, trend, etc. Not all status dogs are dangerous dogs, just as not all status dog owners are dangerous dog owners.

**Gavin Grant:** Indeed. Our advice on 1991, Madam Chairman, was that we needed a comprehensive approach, with the registration of all dogs and, indeed, a wider public educational programme to curb irresponsible ownership. Sadly, the Government of the day did not follow that advice. 21 years later, we are where we are. Therefore, the level of abandonment and abuse of dogs, and the ease of ownership of dogs, as part of a throwaway society, has had a very detrimental effect on the dogs themselves and on the wider social context, which is why we are before you today.

**Clarissa Baldwin:** From that survey, the numbers of status dogs, as determined by local authorities, which were huskies, akitas, rottweilers and the pit-bull-type dogs, had gone up about 140%. However, that is mostly in urban areas. Where we have opened centres in urban areas, we have found a large increase.

**Gavin Grant:** That is the same experience for us, too.

**Claire Horton:** We have always seen the trends first at Battersea, just because of the sheer volume of numbers coming through and, equally, the conurbations that we serve. We have seen trends

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change; we have seen breeds change; and we have seen dogs go in and out of fashion, and we are still seeing that now. By far the most prevalent increase, of course, in recent years, has been the Staffordshire bull-terrier crosses, which are being used primarily as status dogs and bred in significant numbers because there is a perceived demand. As the demand is perceived to be higher, there is a lot of breeding. When those animals cannot be re-homed, they are then dumped and they do generally end up in our kennels.

**Q134 Barry Gardiner:** Briefly, has the Dangerous Dogs Act failed, in your view?

**Gavin Grant:** Yes, it has failed. The Government of the day and subsequent Governments set out to curb the importation and ownership of those animals. As we have seen, there have been a number of attacks on people and other animals, which, Mr Gardiner, you raised earlier in your questioning. That has been increasing. Therefore, in essence, the Act has failed, and it has failed to recognise that it needs to be within a comprehensive overhaul of the legislation as it relates to dogs and the holding of owners to account for their actions with their dogs and, indeed, to their dogs, and all of that within a wider public educational programme.

**Q135 Barry Gardiner:** I thought you said, Chair, where they are in agreement they should remain silent but, if anybody is in disagreement, please speak now.

**Clarissa Baldwin:** It has just glorified some dogs. I absolutely agree with Gavin.

**Q136 Barry Gardiner:** The Home Office proposals on antisocial behaviour are to try to stop people allowing their dogs to get out of control. Do you think they go far enough? If they are going to introduce them, would they be adequate in any way for the problem that you are seeing?

**Steve Goody:** The introduction of the new regulations by the Home Office supports the concept around which the Dangerous Dogs legislation was established in 1991, which was fundamentally about protecting the public, which is fundamentally why it has not succeeded; we are still seeing an increasing number of dog attacks. However, they are not going to work effectively in splendid isolation. From our perspective, we would like to see a lot more crossover and interaction between Defra and the Home Office in developing regulation in support of fundamentally protecting the public, of which dangerous dogs are a part.

**Q137 Barry Gardiner:** On this issue of protection, I heard reports from my constituents that people are purchasing these dogs—whether you call them “status” or “dangerous dogs”, I am not quite sure—but purchasing them because they feel under threat when they are walking out at night. Rather like kids say they carry knives to protect themselves, they end up having aggressive or potentially aggressive dogs to protect themselves. How do you think we can overcome that?

**Clarissa Baldwin:** It is a difficult one. We have done a lot of research with urban children on this, and actually they love their dogs. It is the protection that they need when they go out on the streets. It is also a little bit of status; it is that macho image. We need to change their perceptions of why they have these dogs and why they need to have these dogs. Again—we have talked about it a lot—it is education. They are absolutely horrified when they hear that the dog that they had, which they threw out, has been destroyed. They had no idea that this was going to happen; somebody was going to re-home it.

**Q138 Chair:** Do we have figures for how many Battersea Dogs Home destroy?

**Claire Horton:** Yes. We destroyed last year about 1,500 dogs, and about 1,100 of those were destroyed on the basis of temperament. That means that those dogs would have been simply too dangerous to re-home and put back out into the community. Many of the animals that we see have been bred and sold for fighting, for breeding again, for status purposes or to be sold into communities where people will take them either for using, as you have said, for antisocial and criminal activity, or for protection. Actually, some people will buy the dogs because they want a dog. All of those dogs enjoy different sorts of lifestyles, but the ones that make it through our doors will be there because they are not quite tough enough for some people. They will not have won the fights that they have been put forward for or be able to protect their owners, but nonetheless will have been trained to a point of aggression where we simply cannot re-home them. Many of them will be vicious towards other animals, not just people, and that of course is a consideration for us.

**Barry Gardiner:** Chair, sorry; I must declare an interest. I have only just realised. I have bred dogs, and I am, I think, still registered as a breeder of dogs, even though I do not. Sorry; I just needed to do that for the record.

**Chair:** Not for fighting.

**Q139 Neil Parish:** Again, thank you all for coming and the work that you do. My question really follows on from what you have been saying there. What are the breeds or types of dogs that you would consider to be most dangerous to your staff and others?

**Clarissa Baldwin:** The owners, not the dogs.

**Neil Parish:** That goes without saying.

**Claire Horton:** This is where the law really shows itself to be a real problem because, under the Dangerous Dogs Act, we have Section 1, which outlaws four particular breeds. The most prevalent of those that we see is the pit-bull-terrier type, and the variations of crosses. They are and can be, if trained and brought up in that way, very aggressive animals. As for many of the bull breeds, when they do bite, the size and scale of those bites are very significant. They can be enough to kill.

We see probably some of the most dangerous animals in the country coming in; we also see some of the loveliest. We see some wonderful pit-bull terriers, banned under the Dangerous Dogs Act, which the law does not allow us to re-home and, therefore, we have

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to destroy those animals. Actually, because they are nice dogs and have been socialised well, we see the best and the worst of those dogs, too. There are many breeds with which we would always work with caution. We would always work with caution, as most of the dogs coming into our home have no history and many of them are strays, so we have to work carefully with everything, including the smallest and the largest, the prettiest and the oldest. We see good and bad in all breeds.

**Gavin Grant:** All of us will operate a colour code system to protect our staff and volunteers. Those dogs that have poor behavioural problems or look aggressive are the most difficult to re-home. Even where we are able to re-home them, sadly sometimes they will come back again.

**Steve Goody:** It does raise the fundamental point, Chairman, that a dog is not inherently dangerous purely and simply because of the way it looks. Any dog has the potential to be dangerous if it has not been bred, trained, reared and, importantly, kept in the right way.

**Q140 Neil Parish:** Adding to that, what factors are the most important in determining whether or not a dog will act aggressively when you have it, and whether you can re-house that dog?

**Steve Goody:** Fundamentally, there is not one single element that defines whether a dog is likely to be dangerous in a home environment or not. "Environment", from our perspective, is the key word. It is the environment that has to be considered by the individual in determining what dog he or she chooses, as to whether or not there is the potential for that dog to become a dangerous dog, regardless of its breed, type or description. That is going to be one of the significant focuses for the welfare organisations going forward, in determining programmes of education and support for individuals and communities—to actually begin to educate and work with these individuals to determine what is responsible in terms of the choosing, the rearing and the keeping of any type of dog, regardless of its size, type or description.

**Q141 Neil Parish:** Am I right in saying the trouble is that for some of these dogs that are bred to be vicious, the pit bulls, their owners have signed their death warrant, for the simple reason that, very often, you cannot retrain those dogs? They are too vicious to be let out again.

**Gavin Grant:** Absolutely that is the case, and clearly there is a bit of an industry here. Often these people are not licensed or registered as breeders. They are making a lot of money out of this activity, cash in hand. I would not think the Revenue or the Exchequer sees much of that in turn, and they end up terrorising neighbourhoods. There is a vast area of cracking-down on that area of activity. To underline Mr Goody's point, as the owner of a former cross-Staffordshire bull terrier, which was named after a predecessor of Mr Rogerson, Pardoe, basically because he bounced around a lot and did not achieve very much, none of these dogs are necessarily inherently dangerous, but they are bred to that purpose. To your point, Mr Parish, they are trained to

that purpose and their owners continue to treat them in that way to make them vicious.

**Clarissa Baldwin:** I think it is quite a small element of criminality. It is not generally the way people breed them. There is an over-production of this type of dog.

**Q142 Dan Rogerson:** We are delighted with that reference to John Pardoe, who came in for lunch a few months ago. It was good to see him. We have heard a lot about increases in the number of attacks on other animals. We have heard from the Guide Dogs for the Blind Association, and it is raised a lot with other MPs. Do you think that amending the 1991 Act to include attacks on animals would be the best approach to dealing with those sorts of things?

**Steve Goody:** At the moment, I believe I am right in saying that there is nothing enshrined in any piece of legislation that would support prosecution where one dog attacks a protected species, other than perhaps the Animal Welfare Act, where the onus of responsibility is very much on the owner, as opposed to the focus being on the dog. From Blue Cross's perspective, the short answer is yes. Obviously we have an equine division, as well as our small animals and veterinary division, and we work quite closely with ACPO and the British Horse Society in developing some educational materials to promote responsible care and keeping around horses in particular. It is becoming an increasing problem and, therefore, the introduction of a regulation that supports a responsible approach to ensuring dogs behave responsibly around livestock, including horses, would be a good thing.

**Q143 Dan Rogerson:** We have a lot to get through and there are a couple of supplementary points on this issue. I can see nodding, so I think there is general agreement.

**Clarissa Baldwin:** It is just that there is the 1871 Act as well, but it is a civil act, and therefore there is no compensation.

**Q144 Dan Rogerson:** It is generally the principle. What level of sanctions do people feel would be appropriate? Does anybody have any thoughts on that?

**Steve Goody:** Probably as stiff as possible.

**Clarissa Baldwin:** Incarceration.

**Claire Horton:** Also, it is important to be making sure that sentences are given out, in fact prosecutions are made, on the basis of severity of attack, avoidability of attack, responsibility of owner and intervention attempts, and all of the things that you would expect to be considered when an animal attacks another animal. We are starting to see tales coming into us from the police that we work with of dogs being trained and let loose in parks to attack other dogs. We have heard stories of this. Now, I have not had people coming into Battersea with injured animals saying they have been attacked by another dog as a joke, but actually this is anecdotal evidence from the police that we work with now. They are starting to be quite concerned about this becoming almost something of a growing pastime.

**Steve Goody:** Can I just say on that, Chairman, there is a real opportunity here? It comes back to the point

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that Mr Parish made earlier on about his border collie nipping the heels of someone, which perhaps is not quite as serious as somebody being substantially injured or worse. We have had discussion today about the importance of the introduction of dog control notices or dog behaviour contracts. There is a real opportunity here for the legislation to enshrine either notices or contracts to support a scaled approach to determining how our offenders are dealt with.

**Chair:** We all agree. Excellent.

**Q145 Mrs Glindon:** My question is to the whole panel. What level of reduction in dog attacks could be expected from requiring owners to microchip dogs?

**Clarissa Baldwin:** It would be a very difficult one to quantify. There has been a lot of talk about microchipping today. The message has to be got through that dogs must be microchipped at first change of hands, and it is a criminal offence not to do that. That is an important thing that has been missed in the conversation that has happened earlier. In doing so, if you go out and buy a dog, you know it is going to be microchipped. You have an inherent responsibility for that dog from the start. That is an important thing, but to quantify how much reduction there would be would be quite difficult.

**Gavin Grant:** The critical factor is that this process holds owners to account for their actions with their dogs and to their dogs. Therefore, by not having their animals microchipped, they are committing an offence. In exactly the same way as one fails to register a car on transfer of ownership, or takes a television set into a location where you have no licence, an offence is being committed. If I may, to Mr Rogerson, absolutely: to those people who are organising dog fighting and any fighting offences relating to animals, we would very much like to see the tariff increased to trial and a two-year sentence.

**Q146 Mrs Glindon:** Defra's preferred option is to microchip only puppies. What problems do you think this presents for enforcement?

**Clarissa Baldwin:** It makes it almost impossible for them to enforce. They are not enforcers, but those who we have spoken to would find it extremely difficult.

**Gavin Grant:** We are at one with our colleagues who gave evidence earlier on that matter.

**Claire Horton:** It is also worth pointing out, if I may, that microchipping just puppies would hit puppies for probably 12 years before all dogs were microchipped, but that still does not account for the people who currently do not follow the requirements of law at all anyway. All of those backstreet breeders, who are our biggest problem, would still not be microchipping their puppies. There is no way of tracing those people. At any one time, there can be around 13,000 dogs for sale on the internet. The chances are they will not be microchipped either. There has to be an education programme around all of those things, so that owners know what to look for and expect when they take a dog.

**Steve Goody:** It is also worth noting that, of the 8.5 million-odd dogs in private ownership, it is reckoned that about 60% of those dogs are permanently identified via a microchip. There is a

groundswell of support out there from dog owners more generally. It would be a real missed opportunity for Government going forward not to make most of the opportunity that presents itself and introduce compulsory microchipping.

**Q147 Mrs Glindon:** Finally, do you consider that local authorities and police agencies have sufficient resources to enforce the microchip proposals effectively?

**Steve Goody:** No, fundamentally. The discussions that we have had with local authorities in particular, which have been echoed elsewhere, are that they are increasingly under-resourced. However, Blue Cross recognises the value that local authorities play and bring to the party, in terms of potential enforcement. Perhaps the local authorities could be supported through the ringfencing of funds to any registration scheme, which might generate support enforcement further down the line.

**Clarissa Baldwin:** Perhaps I could just add that some research that we have done suggests that there could be a saving to local authorities of £22 million a year. That money could be spent back in enforcement.

**Q148 Chair:** If we are looking at the suitability of owners to own a dog and that improving dog control and welfare, would you see any benefit in having a dog licensing scheme? Should such a scheme be introduced or could it be introduced in a non-bureaucratic and cost-effective manner?

**Gavin Grant:** Yes, it can be introduced in such a manner. Indeed, I fear that we came within four votes in this very place in having dog registration introduced, back at the time of the introduction of the Dangerous Dogs Act. The RSPCA's estimate of the cost of running such a scheme is around £107 million a year. The administration of the scheme is £30 million; the rest is a recognition of the additional resources. I have every sympathy with the arguments made by the representative of local government in the first part of the evidence session about the additional capabilities that they would need for the educative programme of responsible ownership, in which everybody at this table believes.

Of course, there would need to be appropriate provisions made for those who would struggle to find such payments, and there are working dogs involved and so on, but it is perfectly practical and probable that such a scheme can be created without it imposing undue administrative cost. I would say some of the inability of the statutory authorities to undertake their work is throwing a lot of burden back upon the charities at this table, and certainly on the RSPCA inspectorate—400 offices covering England and Wales.

**Clarissa Baldwin:** Could I just say that there is one thing we disagree on fundamentally? We are totally opposed to dog licensing. Registration in terms of microchipping is absolutely fine, and making the person responsible for that dog, but we cannot understand any reason to have dog licensing. It is just a bureaucratic tax on dog owners. There are a huge numbers of very vulnerable people out there who own

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a dog and own them responsibly, who would suffer enormously if this were introduced.

**Steve Goody:** Perhaps, Chairman, I can play devil's advocate somewhere in the middle. Where there are differences of opinion, they are perhaps around issues of terminology, whether it is licensing or whether it is microchipping and permanent identification. A common view is that we would support the introduction of a system of registration that quite clearly and unequivocally links a dog to an owner. Fundamentally, on that we can all agree.

**Q149 Chair:** Can I just ask, Claire Horton, do you believe there are issues of updating such data?

**Claire Horton:** Yes; there are real issues with owners keeping microchip details updated. That would be a problem that we would need to resolve. We find that about 28% of the dogs that come into Battersea are microchipped. In a third of those, the details are wrong. Often people will deny all knowledge of the dog, even though their name is attached to it. We would always have to overcome that. I would also support my colleagues here in that a registration system is essential. From Battersea's perspective, we would be very supportive of microchipping, simply because the chip always travels with the animal, whereas a piece of paper as a licence would not.

**Chair:** Thank you. We move on to the role of police authorities and turn to Neil Parish.

**Q150 Neil Parish:** I expect I know the answer to this one but, first of all, do you as dog welfare charities and local authorities have the capacity, staff and resources to deal with the rising number of stray dogs?

**Steve Goody:** It is becoming increasingly difficult. Blue Cross does not take in significant numbers of stray dogs, per se. Where we see a particular problem is through our veterinary hospitals, for example, where a significant proportion of our client base is what you might call "status dog owners", who nonetheless care very much about their dogs and are good responsible owners. That is why they bring their dogs to us to be treated. The difficulty that we have is how we then deal with some of those dogs that might possibly be classified as dangerous dogs under the Act, and what we can then do with those dogs once they have been treated. We had an example of this last week, when a dog was involved in an RTA. It was very badly injured and came to us as the first point of veterinary contact. We treated it. We will keep it for seven days. We will then call in the status dog unit. They will probably pronounce that the dog is of a type and, therefore, we will have to euthanise it. We cannot do anything with those dogs as a result of the current legislation. That is how it impacts on us and that is why we would like to see a significant change to the Dangerous Dogs Act, section 1 in particular.

**Q151 Neil Parish:** Would you be able to microchip that dog at that stage or not?

**Steve Goody:** Would we be able to? No, we would not, because ownership would not legally be allowed to transfer to Blue Cross. Were the legislation to change to reflect that, then yes, we would, and then

we would be able to consider re-homing it, based on temperament and suitability.

**Gavin Grant:** All of us face a rising tide of abandoned and abused dogs—just under 20,000 in the care of the RSPCA in 2011. We successfully re-homed just short of 13,000 of those animals, but the numbers are rising all of the time.

**Claire Horton:** Just in response to the question, since the Clean Neighbourhoods and Environment Act came in, we saw almost 99 police stations close down overnight and stop taking in stray dogs, with the local authority taking on that responsibility. Obviously we work with local authorities across London, and in that first year we saw an increase of over 1,100 additional dogs coming into our home. We are still seeing now, due to the limited resources of many local authorities, Battersea being used as that receptacle that local authorities are there to supposedly provide. Actually, we are very often expected to do that for free. We do have stray contracts with some local authorities, but not all. It is an issue of testing resources. We all have to extend our resources to accommodate it, because that is why we are there, but it is not a problem that is going to go away any time soon.

**Q152 Dan Rogerson:** We have talked a little bit about education, with Mr Gardiner and the previous panel. Do you think that Defra's proposals on educating dog owners go far enough towards tackling the problem? Should schools in particular do more to educate children on responsible ownership or treatment of animals?

**Gavin Grant:** No is the answer to your first question; Defra's proposals do not go far enough. Yes, of course we need provision in the national curriculum and in teaching in schools. Again, all of the charities here have put a lot of time and charitable money into educational activity at schools and into community activities. We all work together in communities that are under particular pressure, where there is particular stress and where there are real problems of irresponsible ownership and often of the ownership of dangerous dogs. It is charitable money that goes into that role.

**Q153 Dan Rogerson:** Increasingly, there are academies that do not have to follow the national curriculum, and there is a discussion about whether there should be a secondary curriculum at all. Even if you got it into some form of curriculum, there would be many schools that would not necessarily have to follow it. Could more be done to develop relationships with local organisations to offer some of that specialist advice?

**Clarissa Baldwin:** At the Dogs Trust, we have 16 education officers constantly in schools. We have done 11,000 schools in the last three years, with the youngsters. There is no doubt that they are receptive to the messages of safety around dogs, where to buy dogs, what to look for and that sort of thing. The more that can be done, absolutely the better.

**Steve Goody:** Can I just agree with that? We have programmes running in Manchester, Birmingham and the major conurbations. We are placing more of a focus now on developing programmes to support



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communities, and that is key, as opposed to perhaps standing up and educating in a preachy kind of way, which does not necessarily work.

What is fundamentally lacking, in Blue Cross's view, is central co-ordination of education activity or community-led and developed activity throughout England and Wales. That is what we think is substantially missing from Defra's proposals. It is Defra and Government taking a lead in coordinating the many and developing activities that exist currently and will exist in future.

**Q154 Dan Rogerson:** Just to finish off on that, the supplementary that I was leading up to was on the work you do generally as charities. We have touched on that. Would the charities that you represent—there are others as well, I am sure, which are not here today—be prepared to work with Government in providing that?

**Gavin Grant:** Yes, we do.

**Q155 Dan Rogerson:** Yes, but on a voluntary basis rather than necessarily being Government—

**Claire Horton:** Can I perhaps roll two answers into one there? Yes, certainly in terms of the educational and community engagement programmes, Battersea runs a fairly extensive programme working across communities, not just in schools and colleges but directly with many of the young people who do not get to stay in school—often excluded individuals who do not therefore see those messages. We are working in ex-offenders' units; we are working in prisons; we are working in community groups; we are working directly in local parks. We were the recipient of a £20,000 grant from Defra this year. Sadly, we have been told it is a one-off, which is a real shame, because we have been able to reach over 1,000 young people—microchipping dogs, tagging dogs, talking about responsible ownership, talking about safety, training and socialisation. We have had a big impact with that.

**Q156 Neil Parish:** With the police sitting behind you, would a return to a statutory role for the police in managing stray dogs assist in tackling the problems of dangerous dogs?

**Steve Goody:** From our perspective, the key issue is not so much who as whether or not the authority that is responsible is properly resourced and supported to do the job that it is there to do. We have already heard that one of the substantial issues that local authorities face is an increasing pressure on scant resources, which means they can do less and less. Hence the voluntary sector organisations are asked to do more and more. Would there be any benefit in statutory responsibility returning to the police? Not necessarily; we would prefer to see more resources being devoted to supporting the current legislation and the local authorities to enable them to do the job effectively.

**Gavin Grant:** We work very closely with the police in enforcement. We value that relationship and, realistically, with the pressures that the police forces are under, it is unlikely that, if that duty was passed to them, they would be able to handle it.

**Chair:** Could I turn to George Eustice on the breeding and sale of dogs?

**Q157 George Eustice:** I am sorry I had to miss the early part of this session; I had two Committees that clashed. You might have heard what I asked earlier, but it is whether specifically we could toughen up the legislation around licensing for people who breed dogs. At the moment, hobby breeders of under five litters are exempt. I just wondered whether you thought there was scope to require licensing, however many litters they produce, for particular breeds of dogs or dogs that are bred, for instance, to be guard dogs or to be aggressive dogs.

**Gavin Grant:** The internet is a source of enormous problems for irresponsible ownership. I listened carefully to your question; I think you cited the number of two litters. We would very much welcome that as the point where licensing would be required for breeders. I know the Welsh Government are looking extensively at this area. There is a whole element of criminality here, which I think is little understood, of animals being imported from Eastern Europe into this country. The RSPCA inspectorate is heavily involved in investigating those areas of activity and, again, these people are not casual individuals; they are often involved in quite serious criminal activities elsewhere. I think this is an area where tightening up the law could be highly effective.

**Clarissa Baldwin:** Could I just add to that? There is the problem of the sale of these dogs on the internet, where there are no rules. We see a number of illegal advertisements coming up on some of these websites, people openly selling pit-bull terriers. Most of us sit on a committee called the Pet Advertising Advisory Group, and we are working with Defra on this—on some way that breeders could be licensed so that, when they put an advertisement in a local paper or on a website, the number of their licence could be quoted. That would be brilliant.

**Q158 George Eustice:** I asked earlier about the numbers that you might get in a typical city like Birmingham. Number one, have you got any sense of how many people there are? Also, do you have a view on whether you might want to approach it from the other end of the spectrum, which is to give the courts the powers to issue an order that bans certain people from breeding dogs—not just banning them from owning them, but banning them from breeding them?

**Steve Goody:** As to your last question, again, potentially it could take us down the route of dog control notices, a condition of which would be you can keep your dog, but you cannot breed from it. If you breach that dog control notice, the consequence would be you would be prosecuted and/or your dog would be taken away from you.

**Q159 George Eustice:** Can that be done under the existing legislation?

**Steve Goody:** No; fundamentally not. In answer to the first part of your question—and I think this was something that ACPO picked up earlier—nobody knows the extent of the problem out there. Because the legislation, as it is currently written, says if you

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breed five litters or fewer in any year you are exempt and fall beneath the radar, that potentially is a huge pool of individuals breeding an awful lot of dogs. My colleagues here have talked about a review of the legislation, which talks to two litters. It could actually be, perhaps more radically, considered that legislation could be bent towards the number of un-neutered dogs that are kept, and that those dogs are perhaps registered with the local authority, as opposed to being licensed, on a risk-based approach, which has been considered previously. Those dogs and those owners would at least then be on the local authority's radar, and something perhaps could be done about a particular problem when it then arises. It does not have to be litter-based.

**Chair:** Does anybody disagree? No, okay.

**Q160 George Eustice:** Can I just add one very final point on that? Do you think it is possible to distinguish between breeds of dogs? Obviously somebody who was doing five litters of Springer spaniels a year is going to be less of a problem than somebody doing mastiffs?

**Steve Goody:** That is an interesting point because, from our perspective, any legislation on the breeding and sale of dogs ought to cover all dogs. It does not matter whether they are a breed or a crossbreed. The legislation should cover the breeding of all dogs, regardless.

**Gavin Grant:** In abandonment and profitability terms, that endless list of Springer spaniels is often a very lucrative form of cash-in-hand income to individuals. You also have the very real challenge, if I may, under European law, which allows an individual to bring six dogs into the United Kingdom. We recently had a case where a chap fell foul of that, from Poland; he had 18 in his Transit. If he had had two colleagues with him, there would have been no difficulty whatsoever. He was heading to Wales, for a puppy farm.

**Q161 Neil Parish:** Should the sale of dogs, puppies, be restricted to direct sales from registered breeders only? We are talking now about how we sell dogs; is that possible to do?

**Steve Goody:** In a free market situation, it is going to be very difficult to control that effectively. From Blue Cross's perspective, what is more important is ensuring that the increasing number of different mechanisms out there, in terms of how dogs are advertised for sale and sold, are controlled and managed more effectively. If one looks at the internet and the proliferation of internet sites, we know that, from the work we do as part of the Pet Advertising Advisory Group—which is also represented by a number of colleagues here at this table—there are an increasing number of those sites. It is not uncommon on one site to see 50,000-plus animals—dogs, cats, rabbits, others—for sale, or not just for sale, but to be exchanged for goods—iPhones, washing machines—or perhaps given away for free. Now, we recognise that it would be very difficult for Government to legislate in this particular area but, at the very least, we would like to see the development of a code of practice that is supported by Government and

enforced and adopted by those internet sites that sell those pets.

**Clarissa Baldwin:** We have that list now, and we would love to see that as a regulation under the Animal Welfare Act.

**Claire Horton:** There is a way of turning that the other way round and looking at how we talk to the consumers, and how we start educating the public in how to purchase or acquire an animal and where to go. We all do that as part of our roles, but we need to be working much more closely, and I think Government also needs to be supporting that, as part of that process.

**Q162 Neil Parish:** For dogs that are bred outside the UK—you talked about dogs coming from Poland and the numbers—is there any way of stopping as many dogs coming in?

**Gavin Grant:** As we know, the European Commission is in fact looking at this area of work and intending to conduct some research into common registration standards across the European Union, which may be welcome or unwelcome, depending on your view of the European Union around this table. Consistency in that matter would be helpful. There are some very real dangers, with these animals coming into the United Kingdom, of disease, not only simply amongst animals, such as rabies, but zoonotic diseases with certain other animals, particularly exotics, reptiles, which are coming into the United Kingdom. The relaxation of some of those controls is not to be welcomed.

**Q163 Ms Ritchie:** A significant proportion of dogs are traded via internet advertisements. Should measures be adopted to regulate or ban the trade of live animals via the internet? If so, how could such measures be enforced?

**Clarissa Baldwin:** We have covered that a little bit. We would very much like to see regulations put in place against people being able to sell them on the internet and, if they are breeders, that they have a licence number and that licence number has to appear on the advertisement. There are a lot of illegal dogs being advertised on sites. The other opportunity might be to stop the sale of dogs in pet shops as well.

**Gavin Grant:** Helpfully, Defra has their codes around animals. They are very well drafted, for the most part. There could do with being a few more of them. There could be a requirement for those codes to be posted on such sites, so at least individuals are clear about their responsibilities towards these animals if they are acquiring them. We have found infringements of such codes helpful, in terms of the last resort in prosecuting those who egregiously abuse animals.

**Q164 Dan Rogerson:** Moving on from breeding to areas around the breed standards and those health issues that have had some attention recently, has the action of Defra and the dog-breeding sector been enough to deal with the poor health outcomes in certain breeds?

**Clarissa Baldwin:** I would suggest that the Kennel Club has done quite a lot on breed standards. We would like to see a standard that is across the board

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and everyone agrees to, rather than two or three different ones. I think, unfortunately, not enough is known yet about the genetic problems of each breed that we have. That is the really fundamental thing: we need to get a prevalence of these different genetic problems, before we can actually start to look at how to solve them.

**Claire Horton:** One of the things that I am very aware that the Kennel Club has worked very hard on is creating their Assured Breeder Scheme, and trying to look at reducing exaggerations bred into animals and close breeding. In fact, this year at Crufts they were very clear with their judges that they were not going to be rewarding exaggerated traits in a breed. In fact, a number of dogs that went through were pulled out and failed by the vets at Crufts, which caused a bit of a stir, but sent quite a ripple around the professional breeding circuit. I do believe the Kennel Club is really pushing quite hard on that.

**Steve Goody:** We would agree with colleagues. The only point additionally that we would make is to recognise that there is no short-term fix to this particular problem and that significant strides have been made by the Kennel Club and others. Professor Sheila Crispin's group, for example, is working very hard in supporting the development of appropriate breed standards. There is a lot more to be done, but there is forward progress.

**Gavin Grant:** I am afraid I am going to break that consensus; forgive me for so doing. We made 22 recommendations to the Kennel Club on their breed standards. So far, eight of those have been implemented. The Dog Advisory Council says that, by year end, they will draw up their top-eight priority pedigree problems to be tackled. I understand that, to date, they have published one of those eight. Forgive me for being a little more critical in breaking that. We do work together; all of us sit together as chief executives of the companion animal charities, and the Kennel Club is very much part of that group.

**Q165 Dan Rogerson:** Professor Bateson's report made a number of recommendations. This is a debate we have in all sorts of things here in Parliament: should Defra be ready to regulate or should it set out a timetable for the adoption of all those proposals? If that is not reached, should it regulate or should we rely on the voluntary approach? What you have said there, Mr Grant, seems to imply that perhaps regulation might be something that ought to be threatened even if it is not imposed immediately.

**Gavin Grant:** Yes, because in certain of these areas there is very genuine welfare suffering. If one looks at presentations as to how recognised breeds physically looked some 30 or 40 years ago, they are almost unrecognisable from today, as a result of literally inbreeding. Real welfare concerns for those animals are there, and there is little or nothing in many cases that can be done about it. Pressing for more urgent implementation here, with the recognition that perhaps, should that not come about—and I earnestly hope that it will—there may be something a little more serious in terms of regulation in the wind would be helpful.

**Steve Goody:** Can I just add to Mr Rogerson's question and Gavin's response? I think that, although legislation would support and assist the development of best practice, it is certainly not the entire answer. It will depend very much on a change of attitude and behaviours from the dog-owning public, in terms of what it is that they are looking to purchase. Therefore, again, education and the promotion of a responsible attitude towards care, keeping and purchase are essential parts of developing an appropriate practice for the breeding of dogs, going forward.

**Q166 Dan Rogerson:** It is the issue of the standard in terms of welfare, but also care then. There is a lot more care required for some of these breeds.

**Steve Goody:** Yes.

**Q167 Chair:** On genetic diversity in some breeds, does more action need to be taken? How can we get the data on the genetic status of pedigree dogs? Do we require Government action or legislation in this regard?

**Clarissa Baldwin:** It might be a more appropriate question to the veterinary profession. I think there are now some software pieces that vets use with animals, SAVSNET and VeNom or something, but it would be marvellous if vets could be required to feed into that software, so that we could get the data.

**Gavin Grant:** I completely agree with Clarissa in that regard.

**Q168 Chair:** I think, Clarissa Baldwin, you mentioned the introduction by the Kennel Club of new breed standards, and vet checks for pedigree dogs being shown, for example, at Crufts. Do you believe they have helped to improve the health and welfare of pedigree dogs, if I could ask the Dogs Trust and the RSPCA?

**Clarissa Baldwin:** It has certainly taken some steps forward. What I am not quite clear about is just how far the Kennel Club can go with their breeders, because there are some breeders for whom the Kennel Club cannot insist that they change their standards. It would be quite dangerous if there was a splinter group where people could go and register their dogs instead of the Kennel Club, because then we would have even worse problems. There are strides forward and they have done quite a bit, but there is still a lot more to be done.

**Gavin Grant:** I absolutely echo that. I do not wish, in my previous answer, to be seen as in some way suggesting the Kennel Club is not acting here. Our concern is that they need to go further and faster. To your point about genetics, this is at the heart of the problem. There is the breeding of grandfathers to granddaughters in certain species, and when you then look at the gene line of those species, it is incredibly narrow. The genetic problems that exist as a result of that are no different from those that there would be in humanity.

**Q169 Chair:** Does the failure of some dogs awarded "best in breed" at the 2012 dog shows to pass vet checks indicate that the approach is working, or do you think that unfit dogs still being entered for shows

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indicates there is much more work to be done? Could I ask the RSPCA?

**Gavin Grant:** Yes and yes.

**Q170 Chair:** Do you agree?

**Clarissa Baldwin:** Yes.

**Q171 Chair:** I have one final question, if I may. If each of you had the opportunity to call for one action to make a difference in amending the legislation, what do you believe that action would be?

**Gavin Grant:** A comprehensive registration scheme that also recognises that early intervention is the key. We are the Royal Society for the Prevention of Cruelty to Animals. It gives me no pleasure that animals and people are attacked by dogs, and that dogs suffer, in ever-increasing numbers, as a result of irresponsible ownership. It is accountability and early intervention, in terms of behaviour, which is at the heart of our problem.

**Clarissa Baldwin:** I would absolutely agree. A comprehensive review of the legislation would be great but, from our point of view, microchipping at the first change of hands would make a huge difference.

**Steve Goody:** From our perspective, the important thing would be not to consider in splendid isolation dangerous dogs, breeding or sale, but to consider the fundamental root and branch of a consolidated piece of dog legislation, an approach demonstrated to work in some of the devolved Administrations—Scotland and Northern Ireland.

**Claire Horton:** I would say exactly the same. It has to be about consolidated legislation. There are currently 18 pieces of dog legislation; that needs to

come together as one formal piece that we can work with a lot better, which does include a very serious registration element for owners.

**Gavin Grant:** Also, not reshuffling Ministers just as they start to get to grips with the problem.

**Chair:** That is beyond our pay grade.

**Steve Goody:** Can I just say one more thing in support of the work that your Committee is doing? There was some discussion earlier about microchipping. Fundamentally, it does not necessarily work in supporting the adoption of best practice. If this Committee were to consider a microchipping scheme that has worked quite successfully, look at the greyhound regulations introduced under the Animal Welfare Act, where the greyhound industry was required to have all 20,000 of its registered greyhounds microchipped, against a significant view of opposition from its membership. They have done that with significant success and minimal resistance.

**Q172 Chair:** Unfortunately, it has not reduced the number of greyhounds that are retiring every year.

**Steve Goody:** We believe it has, and we also think that what it has done is provide a mechanism for ensuring compliance, again linking the ownership of particular dogs to particular owners. When there are problems, there is a mechanism to deal with them.

**Chair:** Can I thank each of you, and indeed the Committee as well? We have got through an enormous amount of evidence this afternoon. We are extremely grateful to you for being with us. Once again, the Committee thanks you for the work that you as charities do in this very sensitive, but much loved, area. Thank you very much indeed.

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## Wednesday 17 October 2012

Members present:

Miss Anne McIntosh (Chair)

Thomas Docherty  
Richard Drax  
George Eustice  
Mrs Mary Glendon

Neil Parish  
Ms Margaret Ritchie  
Dan Rogerson

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### Examination of Witnesses

*Witnesses:* **Professor Sheila Crispin**, Advisory Council on the Welfare Issues of Dog Breeding, and **Professor Sir Patrick Bateson**, Lead, Independent Inquiry into Dog Breeding, gave evidence.

**Q173 Chair:** May I welcome our first group of witnesses this afternoon and apologise on behalf of the Committee for the fact we are running late owing to our democratic right to vote? Thank you for bearing with us. There will be further votes throughout the afternoon, and we shall return as promptly as we can. For the record, could I ask each of you in turn to give your name, starting with Professor Crispin and then Professor Bateson, and title?

**Professor Crispin:** I am Sheila Crispin, chairman of the Advisory Council on the Welfare Issues of Dog Breeding.

**Professor Bateson:** I am Patrick Bateson. I am retired, but I did the report that I think you have considered.

**Q174 Chair:** We are most grateful to you for participating in our inquiry. Professor Bateson, perhaps I could start with you. What are you hoping to achieve from the government review? Are you satisfied with the speed and scale of response from the dog-breeding community and veterinary profession in acting to resolve the issues raised in your excellent report?

**Professor Bateson:** I appreciate that two and a half years is a short time in government, but I am pleased that the Advisory Council on the Welfare Issues of Dog Breeding was set up. It was set up quite quickly and has already achieved a lot. The main problem of the council is going to be funding. It is very important that that council, which is doing good work, should be properly funded.

**Q175 Chair:** You refer to outsiders finding it incomprehensible that anyone should admire or wish to acquire a dog with inherent health problems, yet we know that many pedigree puppies are born with such problems. Do you believe that the pedigree dog-breeding community is too insular to identify and respond to welfare problems arising from breeding practices?

**Professor Bateson:** I am pleased that the Kennel Club has made big strides. Clearly, some breeders have not responded. They reckon they know everything but they do not. They are poorly advised scientifically and they should get better advice than they do at the moment. The answer is really yes and no.

**Q176 Chair:** When you say “get better advice”, do you think they are dependent on the quality of advice, or are they simply not seeking advice?

**Professor Bateson:** It is both. Obviously, they have to get good advice, but the question is how you get it out to them. Getting advice out to them has not been as good as it might have been. One thing I would like to see happen as a matter of priority is getting good advice out to the breeders and the public too.

**Q177 Chair:** Perhaps I may put a question to both of you. Professor Crispin, do you believe DEFRA should take a more proactive role in driving a programme of change, or even in introducing legislation?

**Professor Crispin:** I think we both say that.

**Professor Bateson:** Absolutely. DEFRA has been a bit reactive on this. It would be much better if they went ahead. Without introducing primary legislation, one could introduce new regulations under the Animal Welfare Act 2006. For example, the duty of care could be tightened, and DEFRA ought to play an active role in that.

**Q178 Chair:** Do you believe we have reached the point of last resort, to which you refer in your report, where we now need enforcement of welfare standards through regulation, or even legislation?

**Professor Bateson:** In some cases. Some people are not listening. There is undoubtedly bad practice in the breeding of dogs on a large scale. To try to control it may require primary legislation. It may be that it can be done under the Animal Welfare Act, but at the moment not enough is happening on that.

**Q179 Chair:** To clarify it for the Committee, are you saying that the present Act is not working? I am struggling to understand why, if we have more legislation, it will work better, or do we need to clarify the legislation that is on the statute book by secondary legislation?

**Professor Bateson:** I think regulations could be introduced under existing legislation, so that would not require primary legislation. The local authorities who are responsible for looking at dog-breeding establishments have a real problem. They are short of resources, and yet what they do is not very effective. Some local authorities are much better than others. What both of us feel is that there should be some sharing of resources so that people who are doing a very good job should be able to go to other local authorities and help them with their problems. At the moment local authorities tend to look at just the facilities without looking at the welfare of the dogs.

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**Q180 Chair:** Professor Crispin, is there a timetable for your work, or a period within which you have to report? If there is not, should there be?

**Professor Crispin:** Originally, as we were set up, it was for three years, so in that sense there is a very tight timetable.

**Q181 Chair:** Excellent. Do you think that making the Advisory Council an independent regulatory body would enable you to get tough with those who need to improve breeding practices?

**Professor Crispin:** It would certainly help. At the moment we can recommend as much as we like, but our recommendations can be totally ignored.

**Q182 Chair:** Do you believe that you have the teeth to do the job?

**Professor Crispin:** Not currently.

**Q183 Chair:** Professor Bateson, do you believe that currently you have the tools to do the job you have been asked to do?

**Professor Bateson:** They have a very good committee and they are doing good things. They are severely underfunded, and more tools can be used than are now available. A lot more could be done.

**Q184 George Eustice:** I want to turn to the role of the veterinary profession in all this. The Advisory Council stated previously in its report that some members of the veterinary profession were a bit ambivalent. I think those were the words you used. Have they got the right mechanisms in place to ensure that their members are able to identify poor breeding practices, or is there something they need to do as a profession?

**Professor Crispin:** Things are improving. When I qualified it was not part of the course to look at welfare issues in dogs; it was an add-on to the health aspects of looking at dogs and other species. It has changed a lot over the years, so the newly qualified graduate has probably had more on ethics and welfare than people such as me. Having said that, there is now an awful lot in most veterinary conferences and congresses that covers ethical and welfare aspects, so it is improving. It is a region for improvement, but most people in practice are running very busy small businesses. They are dealing primarily with disease and, therefore, it is not always easy to remember some of the other aspects of what they do.

**Q185 George Eustice:** You raised the importance of including it in the training curriculum. Is it that they do not really understand the issues, or is it that there is no incentive for them to act on them? For example, do they say, "We think there is inbreeding here. This is not right, but it is not for us to do?"

**Professor Crispin:** I think they do understand the issues, and increasingly they are involved in them. All the representative bodies, such as the British Veterinary Association and British Small Animal Veterinary Association, ie those that are particularly concerned with dogs, are now very good at highlighting this as part of all the congresses and conferences we have. There are other bodies that deal

specifically with things like ethics, welfare and law that cover these in some depth, so it is changing and improving. It is not a negative; it is a positive.

**Q186 George Eustice:** To whom would they flag this up? Suppose a vet had some dogs brought to him and he was concerned about their welfare.

**Professor Crispin:** Initially, it would be with the owners, obviously, because sometimes it is just ignorance on their part.

**Professor Bateson:** One of the things I tried to draw attention to in the report was that vets should focus as much on prevention as on cure. For example, if a bulldog has had two caesareans and the owner wants to have another litter with that dog, the vet should give advice that the owner should not go ahead and breed that dog again. There are things like that where the vet could be proactive.

**Q187 Neil Parish:** I would like to put this question to both of you. What impact has the Kennel Club's code of ethics and assured breeder scheme had in reducing the breeding of dogs with heritable diseases, or preventing breeding from too narrow a gene pool, especially perhaps in some of the exotic breeds?

**Professor Crispin:** The Kennel Club have done a lot since *Pedigree Dogs Exposed*. They would argue that they were doing a lot before *Pedigree Dogs Exposed*, but there is no doubt that the impetus was changed dramatically after that programme. Of the original 15 high-profile breeds, 13 were there because they had ocular-related disease. I am an ophthalmologist, so I have been very much involved in helping them make sure we remedy that situation, and it is improving. I particularly remember laying into the owners of Molossers some three years ago. Now they greet me with great cries of joy to show me what they have achieved within three years. There are considerable improvements in the breed, and the trick is working together rather than against each other.

**Professor Bateson:** The council has asked me to chair a committee to look at having a common standard for all breeds, which I think would be a very good thing to do.

Starting some time probably later this year, a group chaired by me will be set up, so hopefully we can move towards a common standard.

**Q188 Neil Parish:** I commend the Kennel Club on the work they have done, but I am urging them to do more. One of their arguments is that because people do not have to register with them there is only so much they can do. Do we need to give them more regulatory backing or spur them on to do more and greater things?

**Professor Crispin:** You have hit on one of the major problems that applies not just to pedigree dogs but all dogs. So often when I am giving talks and lectures I realise that I am talking to the converted, but the population of dogs in this country is anything between 8 million and 10 million, of which Kennel Club registrations are less than 40%. There is another 60% out there. I would love to know—because it occupies us a lot—how you get education over to them. Pat and I have discussed that we must have a collaborative

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educational blitz using the power of the media as one aspect of this. The other aspect is: how do bodies like the Kennel Club talk to those who are essentially bringing them into disrepute?

**Q189 Neil Parish:** Do we need further regulation, or do we do it through a series of educational promotions, for want of a better way of putting it?

**Professor Crispin:** It is always made very clear when you talk to Ministers that they are not at all keen on more primary legislation. We have both looked at the legislation as it is and feel that, within the existing framework, it is possible to do these things. As you also probably know, the Advisory Council is doing a review of existing legislation across all government, devolved as well as central. At the end of that we will prepare something for Ministers that says: this is the current legislation; it is or is not working; and this what we think should happen.

**Professor Bateson:** There is one area of legislation that could be very important. At the moment dogs can come in readily from Ireland or eastern bloc countries. The ones from eastern bloc countries might have rabies; the ones from Ireland have not been properly bred. At the moment under EU law we cannot stop them, but we could try to ensure that there was negotiation with the EU to make it much more difficult for dogs to be introduced like that, because it is a real problem.

**Q190 Neil Parish:** As to those dogs that win prizes, particularly in shows like Crufts and others, where there might be hip or other problems, I think that we are gradually weeding them out, but is there more that needs to be done to make sure that the wrong type of dog with bad breeding does not win a prize in these shows, because it just sends the wrong message?

**Professor Crispin:** I could not agree more. To be fair, a lot has been done. There were veterinary checks at Crufts this time, which, in the dog-owning population, did not go down all that well, but it was the right thing to do. It is now more accepted that this will happen. I am sure it will be extended to occasional checks, if not regular ones, on other breeds, so it will not be just the high-profile ones. That will also mean that the high-profile breeds will not feel they are being particularly targeted. It will help, because what you would like is that the dog that wins at a show is one that everybody looks at and thinks is a wonderful healthy example of the breed, not how short its nose is or how badly it breathes.

**Q191 George Eustice:** I want to ask a little bit about the importance of reliable data on genetic defects and diseases. I know that both the British Veterinary Association and the Small Animal Veterinary Association have talked about the importance of developing this. There have been projects like VetCompass to make a start. Do you think further impetus is needed to fill that gap and take it further forward? What is it that holds it back? Is it lack of funding to do that or lack of will?

**Professor Crispin:** I will start and I am sure Pat will continue. We both believe passionately—it came through in Pat's report—that the collection of data has

been pretty grim. What happened after *Pedigree Dogs Exposed* was that people decided they would collect data, but they all went running off in different directions rather like a bunch of ferrets. We need good quality, robust data, so it is something that the Advisory Council is doing. We put in a research application to Dogs Trust, which they would not fund because it was rather a lot of money. We are now making that a joint application in the hope it will be funded. We think it is absolutely essential to have decent data; otherwise, people ask you questions about what are quite important welfare issues, and you cannot give a response because the data is not there.

**Professor Bateson:** One of the things I found when writing the report was that it was impossible to get data out of the insurance companies. In Sweden there is a big insurance company that has readily given data on health problems in dogs. We really need this here. I do not know how one could apply pressure to the insurance companies, but it would be very important to have that information, because they are collecting it all the time. That would be yet another way of trying to get information about the prevalence of diseases.

**Q192 George Eustice:** Are they collecting it because they insure the breeders should something go wrong with the dogs?

**Professor Bateson:** I think they are paying out for obvious diseases. They say they will not give up the data because it is a professional secret, but a big insurance company in Sweden has revealed all this data to immense usefulness. It has been very helpful to scientists in Sweden to have that information. We cannot get it.

**Q193 George Eustice:** Does this data identify a particular bloodline or gene? How specific is the type of data you are talking about?

**Professor Bateson:** At the moment we cannot get anything.

**Q194 George Eustice:** But how specific does it need to be to be useful? Does it have to be about the particular bloodline of a particular sire?

**Professor Crispin:** It does not even need to be that precise; it can just be a summary of morbidity or mortality data by breed. That would be immensely helpful for a start.

**Q195 George Eustice:** Professor Bateson, we talked just now about possible changes to the law. I think you recommended some changes to the regulations on codes of practice in the Animal Welfare Act so there was a duty on dog breeders to look after the health and welfare of not just parent dogs but their offspring. Would that on its own make a difference, or is the problem that there is ignorance on the part of the breeders? It is not so much that they are deliberately breeding offspring they know will have problems but more that they do not know what they are doing?

**Professor Bateson:** Some breeders know perfectly well what they are doing, and there ought to be a duty of care there; some do not, and that is where good information should get out to the breeders, but it is a bit of both.



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**Professor Crispin:** Unfortunately, a lot of people know exactly what they are doing. They regard it as an important income stream. They have absolutely no regard for what they are breeding, so they are doing it under dire conditions. Calling it farming is a joke, because, in the farming of sheep and cattle, lambs and calves are much more mature at birth than a puppy, so the social aspects are cruel. There is a huge degree of negligence, and it must be tackled.

**Q196 George Eustice:** To be clear, you are talking about the importance of the welfare of the puppies rather than the breed characteristics.

**Professor Crispin:** The breed characteristics too—the lot—because socialisation is such a key feature of an animal that is immature at birth. It is not just that they are breeding with potentially awful diseases, including infectious diseases, because they do not necessarily vaccinate properly; they do not do the health checks. They may well have introduced quite a lot of genetic and inherited diseases of various kinds. On top of that, the situation in which those puppies are kept is such that they cannot possibly be socialised. It is a dire situation. Those dogs will never make suitable pets, because by the time they are sold from the back of a white van well away from where they are produced, which is another problem, the damage is done.

**Professor Bateson:** As a result of inbreeding, these dogs are more likely to get infections. A highly inbred dog is at risk for other reasons, not simply because it is carrying genetic diseases but because any type of infection is more likely to hit that dog.

**Q197 Dan Rogerson:** Professor Bateson, what evidence led you to conclude that there was little support among breed clubs for out-crossing?

**Professor Bateson:** It is very variable. There is no question that some breed clubs are very good and some simply do not want to engage with scientists. Sheila will tell you that they have had problems with some of the breed clubs. It is very variable. Some breed clubs get set up because they are in different parts of the country; some get set up in rivalry to each other; and some are run by people who, frankly, know very little science and are ignorant about the effects of inbreeding. They talk a lot about line breeding, which is simply a euphemism for inbreeding. It is highly variable, and it is difficult to get through to some people.

**Q198 Dan Rogerson:** You talked about them not wanting to engage. Do clubs sometimes actively hinder attempts to start a programme and stop members from getting involved in it and get in the way, rather than just not engaging? Do they actively hinder it sometimes?

**Professor Bateson:** I cannot really speak to that.

**Professor Crispin:** It certainly happened with Cavalier King Charles spaniels and syringomyelia and Chiari-like malformation.

**Q199 Dan Rogerson:** What collaboration does the UK breeding and expert community undertake with international organisations to share data and approaches? We have heard in evidence that in

Sweden strategies have been developed for particular breeds and a plan agreed to which everybody signs up so there is, I suppose, less fear among particular breeders that, if they do not stick to it, their animals will not be as competitive but also will lose value. Have you looked at evidence of that planned approach?

**Professor Bateson:** My sense is that we should get every bit of international collaboration we can. Some countries are way ahead of us. New Zealand, Sweden and Finland are ahead of us, and we can learn a lot from that. In some countries every dog is individually identifiable, either through a microchip or tattoo, so it is known to a central body what every dog is and who owns it.

**Q200 Dan Rogerson:** So do you think it would be a good thing to develop a planned approach?

**Professor Bateson:** Sure.

**Q201 Dan Rogerson:** Excellent. Could I ask you a little about the scale of painful or disabling conditions—the sorts of things we have talked about—arising from the extremes of conformation in pedigree dogs being registered today? What is the scale of this problem?

**Professor Bateson:** It varies from breed to breed. For some the problem is very acute. I have already mentioned the bulldog, where about 90% of bitches have to have their litters delivered by caesarean section. That is because the head is very large and it just cannot come through the normal birth canal. That is a big problem. If you want to treat the dog ethically you should not allow the breeder to breed more than twice. There are other dogs that have other malformations. Sheila can mention the problems with eyes.

**Professor Crispin:** One of the first things the council did was identify in-house, using external experts, some priority problems. The first eight were based on things where the effects were visible. We felt that would be easier for the public. With your permission, the eight were: ocular problems related to head conformation; brachycephalic airway syndrome—it is a long list and is available on the website. There is no doubt that ocular disease in some breeds of dog, largely because of head conformation, was a major problem. That has been tackled for some time, but it is only beginning to bear fruit. These things take a while to come through, but it is happening.

I know you touched on this. Sometimes the breed clubs are in denial that there is a problem, because they think that it is the breed standard and therefore it must be okay. It is a funny kind of circular argument, but gradually, usually working in conjunction with the Kennel Club, we have been able to educate breeders in the widest possible way to say that this is a welfare problem. If your lids do not close properly you will get secondary corneal problems, and so on. It is education of the breeders in that sense, as well as making them physically do something in the way they breed dogs. It is working but slowly.

**Q202 Dan Rogerson:** You say it is working. Are the Kennel Club altering their breed standards to take into

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account some of these conditions? If not, why do you think that is so?

**Professor Crispin:** There was a huge review of the breed standards from about 2009 onwards. There is still a need regularly to review some of the breed standards. Some of them are there almost by habit and custom. I have spent a lot of time talking to breeders of high-profile breeds and other breeds to say, "This is not a desirable standard, and this is why." It is very time-consuming. They do not always agree but they do understand, and I think things are moving in the right direction. As an ophthalmologist I would like some of them to move faster because anything that produces pain or blindness because of an ocular problem is not something I would wish to have, so why should the dog be any different?

**Q203 Dan Rogerson:** You talked a little about desensitisation and the feeling that something is normal for the breed and therefore we have to accept it. What more could be done to change those attitudes?

**Professor Bateson:** To be frank, some of the breed standards are very vague, even opaque, so it is very difficult for a breeder to do very much with the standards that are set. The standards should be much more precise about what could be done. If that is done it will become easier for breeders to move in the right direction.

To a certain extent some breeders have been very proactive. For example, Dalmatians have a problem that is very similar to kidney stones in humans. It is widespread across Dalmatians. A group in America out-crossed the Dalmatian to the English pointer and then back-crossed it again to the Dalmatian. They got puppies that were free of this disease and looked like Dalmatians. Some breeders said, "Oh, you've contaminated the breed," but it was nonsense. They looked exactly like other Dalmatians but they were free of the disease. That kind of thing can be done in many cases where a particular defect has been recognised; it could be solved by out-crossing.

**Q204 Dan Rogerson:** Do you think educating the public would help in that? Would it be helpful to deal with it at source with the breeder on standards but also educate the wider public not to seek those characteristics?

**Professor Crispin:** I know that we have come back to a kind of large media campaign, but education is absolutely essential. The public have to ask things like, "We need to see those puppies with their mother. They need to be permanently identified when we take them away to their first home. These are the questions we are going to ask you about what we perceive to be health problems within the breed." They are the non-negotiables; that has to happen, and permanent identification is very much part of that.

**Q205 George Eustice:** I was fascinated by photographs reproduced in your report showing how basset hounds had changed in the last 100 years. Has that been driven by a change in the specified characteristics of the breed societies, or has it remained the same but there has been a drift because of judges' preferences?

**Professor Bateson:** In a sense it was the result of the standards. For the bulldog it would say it should have a big head, so breeders would breed for a bigger head; the judges would reward those breeders. The process was inexorable; it just went on and on, and it is very quick. You can change the characteristics of an animal very quickly by this sort of selective breeding.

**Q206 George Eustice:** Do we need the judges of the breed societies just to show a bit more leadership?

**Professor Bateson:** Judges play a big role in that. As soon as they are alert to a problem they could reverse the whole trend, and I think that would be all to the good.

**Professor Crispin:** The Kennel Club came out with Fit for Function: Fit for Life some years ago. You could argue it means that if you are a border collie, you have to be able to work as a border collie on a Lakeland fell. The short-legged border collies with rather sweet little faces could not do that. Therefore, the fit for function bit—can they do the work once expected of them?—applies just the same to the basset hound. These were working dogs.

**Q207 Chair:** On the licensing requirements on breeders, do you believe that local government has been able effectively to enforce them?

**Professor Bateson:** I do not think local government is able to do it at the moment. Some can but most cannot, and they look for the wrong things when they go and inspect, when they do it.

**Professor Crispin:** I agree. The idea that in some way you need to register people breeding from perhaps even a single dog is important; otherwise, people slip below the radar. They make a lot of money out of cash payments, which do not go anywhere near HM Revenue and Customs, and it is a disgrace. These are people who are doing it for all the wrong reasons. They do not care a great deal for what they breed, if at all.

**Q208 Chair:** Would you like to see changes to the licensing regime?

**Professor Crispin:** Yes, in the sense that I do not think it works as well as it could. The argument is whether there needs to be some form of registration that is common to everyone who intends to breed from a dog. The other way of doing it, which is one of the suggestions in your oral evidence, is that you have a register of unneutered animals so you know the potential for breeding rather than the actual breeding out there, but it is an area that must be looked at.

**Q209 Chair:** Professor Bateson, are you satisfied with the response to your recommendation that local authorities should inspect a wide range of aspects in issuing licences to dog breeders, including animal behaviour, socialisation of puppies and pre-mating tests?

**Professor Bateson:** I am partially satisfied. Things are moving in the right direction. They could move more quickly. If the council can come up with specific recommendations, hopefully it will move more quickly, but there are funding problems that ought to be addressed.

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**Q210 Neil Parish:** This question is linked to the last one I asked. The Kennel Club have now brought in vets to check pedigree dogs at shows. Is this directly improving the welfare at shows like Crufts?

**Professor Crispin:** It probably is, and it is an evolving situation. The Kennel Club intend to broaden it to include breeds other than high-profile ones, which makes it slightly fairer all round. I am producing a document that has some helpful hints for judges and veterinary surgeons as far as eyes go, because people without specialist training often find looking at eyes difficult. This is the idiot's guide to getting it right, as it were. There is a lot of good will to get that done. I would not say the resistance has crumbled but it is certainly less than it was immediately after Crufts.

**Q211 Neil Parish:** But there are arguments that some dogs with health problems are still getting through and are being awarded prizes.

**Professor Crispin:** That should not happen, and it needs to be worked on. It is a bit like issuing a certificate under the eye scheme. You issue that certificate for your findings on the day of examination. That is where some of the difficulties have arisen.

Sometimes the decision seems to go one way and then another way. That needs to be tightened up, because people then understand it and do not perceive it as an unfairness.

**Professor Bateson:** I understand that what happened at Crufts has already had effects. People are not bringing to shows dogs with hip dysplasia, for example. That is good; that indicates that you can use it as a lever on breeders.

**Q212 Chair:** May I thank you both very warmly indeed? We would have liked to put questions to you about the sale of dogs and advertising. I am afraid that time does not permit that, but I thank you on behalf of the Committee for being so generous with your time and accommodating our slight delay earlier. We are very grateful to you.

**Professor Crispin:** I will give you just one little bit. Ideally, it should not be on the internet and not in pet shops. They must be seen with their mother. Then you can see what the circumstances are and what the puppies are like. That is simple. That is all I would say on that one.

**Chair:** We are very grateful to you. Thank you both very much indeed.

### Examination of Witnesses

*Witnesses:* **Ian Seath**, Chairman, Dachshund Breed Council, and **Professor Steve Dean**, Chairman, the Kennel Club of Great Britain, gave evidence.

**Chair:** May I ask the witnesses to make themselves comfortable and bear with us while we have a slight adjournment? We will return as quickly as we possibly can.

*Sitting suspended for a Division in the House.*

*On resuming—*

**Q213 Chair:** I thank everyone for their forbearance. May I deal with a little housekeeping at the beginning? Because of the two interruptions, and a possible further one, I regret that today we will not be able to hear from our third group of witnesses: the British Veterinary Association and the British Small Animal Veterinary Association. I can only apologise on behalf of the Committee. I hope you will understand that it is due to reasons beyond our control. May I welcome the next group of witnesses, perhaps starting with Professor Dean? Thank you both very much indeed for participating in our evidence session. Could I ask you to introduce yourselves and give your position in turn?

**Professor Dean:** I am Professor Steve Dean. I am a veterinary surgeon, but I am chairman of the Kennel Club.

**Ian Seath:** I am Ian Seath, chairman of the Dachshund Breed Council.

**Q214 Chair:** As a reminder, for the benefit of us all so we can all hear each other, the microphones only record; they do not project. Following on from our earlier witness, Professor Bateson referred to outsiders finding it incomprehensible that anyone should admire or wish to acquire a dog with inherent health

problems, yet some breeding practices enhance the likelihood of puppies in some breeds being born with health problems. Do each of you accept that this is a problem?

**Professor Dean:** Certainly, if you breed pedigree animals and you therefore use inbreeding, you increase the risk of inherited disease. I do not think any responsible dog breeder working under the umbrella of the Kennel Club, however, would seek to breed dogs with illness or an inherited disease. Indeed, the evidence is that they all try to breed away from such problems and have done for decades, if not hundreds of years.

**Ian Seath:** It is indisputable that there are problems in some of the breeds, and perhaps some people have lost sight of what good dog health should look like. I would not say that people are deliberately breeding unhealthy dogs, but there is clearly a bit of education still required in some areas and breeds to address some of the present issues.

**Q215 Chair:** Mr Seath, when you say “education”, is it partly down to ignorance?

**Ian Seath:** Some of it might be ignorance and some might just be that people have grown accustomed to seeing dogs the way they are. You have to include the veterinary profession in that. What people see becomes the norm over a period of time, and a lot of people should perhaps have been stepping up and saying there are some issues that need to be recognised and addressed.

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**Q216 Chair:** Can I ask each of you: do you think that the law as it exists is sufficient and could be better enforced, or do we need a new law? Do you believe there is a role for voluntary action to drive through a programme of change, or would you like DEFRA to take a more proactive role, including potentially the introduction of new legislation to set welfare standards for dog breeding?

**Professor Dean:** That depends on which sector of dog breeding you are looking at. One of the issues that needs to be clear in everyone's mind is that dog breeders are not one amorphous group of people. For those who breed under the Kennel Club control, I believe that self-motivated action can and does produce a great deal of improvement. Once you step outside our sphere of influence, you are into the realms of cross-breeding but also quite a bit of pure-bred dog breeding that is basically puppy farming, and there we need at least the implementation of existing legislation at a high level. Part of the problem is that local authorities find it difficult to allocate suitable resources to deal with the problem on the ground, but I would urge everyone to keep in mind that dog breeders cannot be just looked at as an amorphous group. There are several sectors of dog breeders, and Sheila Crispin referred to that. That is something to be kept in mind.

**Ian Seath:** Steve is absolutely right. It is easy to tar everybody with the same brush. Different groups would need different responses. There is plenty of legislation in place at the moment. Speaking as a breed club representative, we hear all too many stories about puppy farms and poor welfare among dogs. It is pretty clear that either the legislation is not being enforced or the resources are not in place to make sure it is enforced effectively. I am not convinced that more legislation is necessarily the answer.

**Q217 Chair:** Professor Crispin made the point about mothers appearing with the puppies, which was put very eloquently. Can I put this to each of you in turn? Professor Bateson recommended that new regulations and codes of practice should be produced under the Animal Welfare Act, including a duty on dog breeders to have regard to the health and welfare of both the parents and offspring. Would you, therefore, agree that breeders have affordable access to the right information to enable them to be able to fulfil any such requirement?

**Professor Dean:** I do not think there is any doubt. That is what the Kennel Club have been trying to achieve for their sphere of breeders, and we try to encourage others to adopt our practices. You will be aware that we have the assured breeders scheme. We would also like to see compulsory microchipping brought in. That is one area where a little bit of legislation would make a big difference, because it would identify not only the owner of the dog but it could be adapted to identify the original breeder of the dog. That therefore puts the responsibility very firmly on the breeder to get it right from the outset.

**Q218 Chair:** If you consider that when we had dog licensing only 50% of dog owners were licensed, presumably only 50% of dog breeders would be

licensed. How would you get round the other 50% who perhaps may not want to microchip and who are in the shady underworld? How can we reach out to them?

**Professor Dean:** The big difference between microchipping and dog licensing is that microchipping has benefits. Immediately the dog is identifiable, so if a dog is in difficulty or perhaps—going to the other subject that perhaps you are interested in—is a dangerous dog, it is either identifiable by its microchip or it does not have one. That will facilitate enforcement to a certain degree.

**Q219 Chair:** If you have compulsory microchipping, are you going to ask for compulsory updating?

**Professor Dean:** Part of the requirement of compulsory microchipping is that it would be the responsibility of the owner to ensure that the details of the ownership of the dog are up to date. It is a little like the DVLA system.

**Q220 Chair:** How would you reach out to the underworld—I am calling them politely puppy farmers—and encourage them to microchip?

**Professor Dean:** Clearly, you are not going to reach out to them because they are not interested, but the very fact that their dogs are not identified by a microchip means that they are outside the compulsion and that aids enforcement. You can immediately separate dog and potential owner because the dog is not microchipped.

**Ian Seath:** I am certainly in favour of microchipping. The issue you will have is how to persuade this underworld of people, if you like, who never bought dog licences and run puppy farms, or whatever the conditions are in which they are breeding dogs. They will never buy into it unless there are some resources associated with enforcement and checking that these practices are being adopted. If you are just putting in the legislation and saying dogs have to be microchipped, it is difficult to see how you are going to get to that population without more resource.

**Q221 Chair:** Should we be naturally suspicious if puppies appear at a very young age without their mothers?

**Professor Dean:** Yes. If you are seeing puppies without their mothers, clearly they have been separated too early. The only time a reputable dog breeder would be trying to sell to a potential owner a dog that did not have its mother present is probably when it is much older than that. It is quite normal for people like me, who breed and show dogs, to sell an older puppy, maybe at six months, that they were going to keep but no longer wished to. Certainly, if you have an eight-week-old puppy and the mother is not present, I would walk away from that sale.

**Q222 Chair:** That is very powerful.

**Ian Seath:** I completely agree. What you are touching on is the demand side of the equation. The puppy-buying public need to get more of those messages about seeing the puppy with its mother. There has to be a really good reason for them not to be able to see the puppy with the mother.

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**Q223 Neil Parish:** Further to that, do you think the public at large understand that a puppy, if it is not eight weeks old or older, should have the mother with it? That is the trouble. You understand that, but do the public?

**Professor Dean:** We as the Kennel Club push that to the public as hard as we can. I am told by the people who operate our website that we have 12,000 hits a day from people looking for a puppy from Kennel Club breeders. Simply coming to our website puts them straight into that type of information. We have also developed apps for iPads and iPhones that help people choose a puppy. We are not alone. We work strongly with other charities to push the same message, but getting to the public who wish to buy a puppy today is quite difficult. Despite all that, I have friends who have been tempted to buy that puppy because they can have it today rather than wait six months, as that is how long it can take, to get one from a reputable breeder.

**Q224 Neil Parish:** Would making the Advisory Council a government-funded and regulatory body enable it to gain real traction in improving breeding practices?

**Professor Dean:** If it is going to be a regulatory body, it has to have an underlying regulation to regulate. Frankly, I do not think that is necessary. Its very title gives the clue. It is an advisory body, and I think it is best placed to bring together a lot of individual views into a common whole. If the Kennel Club has a criticism, it would be that a great deal of work has been done on things like how to buy a puppy and breeding standards—in other words, our assured breeders scheme—and we would like to see such schemes and others brought together and improved so that everyone can sign up to them, rather than see the group trying to do a great deal of work to generate information afresh. I do not see the need for a regulatory body in that sense as we stand today.

**Ian Seath:** I would agree with that. Its greatest potential benefit is being impartial, bringing together stakeholders and getting people to try to work across the whole system rather than in the silos where they tend to be working at the moment. It is much more a facilitative role where they can add value than a regulatory role.

**Q225 Neil Parish:** Do you believe that at the moment the Advisory Council is helping with breeding practice?

**Ian Seath:** I think they are because they have identified eight priorities; they have got some really good scientific data behind the factors they are looking at. There is a huge task to do in terms of education and getting that out to the puppy-breeding community. As to whether they will succeed in getting that out to the people outside the Kennel Club and breed club community, it is a huge challenge. In the dachshund world, we struggle to get messages out beyond the people in the breed clubs. We work really hard at it, using all kinds of social media, but there is a whole underbelly of people breeding dogs who have never read a breed standard, would not know what a

breed standard meant or what a health test was, and have no interest in breeding healthy dogs.

**Q226 Neil Parish:** The next question is about the veterinary profession. In your experience do vets have sufficient understanding to enable them to identify poor breeding practice?

**Professor Dean:** Being a veterinary surgeon and chairman of the Kennel Club, that puts me in a spot. I would say that, generally speaking, the biggest difficulty facing the veterinary surgeon is distinguishing between a responsible and irresponsible breeder. The veterinary surgeon is the expert in recognising disease. Thus, we have used them at show level to do veterinary checks. They are not necessarily experts at looking at dogs in terms of conformation in relation to breeds. Where the dog breeder and veterinary surgeon tend to part company is when the latter expresses a view about the shortness of the nose. However, if the veterinary surgeon points out that because of that short nose the dog cannot breathe, that is irrefutable fact. What we need to be seen to do is have dog breeders and vets work more closely together to reach a consensus view. The profession's problem is that it is a private industry, as you heard, and what we are asking them to do is work in a saintly manner and assist us by giving us information, but for their purposes it is difficult because this represents no income and they are, after all, having to run a private business. There are quite a few challenges for veterinary surgeons in practice.

**Q227 Neil Parish:** Surely, one of the problems is that the vets very often see the puppy only when it is being bought by an individual, and they are not able to have any impact in advising what to buy in the first place.

**Professor Dean:** That is correct.

**Q228 Dan Rogerson:** What impact has the club's code of ethics and assured breeder scheme had?

**Ian Seath:** I will speak from a breed club's perspective. The impact of a code of ethics will apply only to breed club members, and that is a subset of the people who are breeding dogs. It is only a guide, and it is now part of all our club rules. What it gives us is the opportunity to get some clear messages out to breed club members about what we expect in terms of behaviour. For example, our code of ethics says that where there are health tests available they should be used. The information that comes out of those health tests should inform breeding decisions, but at the end of the day there is no power behind it; it is about good practice and encouraging people to move in the right direction.

**Professor Dean:** The assured breeder scheme is a different situation, where a breeder signs up to that code and agrees to abide by the requirements, including health testing. There is no doubt that it has aided the Kennel Club in directing people to breeders who are assured breeders, where the very information everyone wants to see gets to the new owner of the puppy.

**Q229 Dan Rogerson:** The first question I asked was not so much about what the limitations are, which is

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pretty much what you have said, but how much it has achieved so far given those limitations. It may be that, even though it is voluntary, everybody is welcoming it with open arms and it is happening, or there may be particular breeds where it is not. I am referring to just those kinds of issues.

**Ian Seath:** If you look at our breed club community, we have a DNA test for a form of PRA. I would not like to put a precise figure, but 95% of the people who are in breed clubs and breeding would probably be using that DNA test. We have got the data and publish an annual health report that shows the trends. We can show a 50% reduction in the mutation over a five-year period, for example. It is in the code of ethics and it encourages people to go in the right direction.

**Professor Dean:** From the point of view of the Kennel Club, breed clubs come to us with requests to put certain tests in their code of ethics so that the breed adopts them voluntarily. We are not now pushing breed clubs to do this; breed clubs come to us to say they want this test on the list.

**Q230 Dan Rogerson:** Professor Dean, you place a requirement on breeders that they agree not to breed from a dog or bitch that could in any way be harmful to the dog or the breed. Do you think we should now be looking at regulation under the Animal Welfare Act 2006 to back that up?

**Professor Dean:** I do not think so. Within our community, that is well recognised, and I do not think there is an issue in the pedigree dog world in general in that area. It would be a very difficult regulation to police. We need to pay more attention to those who breed outside the Kennel Club umbrella.

**Q231 Dan Rogerson:** I accept that this could be an issue were there to be any regulation, but how do you define "harmful" in that context? Do you leave it to the register to define that?

**Professor Dean:** If we are talking about an inherited condition that is well understood, it may be that breeding those two dogs will produce dogs with that condition, and that is clearly harmful. There are levels of harm, however, from severe pain to maybe virtually no effect at all except a slight impact on sight in older age. We need some prioritisation, but it is clearly the clinical effect of the breeding that will produce the harm. If you do that breeding knowingly without taking the required precautions, such as tests, for example measuring hip dysplasia, you can be found wanting, because you have gone ahead and bred two dogs without even knowing if they are likely to produce dogs with a high hip score.

**Q232 Dan Rogerson:** Bearing in mind the earlier discussion about desensitisation of people to some of these characteristics and their acceptance as being normal, is that a debate that is very much happening? Has that now been turned round a little?

**Professor Dean:** With high-profile breeds, there is absolutely no doubt that we have completely challenged that perception. Sheila Crispin and I, with Kennel Club help, spent a lot of time talking to the high-profile breeds about eye conformation. It was clear that veterinary surgeons, exhibitors and breeders

saw dogs' eyes differently. I believe that we are coming to a good consensus and have made a lot of progress in helping people to understand why poor eyelid conformation is such a problem. There is a sea change in those breeds in the attitude to breeding dogs with healthier eyes, for example.

**Q233 Chair:** Do you have a view on the frequency of caesareans and whether that should be known and whether a limit is imposed?

**Professor Dean:** We have put a limit of two on the pedigree dog breeder. I believe that since we introduced that about 2,500 breeders have self-declared their caesarean sections. The problem arises with prevalence. We heard earlier that 90% of bulldogs were given caesareans. We do not know that, but what we have discovered is that it had become accepted by the profession that you did elective caesareans in bulldogs, so they did this, not necessarily happily. Now we are discovering that a lot of bulldogs can give birth quite naturally, because they are given the chance, so again it is a question of perception.

**Q234 Thomas Docherty:** What further impetus is needed to provide sufficient data? Is more money needed to fund research projects and data collection by vets, or is just more will required within the professions?

**Professor Dean:** It is a difficult one because there is a huge amount of data locked up in veterinary practice databases. I think the microchip is a key because that is a key identifier of a dog. Once you can identify a dog, you can identify its breed and so on. To get to a point where we can extract data and link it to a specific dog is very important. We have been doing that for some time with the BVA health schemes, where you have to have a microchip if you want your dog's hip x-rayed or eyes tested. Getting this data out is the challenge. We work with VetCompass, based at the Royal Veterinary College, trying to gather data direct from veterinary surgeons' databases. Remember also that veterinary surgeons are collecting that clinical data for their clinical purposes, not necessarily to inform the kind of work we wish to do. It is a combination of all the things you said. We need money, resources, the people to do it and the willingness of veterinary surgeons to take part in that type of investigation, so it is not one answer; it is a complex answer of all three.

**Ian Seath:** From our perspective we have found there are multiple sources of data. Something like VetCompass coming along could be incredibly powerful. We have just reviewed a paper from Sweden on back disease, that has data on 600,000 dogs. It would be brilliant if we could get that sort of data out of a UK insurance company. It just opens up a wealth of data that could be really powerful for us. Interestingly, it reinforced all the data that we have got in the UK from our own health surveys, so we try to triangulate the prevalence rates of the various conditions in which we are interested and prioritise accordingly.

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**Q235 Thomas Docherty:** You have clearly read my mind, because my follow-up question to both of you is: what work has been done with international colleagues to share best practice and data? You have cited Sweden. Are there other examples where you do this type of work?

**Ian Seath:** I have to admit that in our breed it is a bit more reactive. We have worked really hard at communicating what we are doing. We have a mailing list of people in overseas breed clubs as well as in UK breed clubs. The result of that is that people are approaching us and saying they would like to work and co-operate with us on research programmes. We have thrown out stuff and people have responded, rather than us proactively going out and looking to work with other groups, but we do look at all the research papers associated with health conditions in dachshunds that are published around the world. Part of our breed health strategy is to make sure we gather that data.

**Professor Dean:** There is exciting collaboration going on between scientists internationally. Just last year in Sweden an international meeting was held that brought together kennel clubs and veterinary scientists from all over the world to talk about these very issues. That work is active and ongoing, and it is already planned to have a second major meeting in Germany, I believe, next year or the year after, but in the interim there are plans to take forward quite a lot of projects to investigate the incidence of disease across a number of national boundaries.

Perhaps I may say one word about Sweden. Sweden has a totally different dog population. About 95% of it is pedigree and the vast majority are registered with their kennel club. They have a culture where the pedigree dog is king, and the cross-breed or mongrel is a very small proportion of their dog population. They have a very strong insurance base, so their data is almost assured as all coming from the registered community. That is the problem with insurance data in the UK. A large proportion of it will be, but at the moment we cannot guarantee that the data being taken out is from the registered community; it is a mixture of all the communities of dogs. Therefore, there are differences internationally.

**Ian Seath:** Some interesting stuff is going on internationally at breed club level as well. If you take, say, otterhounds, which is one of the more endangered species because of the numbers registered, there has been a global health survey to try to identify opportunities for improvement. For example, the Bernese mountain dogs have an international conference that rotates around different countries. There is some interesting international stuff happening at breed club as well as Kennel Club level.

**Chair:** We will have to break. I will ask for shorter questions and answers when we come back; otherwise, I fear that we will not be quorate.

*Sitting suspended for a Division in the House.  
On resuming—*

**Q236 George Eustice:** We talked earlier about the role of the different breed standards that different breed societies have and whether they have changed, or whether judges, particularly at shows, have given

preference to certain characteristics that might lead to health problems. Do you think that the revisions that have been made so far go far enough, or do those breed societies need to go further?

**Ian Seath:** I can speak only for the dachshunds. The revisions that we asked the Kennel Club to put into the breed standard reinforced what people should have been looking for for a very long time as far as that breed is concerned. The Kennel Club's preamble makes clear the responsibilities of judges in respect of health and welfare. I do not have any issues with the current wording of our breed standard. The challenges we have are the education of people to interpret them and for breeders to be breeding the kind of dogs that would match the breed standard.

**Q237 George Eustice:** Do you have a panel of accredited judges for the major shows?

**Ian Seath:** We have judging lists. There are hundreds of judges on those lists, and different shows will select judges from those lists. We have a big population to get to from the point of view of education.

**Professor Dean:** We have the concept of the specialist judge who does certain breeds and the all-rounder judge who does many breeds and whose experience, obviously, is wider. Each breed club has a list of judges that it publishes, which shows will use to help select judges each time they put on that breed.

**Q238 George Eustice:** That is a very small number. Can't you get tougher training for those judges or much stronger adherence to standards?

**Professor Dean:** We spend quite a lot of time developing judges. We are just discussing how we might introduce some of the training at an even earlier phase in the judge's development. The plan now is to give them training right at the start before they even go in the ring. Traditionally, that has been started after they have had some experience of judging dogs at a very low level, or what we call the open show level.

**Chair:** I am going to ask for shorter answers; otherwise, we simply will not cover the questions.

**Q239 George Eustice:** You heard it said in the earlier evidence session that one of the criteria ought to be whether the dog was fit for function, which was the term used. Is that something that could have greater influence, if you like?

**Professor Dean:** I do not think it could be any greater from the Kennel Club; it is our by-line. To be brief, when we say "fit for function", we mean fit for the function intended. That does not mean it is a working dog; it means that if it is a pet, it should be able to live a happy, normal, healthy life as a pet.

**Q240 Dan Rogerson:** We asked questions earlier about cross-breeding. What will the Kennel Club do to encourage the sorts of programmes that we have heard have been successful in some breeds internationally? How would you define a successful outcome for that sort of programme?

**Professor Dean:** We actively encourage breeds to consider cross-breeding where it would be of benefit to that breed. You heard about the Dalmatian. We have also had a number of clubs or people apply to do



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specific cross-breeding to increase genetic diversity. The measurement is: lower coefficient of inbreeding, better health.

**Q241 Dan Rogerson:** As a slight diversion, do you have new breeds being registered very often? I know that in the States this happens.

**Professor Dean:** All the time people want to bring in new breeds. There is a lengthy process. They go on what is known as the import register and stay there until we believe the breed has enough weight in the country—in other words, enough dogs, experience of judges and so on—before we start considering whether to take them on as a full breed.

**Q242 Dan Rogerson:** It is not so much a breed established in another country. I am thinking of something that is literally a new breed.

**Professor Dean:** No. They tend to come in from other countries.

**Q243 Dan Rogerson:** What mechanisms do you have in place for ensuring that breed clubs, which might be less enthusiastic about undertaking these programmes even if you think they are necessary, comply? What would you do to encourage them to do so?

**Professor Dean:** Our ultimate sanction is to take away their ability to hold shows. We would seek to encourage them to adopt the standards that we are looking for. The vast majority do, but where we get difficult breed clubs we take away their right to hold shows, and we can de-register them as clubs.

**Q244 Dan Rogerson:** How often does that happen?

**Professor Dean:** In the past two to three years, we have taken away from breed clubs the right to hold shows because they were unwilling to address issues to do with health that we felt were important. We tend not to take breed clubs off the list unless they basically cannot manage their business. I would say that has happened only once or twice.

**Q245 Dan Rogerson:** Mr Seath, in terms of your specific breed I think there have been issues around intervertebral discs.

**Ian Seath:** Back disease is the issue in dachshunds. It has got nothing to do with the fact they are supposedly long dogs; it is because they are chondrodystrophic; they are a dwarf breed. If you look at all the evidence from around the world, the Scandinavian dogs, for example, which are longer in the leg and shorter in the back, still have the same level of disc disease. It is an issue associated with dwarfism, and we are currently doing a research project with the Animal Health Trust to see if we can find a DNA test to differentiate between the risk factors around that.

**Q246 Dan Rogerson:** Is out-crossing something you have looked at to deal with these issues?

**Ian Seath:** We had one case two to three years ago involving crossing between a wire coat and smooth coat, which the Kennel Club approved, but what we have is a wide international pool of genes. There are quite a lot of imported dogs, so we have plenty of

opportunity to widen the gene pool from international imports.

**Q247 Richard Drax:** Following on from that question rather nicely, what is your breed council doing to help breeders and owners improve the health of the breed, with particular respect to intervertebral disc problems linked to the selection of dogs with short legs?

**Ian Seath:** We regularly hold seminars. Some are focused on the breed standard, so they are more oriented to judges and what they should be looking for to ensure we do not get exaggeration. We also hold health conferences and seminars. We had one last weekend. Those are well attended. We have a whole promotional approach in terms of information for vets that we send out, and information that we send out in newsletters. You would struggle not to find lots and lots of information about what good practice would look like from a health perspective.

**Q248 Richard Drax:** Are your members taking up that advice and information? Are they responding?

**Ian Seath:** Yes, but the key word is “members”. We still need to find ways to get to people who are not in the Kennel Club and breed club community and are breeding dachshunds.

**Q249 Richard Drax:** Professor Dean, how does the Kennel Club work with effective breed clubs to help them spread best practice to the breed clubs?

**Professor Dean:** In terms of health, we have a network of breed health co-ordinators with whom we communicate. They then feed information through to their breed clubs. That is our major channel of communication. Where we have a particular breed that has a problem we do something similar to what you have just heard from Ian, but we may hold a wider seminar that deals with those health issues in one, two, three or more breeds. The eye seminars I mentioned earlier are a good example.

**Q250 Richard Drax:** What can be done to educate puppy buyers on specific breed health issues?

**Professor Dean:** We use our website, where the public can go and look up individual breeds, and on there will be all the breed-associated problems of which they should be aware.

**Ian Seath:** We need to drive more people to our breed council website, where they will get the definitive evidence-based view of what the health issues are and how to find a good breeder.

**Q251 Mrs Glindon:** Does the failure of some dogs awarded best in breed at 2012 championship shows to pass vet checks indicate that these checks are working, or does the entrance of unfit dogs mean there is much more work to be done?

**Professor Dean:** I think you need to turn it on its head. The fact that the vast majority of dogs since Crufts have passed the vet health check, considering these are the high-profile breeds with the most problems, is a very encouraging sign. The fact that occasionally we have a dog failing is just an indication that work is still to be done. The breeders are aware

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of that and they are working very hard to make further improvements. Some of these problems have been around since the 1800s; these are not new problems, so we are asking them to do a lot of work in a short time. I regard them as a success.

**Ian Seath:** It is very difficult for me to answer that, because we are not a high-profile breed and do not have the vet checks. My perception is that it is one piece in the jigsaw; it is part of the strategy for overall health improvement. Vet checks at shows will not change health, certainly not overnight.

**Q252 Mrs Glendon:** Would you think that a vet check should be required before a dog can be entered in a show?

**Professor Dean:** Some breed clubs are discussing among themselves that they may have the dogs looked at before they even enter a show. We also have a working group looking at the whole vet check and health issue, and there are discussions about whether there should be some form of pre-checking, but there is a logistics problem in terms of numbers. Crufts has 21,000 dogs over four days. We would need a veritable army of vets to get through that number of dogs.

**Ian Seath:** I do not have anything to add to that.

**Q253 Chair:** Professor Dean, in response to a question from Mr Eustice, you said there was no guarantee that irresponsible dog breeders would stop breeding dogs with exaggerations that endangered their health. Surely it is within your power to refuse to register them at the Kennel Club, so that would resolve the situation of its own accord. Why do you choose not to do so?

**Professor Dean:** If we do not register it, the dog still exists. There is fair evidence that people outside of our banner will carry on breeding those dogs anyway. The registration of dogs is very much done on the Somerset House principle. The reason we know so much about the pedigree dog is that we have always had a policy of registering all the breed so we can track the parentage and therefore the inheritance of disease. To start refusing to register a certain group of dogs because they show ill health will not improve the overall health of the dogs; they would just go underground. It is much better to know where they are and then you can do something about breeding from better parents that do not show those sorts of traits in their offspring.

**Chair:** I do not know whether Mr Eustice wants to come back on this. It strikes me that you should be proposing some mechanism.

**Q254 George Eustice:** It would deter those breeders, wouldn't it, if they could not register them, could not show them and they were not regarded as pedigrees? If you give them that accreditation it perpetuates the problem.

**Ian Seath:** Most of them are not showing them. I think the showing is a red herring. Registration is important to some of them, but there is a large population breeding dachshunds that do not register them. I would rather have dachshunds registered so we have a bigger database and can look at what is

going on. A really good example of why you need that is that, three years ago, we asked the Kennel Club to write to everybody who had bred a miniature long-haired dachshund and send them a letter about the DNA test that was available for PRA. If we did not have that database, we could not do that sort of thing to get health messages out into the wider population, because probably 80% of those people are not breed club members. We have no way of getting to them.

**Professor Dean:** I would argue that the vet checks have basically taken out from those breeds the dogs that we do not want to see in the show ring. I would also argue that people will not breed from those dogs because they will only produce more dogs that cannot go into the show ring. It is the show ring that motivates the exhibitor, not money. The only people I know who breed dogs to make money are the puppy farmers who breed commercially, and they pay no attention to health and welfare. The people I mix with in the dog show world breed because they want the next wonderful dog they can take into the ring and win with. That is what motivates them, but in my view they do not set out to breed unhealthy dogs.

**Q255 Chair:** I am slightly concerned that you are perpetuating the situation by allowing them to appear on the register and potentially to appear in the ring. Surely, it is incumbent on you—you are a vet as well—to propose a mechanism by which you stop this from happening in the future.

**Professor Dean:** I think we are over-simplifying the situation. We already impose on breeders that, if they have a dog that is affected by an inherited disease, they should not breed from it. If they do breed from it—for example, if it is an affected dog and it is a recessive gene—they could breed to a clear dog and produce healthy dogs, but it all depends on the individual breed and the extent of the disease throughout that breed. It is a far too simplistic approach to say that we should draw some imaginary line for each disease and say, "If you are on one side of it you cannot register, and if you are on the other side you can."

**Q256 Chair:** You said earlier that 95% of dogs in Sweden are pedigree dogs, so would this situation arise in Sweden?

**Professor Dean:** They register all dogs as we do.

**Q257 Chair:** Even if they have got these difficulties?

**Professor Dean:** Yes. The one thing I keep saying to people in dog breeding is that, if you have a carrier dog with an inherited gene, it is still a healthy dog. If you have a breed that has, say, 70% carriers, as we had with liver toxicosis in the Bedlington terrier, through careful breeding using genetic science you can eliminate the disease and never produce an affected dog. That is the way we are trying to take forward the health issue. But I come back again to the point that I do not think it is the Kennel Club community that is at issue here but the people in puppy farms who breed from a bitch and dog time after time. They are not interested in genetics. They do not check whether the dog has an inherited disease; they just churn out puppies from the parents that they own.

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**Q258 Neil Parish:** Professor Dean, I do not necessarily disagree with you on puppy farms, but I still have a slight disagreement with you. If a dog is bred with defects, once you register it with the Kennel Club, the public out there will see that that dog is fine to buy. Therefore, you are perpetuating the situation, and you could be much firmer. I know you say they can register somewhere else and do whatever, but I still think the Kennel Club could use their influence better by saying that those dogs are not fit to be registered.

**Professor Dean:** Mr Parish, I understand where you are coming from, but I am afraid it is over-simplistic to look at it in that way. It just would not work in that style. We have the assured breeders scheme, which is the best way of assuring that the puppies produced

have the best chance of being healthy. At this time all of us sitting here have at least 10 defects. Therefore, just to talk about defects in that way does not work. Every dog, every animal and every human being has defects.

**Chair:** I thank you for being so generous with your time. We will revert to the subject next week. I also thank the Committee for remaining. On behalf of the Committee, thank you both very much for participating in our inquiry. I again apologise to the presidents of the British Veterinary Association and the British Small Animal Veterinary Association for being unable to hear them this week. We are delighted to announce that we will be able to hear from you next week, and we thank you very much indeed for accommodating that request.

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**Wednesday 24 October 2012**

Members present:

Miss Anne McIntosh (Chair)

Richard Drax  
George Eustice  
Mrs Mary Glendon  
Iain McKenzie

Neil Parish  
Ms Margaret Ritchie  
Dan Rogerson

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**Examination of Witnesses**

*Witnesses:* **Mr Jeremy Browne MP**, Minister for Crime Prevention, Home Office, and **Mike Warren**, Head of the Crime and Anti-Social Behaviour Reduction Unit, Home Office, gave evidence.

**Q259 Chair:** Good afternoon and welcome, everybody. Can I welcome you, Minister? Congratulations on your new post. Thank you very much for being here and contributing to our debate and inquiry. Would you like to just introduce yourself and your colleague, for the record?

**Mr Browne:** Thank you, Chairman. My name is Jeremy Browne and I am the Minister for Crime Prevention in the Home Office. Most of your deliberations concern responsibilities that belong within Defra, but there is some overlap into the Home Office, which is my understanding of why I am here, particularly around anti-social behaviour and the powers of local councils, so I am looking forward to having that opportunity to explain our position. I just asked Mike whether he called himself Mike or Michael; he said only his mother called him Michael. Mike Warren is the relevant official from the Home Office who has expertise in this area.

**Q260 Chair:** Excellent. You are both very welcome. We are looking into dog control and welfare and, as you have alluded to, Minister, there is a crossover between your Department and Defra. It would be helpful if you could just explain to the Committee at the outset how you divide your responsibilities between the Home Office and Defra in this area.

**Mr Browne:** My understanding is this: dogs are the responsibility of Defra, but some of the activity that people do with dogs or the threat that is caused by dogs crosses into the responsibility of the Home Office, particularly in the area of the power of police and local authorities to deal with anti-social behaviour or wider borderline criminal activity. Maybe we will have the opportunity to discuss this, but what the Government is seeking to do is take a whole range of different measures, which we inherited, to try to help communities get to grips with anti-social behaviour. I understand there are 19 separate measures that can be deployed by police, councils and others. We are consulting at the moment about trying to boil those down to six measures that we feel would give local authorities the flexibility and the tools they need to deal with these problems. They may be around people drinking in public places; they may be around late-night noise. There is a whole range of issues, but they could also be applied to the area of people being disruptive with their dogs, whether it is dogs barking in the middle of the night, fouling in public paths or being used to threaten other people. That is my

understanding of the responsibility of the Home Office with regards to this issue.

**Q261 Chair:** In the conversations you have had with the police, do you believe that they are asking for further legislation to enable them to tackle effectively dangerous dogs?

**Mr Browne:** I do not know if it is necessarily further legislation in all cases. It may be more effective powers and legislation. Our starting point, and this is the wider approach of the Government across a number of Departments, is not to have a very centralised prescriptive approach, but to try to give local communities, local councils and local police forces the toolkit—to put it in jargonistic terms—that they need to come up with the solutions they need to the problems they face. There may be different problems in different areas. What we have tried to do with the White Paper on the powers that will be available at local level is not to have a massive range of different powers that people do not fully understand and which overlap with each other, but to try to boil them down into Criminal Behaviour Order, crime prevention injunctions, community protection notices, community protection orders and directions powers. Even that sounds quite complicated, but my understanding is it is a hell of a lot less complicated than the previous arrangement.

**Q262 Chair:** Would you say briefly that it is implementation and enforcement they are asking for, rather than further legislation?

**Mike Warren:** I wonder if it might help to give an official's perspective on how, on a day-to-day basis, we carve up the dangerous dogs policy area between the two Departments. I am the Home Office lead for anti-social behaviour. Anti-social behaviour covers an enormous range of issues, as the Minister has said. To the extent that it covers anti-social behaviour by dog owners or by dogs, that is an area where we work very closely with Defra. Defra would lead on the implementation and enforcement of the Dangerous Dogs Act itself and questions around dog attacks on individuals. The Home Office would also say that we lead on gangs and, to the extent that dogs are a part of the way that gangs operate, that is an area where we work very closely, but it is a Home Office lead.

**Q263 Chair:** That is very helpful. Is the legislation working?

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**Mike Warren:** To answer your question about what the police are looking for, on anti-social behaviour, as the Minister has said, the police have been broadly supportive of our moves to rationalise the current legislation and the numerous powers that exist at the moment to cover all anti-social behaviour, including that related to dogs. On the Defra consultation on changes to the Dangerous Dogs Act, I understand that the relevant leads in the Association of Chief Police Officers are very supportive. That would be an area where primarily Defra would be having the conversation with ACPO.

**Q264 Chair:** Minister, there has been a great upsurge in the number of stray dogs loose in recent years. I am very mindful of the fact that the Clean Neighbourhoods and Environment Act took the kennels away from the police and gave the responsibilities to the local authorities. Do you believe that the Act has been to blame? Do you think there are other causes to blame? To what do you attribute this upsurge in the number of stray dogs?

**Mr Browne:** I do not think that is directly within the competence of my Department, so I could speculate.

**Q265 Chair:** You must have a view. Prior to 2007, before the Act came into implementation, any stray dog would have been taken to police custody and put in police kennels. Now it is the responsibility of local authorities to make arrangements to take stray dogs off the street. Do you believe that that, in part or completely, has contributed to the higher incidence of stray dogs? What do you attribute the increase of stray dogs on the streets to?

**Mr Browne:** The answer is I have not seen any evidence to suggest that there is a causal link between that change and the numbers of stray dogs. I can see that you may infer that and many others may infer it as well, but I have not seen evidence to suggest that that is the case.

**Q266 Chair:** I do not know if we have the figures we can share with the Minister, but if the numbers have greatly increased, to what would the Home Office attribute that, or do you not have a view?

**Mr Browne:** I do not have a view. The area that I have been looking at and concerned with is where people have dogs that are threatening other people, that are causing harm or misery, or literally physical harm to other people, rather than stray dogs, which I would not see really as being directly a matter for the Home Office.

**Q267 Chair:** The Home Office had the statutory role for police managing stray dogs to assist in putting them away. Would you support a return to that statutory role for the police?

**Mr Browne:** It is something we could consider. I do not know whether the police would wish to have that authority, or whether the feeling is that the local authority level was where it could best be exercised, but maybe there needs to be an improvement in performance at local authority level. I have not seen a reason why we would wish to commit to that, but in

the interests of government as a whole, we are wanting to have effective government.

**Q268 Chair:** Would there be financial implications?

**Mr Browne:** I suppose there may be some. I have just been passed a note—I did not know this—saying to me that stray dog numbers have actually gone down in the last year, so I do not know how many different sets of stray dog statistics there are. This is according to the Dogs Trust, so I suppose local authorities may feel that, after initial teething problems, they have got to grips with the problem.

**Q269 Chair:** In Yorkshire, they seem to have gone up.

**Mr Browne:** It is quite hard to measure stray dogs. I am sure the Government as a whole wants to have an effective framework for dog ownership and for trying to deal with and reduce the numbers of stray dogs as well. It has not been something that, in my time in the Department, we have concentrated on, as I say, or I have not personally as a Minister. I have been concentrating on people owning dogs and those dogs being a threat or an inconvenience to other people, rather than dogs that are not owned by anybody.

**Q270 Richard Drax:** The Chief Constable of Dorset Police, in my conversations with him, said that one of the extra costs that have applied to them over the months and years is this issue of stray dogs. They do not want the responsibility. They have got quite enough on their plate, and their job is to deal with crime and disorder, not rounding up dogs. That has moved to the local authorities. If it may be of any help, and I am interested in your comment, that is very much his concern: it is not a police matter and should not be because, quite apart from anything else, they are not being paid to do it anyway.

**Mr Browne:** He would be pleased that I have not just committed the police to taking on this responsibility.

**Richard Drax:** He will be very pleased.

**Mr Browne:** Good. As I say, it seems to me that the core function of the police is to reduce crime and anti-social behaviour. People complain about dogs threatening their neighbours. You have these terrible, harrowing, extreme cases of dogs attacking people and severely harming them, and then of course there is considerable inconvenience caused to people, and upset, if dogs are very disruptive, barking through the night, etc. The focus of our attention and inevitably the focus of the police's attention would be on that type of impact that dogs can make to the quality of life, anti-social behaviour and criminal issues in individual neighbourhoods.

**Chair:** If we could turn to the Home Office proposals, Richard Drax.

**Q271 Richard Drax:** You have proposed a set of measures to tackle a wide range of anti-social and criminal behaviour. Wouldn't specific tailored dog-related measures be more effective?

**Mr Browne:** Our view is this: we have 19 measures that we inherited as a Government on anti-social behaviour, most of which could, to some extent, be used to deal with difficulties with dogs and other

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forms of anti-social behaviour. We have tried to get that down to a more manageable package of six measures. We are going to have pre-legislative scrutiny of these measures, and we will legislate as soon as we can to give them force, but we are confident that that package of six measures will give local authorities, the police and others the powers they need to deal with the problems caused by dogs. As soon as you start getting into specific dog control notices, there is quite a strong case for having an alcohol control notice or a mini-motorbike control notice, or any other specified forms of anti-social behaviour. What we are trying to do is have six generic measures, a flexible package of measures, which can be applied to dogs and, in our view, can just as much impact on the problems that dogs may cause as having a designated measure with the word "dog" in its title. We feel that that greater flexibility is more appropriate and just as effective.

**Mike Warren:** If I could add something, from what we heard during the consultation we ran on the anti-social behaviour proposals from practitioners—albeit practitioners dealing with the full spectrum of anti-social behaviour issues, rather than just dog-related problems—the approach that has developed over the last 10 or 12 years is one where in response to a new problem you introduce a new legislative solution, to the extent where you have an enormous list of different powers for very specific different problems; that had encouraged practitioners, in using those powers on a day-to-day basis, to think primarily about whether a problem fits into the box that would make it power A or power B that you use, rather than considering the impact that the behaviour is having on the victim. One of the really strong messages we have tried to get across in the White Paper is that, actually, what matters in anti-social behaviour is the effect that it is having on the victim. If you focus on the behaviour itself, categorising it and then working out which power fits that category, what you might sometimes overlook is that behaviour that can seem quite trivial on the surface can be having a devastating impact on somebody's quality of life, which can have tragic consequences. When the Minister says we are trying to move to a more flexible approach, where you have a handful of powers that can be used in a range of circumstances, the aim of that is to help practitioners really address the impact that anti-social behaviour has on victims, as opposed to concentrating on categorising what may actually be happening.

**Mr Browne:** In preparation for this Committee, I looked at the six powers we are proposing and went through a whole set of scenarios where I could imagine dogs were causing distress to people. Each one of the powers seemed to be able to deal with each one of those scenarios. Maybe I was not as imaginative as I could be, but the point I am making is that I do not think you want an approach to government where, every single time a new source of irritation is identified, the Government comes up with a new order with that source of irritation in the title to demonstrate that the Government is dealing with that specific problem; then, two weeks later, there is another order, and then another. If we can get the right

handful of orders, whether it is mini-motorbikes, alcohol or dogs, we have the package of measures that enable local authorities and the police to deal with the problem.

**Q272 Richard Drax:** By doing what you have both said you are intending to do with this package of six measures, what are the views of those that have to enforce them, i.e. the police and the local authorities? What do they think about what you are trying to do?

**Mr Browne:** In my experience, the police want to have the powers that they need to protect the public in their area, but they would rather those powers were not excessively complex and that they had a degree of flexibility. That is what we are trying to do. The whole process of pre-legislative scrutiny is going to be undertaken by the Home Affairs Select Committee, and no doubt a range of different opinions will be offered, but what we are trying to do is put in place a package of proposals that is easier for local authorities and the police to use than the existing range.

**Q273 Richard Drax:** I accept that. I think we have all got that. The point I am trying to make is if the enforcement agencies know what you are trying to do. If they do, what have they said? Do they think it is a good idea or a bad idea? Do they want more laws, fewer laws or do they think your approach is perfect? What is the view of the enforcement agencies, or do they not know yet?

**Mike Warren:** As I said, we conducted a consultation in 2011. Since the consultation formally closed, we have worked very closely with a wide range of frontline professionals to develop the proposals further. There is very strong support among the police, among local authority anti-social behaviour teams and among social landlords. Those are the three agencies that primarily deal with anti-social behaviour. There is definitely very strong support for a rationalisation of the existing powers and a recognition that the current arrangements are bureaucratic and can have some quite perverse incentives built into them. Certainly at the outset, we had some illuminating discussions about the detail, but we have come a long way in addressing some of the practical issues that professionals have raised over the last year or so. In the White Paper, we said we wanted to continue this process with pre-legislative scrutiny, but we are very keen to work with enforcement agencies to make sure that the powers we introduce are workable on a day-to-day basis and have the effect that the Government wants them to have.

**Richard Drax:** Thank you, Mr Warren. That is a yes.

**Mr Browne:** I am told there is an ACPO dog lead, which is a rather odd title. Obviously, we are keen to work with police forces and designated police representatives to try to make the measures as successful as possible. My understanding is that the general approach has been welcome, but no doubt we can take on board additional suggestions as we receive them.

**Q274 Chair:** Can I just ask on the consultation if you had any welfare groups responding about their concerns about some of the powers that the police and

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Home Office will have, such as dog muzzling? Did they express any concerns in that regard in the consultation responses?

**Mike Warren:** We certainly did have some responses from organisations like the RSPCA and Battersea Dogs Home. They tended not to offer views on the wider approach to anti-social behaviour, so much as to make the point that, however we were aiming to address dog-related anti-social behaviour in the future, there should be the scope for a welfare element to whatever enforcement agencies were doing. In most of the new proposals, there is definitely room for and a recognition that, actually, people who commit anti-social behaviour often need support to deal with any underlying problems that may be driving that behaviour. In the case of an irresponsible dog owner, that support may well take the form of advice or training on how to deal with a dog, or advice on welfare issues. That is something we have been working quite closely with Defra on.

**Q275 George Eustice:** You mentioned ACPO a moment ago. I know they drafted an extract proposal, together with the LGA and the RSPCA, suggesting that we introduce something similar to what they have in Scotland with dog control notices. Is this something that you still have an open mind to, or have you ruled it out?

**Mr Browne:** Essentially it is the answer that I just gave to Mr Drax, which is that this is a different approach to the same problem, but our feeling is that, rather than trying to prescribe in that type of detail the problem that you are trying to solve, if we have the right measures in place, they can be applied to any given problem, as and when it arises in an area. This is my point essentially about, if you are going to have dog control notices, why not have mini-motorbike control notices and any other number of specified forms of potential anti-social behaviour? Our view is that, if you have six measures that are clearly understood and they can be applied to solve the problem, whether it is dogs or mini-motorbikes—to take my two examples—that is better than a whole range tightly specified.

**Q276 George Eustice:** Just picking up on what Mr Warren said just now about some of the welfare charities and the points they made about including animal welfare, there is a very good reason why there is a difference between dogs and, say, someone with a mini-motorbike. That is that if you have irresponsible puppy breeding and these dogs are not socialised properly, the damage is quite often done in the first six months. You then quite often have an owner who has a dog that gets too big for it. It cannot cope—for example, a huge mastiff. That is the dog that gets abandoned; that is the dog that causes problems and attacks people. You do have to have an element early on of identifying where things are going wrong, that is perhaps preventative, rather than just treating the causes of anti-social behaviour. You try to deal with the source of it. That is where dogs are decidedly different from other areas of anti-social behaviour. Do you accept that there may be a case for something like those dog control notices?

**Mr Browne:** I understand the distinction between dogs and mini-motorbikes. I can see that there may be consideration around things like breeding, which would be more directly within the responsibility of Defra. In terms of the role of the police and local authorities to protect the public from crime and anti-social behaviour, that is about giving them the powers they need to act when they are confronted by circumstances that are a threat to the public in that regard. That is what we are trying to do, in as efficient a form as possible. As I say, we feel, although there will be a process of pre-legislative scrutiny, that the six measures we are proposing get the right balance between having enough tools at the disposal of local authorities and the police to do the job, but not so many that it becomes unwieldy, excessively complicated and counterproductive. The process of scrutiny will no doubt reveal whether we have got that balance right.

**Q277 George Eustice:** Given that this proposal for dog control notices is something that the police themselves have actually put forward or that ACPO has put forward, have you carried out any assessment of how effective they have been in Scotland, where they have been used for some time already?

**Mike Warren:** I believe we are still waiting for the figures from Scotland, which would show how effective they have been or not. One point I would make is that, in the White Paper, we were very keen to encourage professionals working at the local level to take a preventative approach to anti-social behaviour. There are lots of informal measures, as well as the more formal powers that the Minister has been describing, that local areas can and do use to deal preventatively with problems before they develop into anti-social behaviour or crime. What I do not think I have seen, in terms of this proposal for dog control notices, is anything to suggest that the dog control notice is the only way that a professional dealing with an emerging dog-related problem can deal with that, and that there is something that the dog control notice can do that you cannot do within the approach that we have been talking about.

**Q278 George Eustice:** Just coming back to the example I gave if, for instance, there is a dog attack and it is clear that the reason was that somebody bought a dog from a cowboy back-street breeder, who had not socialised and raised that puppy properly, do the current proposals give a local authority the power to, for instance, prevent that breeder from continuing to breed puppies? A dog control notice does enable you to neuter a dog, for instance. Would those powers be contained?

**Mike Warren:** I am not entirely sure that they would, but then I am not sure that the activities of a rogue breeder, as you described, would necessarily fit into anti-social behaviour as the police and councils would see it. We are in a grey area.

**Chair:** Could we stick to dog notices, because we are coming on to illegal dog breeding in a moment? Just stick with dog notices for the moment.

**Mr Browne:** I am told that anyone who breeds dogs, whether they are licensed or not, needs to comply with



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the Animal Welfare Act 2006. I am told there is legislation, not sponsored necessarily by the Home Office, that would deal with those circumstances separately from our more narrow focus on anti-social behaviour and crime.

**Q279 George Eustice:** We are coming on to that in a minute. There are exemptions for people breeding fewer than five litters a year. More broadly, in terms of the implementation of this new framework and the fact that you are simplifying, how are you publicising that to the agencies? I know you mentioned that you were talking to different enforcement agencies about this. Do they need any training to understand how these measures replacing the old ones are going to work?

**Mr Browne:** There is the whole process of the type that is typically embarked upon in Parliament and in government, so a White Paper, pre-legislative scrutiny, the police representative bodies taking an interest. Obviously legislation will require all of those processes to be gone through again. People will be able to read about them. I hope there will be plenty of opportunities for people to contribute their thoughts.

**Q280 Ms Ritchie:** Minister, you are very welcome. I want to move on to the area of illegal dog breeding. How can the Home Office proposals be used to tackle the crime of illegal dog breeding, particularly of so-called “status dogs”?

**Mr Browne:** It is not in these specific measures. It takes me back to previous legislation that has been passed on illegal dog breeding and other related activities. Let me see if I can find it. There is a whole range of different Acts that apply to different types of activity of this sort. The Breeding and Sale of Dogs (Welfare) Act 1999, for example, can ban certain people from breeding dogs, so there is a whole history of legislation that deals with this type of issue.

**Q281 Chair:** What we are trying to elicit from you, Minister—we have the legislation list in front of us—is how the Home Office proposals will advance matters, and whether we need this new legislation that you are proposing or whether we should rely on the existing legislation.

**Mr Browne:** If you take, for example, the first of the six powers that we are keen to adopt, the so-called Criminal Behaviour Order, I understand that it works like this. If a person is convicted of a criminal offence of the type that Ms Ritchie just described, it would be possible to have an order that extended from that offence. In this case, you could ban them from owning a dog in the future. If they were convicted of alcohol-related GBH, there could be an order that prevented the person from going to the town centre on Friday and Saturday nights. As well as negative measures, there could also be positive measures. The person could be banned, in that example, from going to the town centre on Friday and Saturday nights, and also be required to go on an alcohol-awareness course. In the case of dogs, the person could be banned from owning a dog and could also be required to go on an animal welfare course, as I understand it, as well. It is an order that extends the powers to protect

communities beyond punishing the specific offence as is prescribed in previous legislation.

**Q282 Chair:** Just before we move on to community measures, it strikes me from your answer that, rather than simplifying the legislation, what you are actually proposing is making it more complex, so there are more legal bases that people have to go to, rather than a one-stop shop, to control this.

**Mr Browne:** It is certainly our intention to simplify it, but we are open to suggestions on how it can be further simplified. My understanding of the point is what can be done to provide ongoing protection for a community, over and above the punishment that has been prescribed to meet a crime committed under another area of legislation. My example, of a person who had been convicted of harming somebody after a drunken fight, could, under these orders, be prevented from being in situations where they are likely to re-commit that type of offence, for a specified period of time. There could be an order that prevented a person from owning a dog for a certain period of time. If there was concern that a person was frightening children outside a primary school with a particularly aggressive dog, then the powers would exist to prevent the person from going within 100 yards of that school with their dog, between 3.00 and 3.30 in the afternoon, on Monday to Friday, or whatever it is. Those powers are taken into account.

**Chair:** If I could just bring you back to illegal dog breeding, I think George Eustice referred to this maximum.

**Q283 George Eustice:** The problem with the Act that you cited, the welfare Act, is that there is an exemption for people breeding fewer than five litters of puppies in any given year, which is quite a high figure. Some of the evidence we have had suggested that should be reduced to maybe two litters, so that you can actually catch some of these back-street puppy farms, which are a real source of the problem. Would amending the legislation in that way be within the scope of the proposals you are putting forward?

**Mr Browne:** Again, we are getting into strange areas in which I would not claim huge expertise, but I am told that, where breeders force dogs to have multiple litters in a year, that is already illegal as it causes unnecessary suffering, which contravenes the Animal Welfare Act 2006. If discovered, breeders are liable to prosecution. It is also covered under the Breeding and Sale of Dogs (Welfare) Act 1999, section 1.4(h) that bitches should not give birth to more than one litter of puppies in a period of 12 months.

**George Eustice:** That is true, but if you have five bitches, for instance, you can have five litters in a year and still be outside the scope of the current legislation.

**Mr Browne:** That may require Defra to consider whether it is appropriate to amend the legislation.

**Q284 George Eustice:** You consider that outside the scope of what you are proposing, even though the evidence seems to suggest that that is quite a driver of the types of dogs that cause the sorts of problems that people are dealing with?

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**Mr Browne:** My instinct would be to see that as a matter for Defra to decide whether they needed to make an amendment to existing legislation to further regulate dog breeding practices. What we are trying to do, as I say, is where your next-door neighbour has a dog that is threatening you every time you walk by. Their fence is broken and the dog can get out on the street. It is a threat to your children. The dog is barking loudly at 3 or 4 in the morning. It is routinely fouling the pavement outside your house. Those are the types of police/local authority anti-social behaviour borderline criminal activities that we in the Home Office are trying to prevent, rather than specifying how many dogs can be born to any other dog in a given year. I appreciate that those dogs then may go on to cause anti-social behaviour, some of them, but I think that is probably more appropriately Defra.

**Q285 Ms Ritchie:** Minister, we want to move on to the community measures, the community protection order and the directions thereof. Could you talk us through the processes of imposing a community protection order, and in so doing, do you believe this is a flexible enough process to respond to dog-related issues in a specific location?

**Mr Browne:** Yes. Again, I come back to the point that we want local councils and communities to feel that they can put in place the measures that suit them. If, for example, you had a green space or a small park in a town centre, and a local authority, maybe working with the police, wanted dogs to be banned from that area, maybe because they were routinely fouling the grass; in the same way as they might not want people to drink alcohol in those areas, and you see that sometimes in town centres as well, that power will exist and that decision would be made at a local level. We are not saying that it is not appropriate for dogs to walk in parks as a general rule. That is for local communities to decide.

**Q286 Ms Ritchie:** Could you explain to us, Minister, the actual process for imposing a community protection order?

**Mike Warren:** Perhaps I could. Where a local authority has evidence that a particular problem is detrimental to a community's quality of life, on consultation with the chief constable, they would then be able to impose a community protection order on a particular public area, which would impose certain restrictions on people's behaviour within that particular location. What we are trying to do is to bring together what at the moment are quite a number of different powers to deal with problems in public space, so drinking, potentially skateboarding and things like that, as well as dogs—it would replace the dog control order—into a single power that is focused on the effect that behaviour has on the community's quality of life, rather than categorising specific kinds of behaviour. The local authority would have evidence that there was a problem. The local authority would consult the police, and the local authority would then impose the order and publicise it. I think it can impose it for up to three years.

**Q287 Ms Ritchie:** Have any local authorities expressed a preference for the retention of current dog control orders?

**Mike Warren:** I would not say that any have explicitly preferred the current regime to what we are proposing. Certainly, we have had questions about whether it is worth us still going through with the dog control order now, given the time that it might take to implement your reforms. We certainly have a number of questions like that, but no one, as far as I am aware, has strongly argued for keeping the current suite of powers in this area.

**Q288 Ms Ritchie:** What level of use do you envisage, Minister, the police making of the directions powers in relation to offences involving dogs?

**Mr Browne:** I do not know if it is really for me to envisage a level of use. That depends on local communities, how valuable they see this power as being and how big they perceive the threat as being as well. To take a similar power, people being prevented from drinking alcohol in town centre parks, I only observe that that has become quite a widespread power, which has been adopted by councils in the last five or 10 years. I do not know if it had been possible to predict it. It has become more fashionable for councils to see that as a way of improving the quality of life of people who are using parks in town centres. Some councils may regard this as a path they want to go down as well. It is quite hard to sit in central Government and try to give a percentage estimate of the number of parks this will apply to in five or 10 years' time.

**Q289 Ms Ritchie:** Does confiscation of related items under directions powers refer to dogs and, if so, how will this be managed on a practical basis, perhaps through professional handling and kennelling of potentially dangerous dogs? Has any consideration been given to this particular issue?

**Mr Browne:** My understanding of the directions power is it is a police power "to direct any individual causing or likely to cause crime or disorder away from a particular place or to confiscate related items". The example I gave earlier that would come under this would be an owner with a dog outside a primary school. The dog was in a public space on the pavement, but was causing distress to the children and the parents. There would be a power, if the police and local authority wished to impose it, to prevent the person from menacing the children with his or her dog, in those circumstances. It may well be less widely used than some of the other powers, but it is designed to try to capture those circumstances where the intimidation is being caused, not in a park, not in a private property, but in a space that would otherwise be freely used.

**Mike Warren:** The idea of confiscation comes from the powers the police currently have to confiscate alcohol from people who are behaving anti-socially because they are drunk, essentially. We have not yet set out the draft legislation or a list of items that may or may not be confiscated as part of this power. I wonder whether this may be a question where, as one of the Committee said earlier, the distinction between

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inanimate objects and a live animal may well come into play. You could see circumstances in which it would be proportionate to confiscate alcohol or a spray can, for example, if someone was clearly about to graffiti something, but it may be far less easy to argue for proportionate confiscation of a dog.

**Q290 Dan Rogerson:** Good afternoon, gentlemen. We are looking at measures that can be used, quite often at the time when someone may have been convicted of another offence. At that point, as issues have been raised about this individual's impact on the wider community, it is felt that an additional prescription could be laid upon them. One of the advantages that has been said is that it will be swift to do; it is something that can be done quite quickly. If we could, explore two things in particular—in the first instance, the crime behaviour order, where the level of proof will be at a criminal level. If the original offence is not related to dog ownership—they may have been convicted of GBH or whatever—but their dog is part of the problem, can you do something about that while you are at it? How likely do you think it is that the police officer will be able to get that level of proof, at that point, to impose that as well? Do you see what I mean? If the aspiration is to do something about the dog at the same time, they still need the proof. How likely will it be that they will be able to get that level of proof—the criminal level?

**Mike Warren:** Certainly, the way that the current anti-social behaviour order works, or the variation of it that is attached to a criminal conviction, there does not have to be a connection between the criminal offence and the anti-social behaviour that is being controlled by the order. What we have tried to do in these proposals is to build on the elements of the current system that we think work and also to learn the lessons that have been hard won in case law over the years, whilst also rationalising and improving the system. What we have proposed is that the anti-social behaviour being controlled by the Criminal Behaviour Order will not necessarily need to be tied to the criminal conviction in any way, as long as the court is satisfied that the evidential threshold has been met.<sup>1</sup>

**Q291 Dan Rogerson:** It is not so much the tie. In fact, that makes it even harder, because you are going to court asking for something that is not directly related to the offence. You are not having to prove that it is connected but you are, independently of that, having to prove this would also help because we have evidence that they used their dog in a threatening way as well. Do you see what I mean? You are having to prove two things at the same time and sort the original sense out. You cannot just go to the court and say, “And we would like this because it is on our shopping list and it would be easy to do.” The police or the local authority will have to make the case.

**Mr Browne:** The order would not need to be directly linked to the criminal offence, but to impose the order without any demonstration of the order being required would seem quite unreasonable.

**Q292 Dan Rogerson:** The question is really: if it is aimed at being a speedy measure, what sort of assessment have you done about how much work would be involved and how quick it would be to assemble that evidence? Obviously, cases are different, but it may not be as speedy as is intended, because you still have to get that level of proof. Is that something you have looked at?

**Mike Warren:** We have. The speediest bit of the proposals is the crime prevention injunction, which is very much based on the current anti-social behaviour injunction that is used by social landlords. As it has a civil rather than a criminal sanction, it has a civil rather than criminal standard of proof, which means that social landlords are currently able to take an injunction out on someone who is behaving anti-socially within a matter of days, whereas the ASBO process can take six to nine months.

**Q293 Dan Rogerson:** It is that sort of level of anti-social behaviour that, say, housing associations and so on in councils would use that for. That is the model that that is based on. The evidence suggests that that would be relatively quick to do.

**Mike Warren:** Yes. The crime behaviour order is meant to be reserved for the most seriously anti-social individuals. That is learning on what practitioners are currently reserving from the upper end of the toolkit.

**Dan Rogerson:** That is the sledgehammer.

**Mr Browne:** It is quite a serious power, banning people from types of activity, particularly if they are not directly related to the offence. It feels reasonable to me that that process should not be too simplistic, but it may not be the one that is used in all circumstances.

**Q294 Iain McKenzie:** Good afternoon, gentlemen. Continuing on the same line of questioning, who would provide the support and training to change behaviour on dog-related issues that would be available under the new crime behaviour order, and who do you think will fund this?

**Mr Browne:** Of police forces or local authorities?

**Iain McKenzie:** Of both, but local authorities more than the police.

**Mr Browne:** Obviously, every change that is made by government requires people to adapt to those changes. These changes are designed to make it easier, whereas most changes Governments make, in my observation, make things more complicated. I hope that it will not be unduly onerous on people to try to adapt to the new systems. They are an attempt to respond to the concerns that have been expressed to us by local authorities, police and others about having a process that does recognise that there is that form of anti-social behaviour. This is the origin, the genesis, of this whole area of public policy debate 10 or 15 years ago. It is this area of activity that is not committing crime per se, but is very disruptive to people's quality of life. The problem is that that area

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<sup>1</sup> Note by witness: We did not propose a particular standard of proof for the Criminal Behaviour Order in the White Paper, although, as the Minister suggested in his evidence, the court would need to be satisfied that the order was required to prevent future anti-social behaviour. This is an issue we could explore further as part of the pre-legislative scrutiny process.

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was filled, rightly in my view, by a range of measures, but those measures grew and grew in time to try to take into account lots and lots of different forms of behaviour, and have now become rather over-elaborate and cumbersome. What we are trying to do is to address the problem, but in a more manageable and streamlined way. I hope the concerns you raise will not prove to be fully justified.

**Q295 Iain McKenzie:** On the second part, who would you say would fund this? Would it come from police funds or local authority funding?

**Mr Browne:** Police officers need to be familiar with the law and the powers that they have. That is part of their ongoing duty. It is their responsibility.

**Mike Warren:** If I can reflect some of the feedback we got during the consultation process, community safety partnerships—that is the police, local authorities, social landlords and some other statutory agencies—currently spend money on support to help people deal with the problems that are driving their anti-social behaviour, like substance misuse, anger issues or various things like that. They also spend money on these formal interventions to deal with anti-social behaviour. What they cannot do at the moment is bring the two together, so they cannot always target the support they are providing at the people who most need it to change their behaviour. What the proposals that were set out in the White Paper try to do is to give the court the power to tie those two things together in the one court order, but one of the things that we were very clear about is that it should be for the local agencies that are seeking the order to propose to the court what support they are able to provide for that particular individual, rather than for the court to determine the support required itself. Where a local authority, social landlord or police force thinks that the way to deal with a particular anti-social individual is to provide some support as well as prohibitions on future behaviour, they would suggest that to the court, suggest that they have the funds to pay for it and the court would then incorporate that into the order. We would not envisage the court being able to independently impose a requirement to fund support on a local authority.

**Q296 Iain McKenzie:** Moving on, gentlemen, to community and education work, what support will the Home Office provide to Defra and others in educating dog owners and the wider community on the anti-social and crime issues related to dangerous dogs?

**Mr Browne:** What would the Home Office do to help Defra educate the public about the danger of dangerous dogs?

**Iain McKenzie:** Yes.

**Chair:** Or change behaviour for dog owners to make their dogs behave better.

**Mr Browne:** I am not aware of the specific programme we have. I can look and see whether we are earmarking funds to support Defra to educate people to know about dogs.

**Q297 Chair:** Earlier both you and Mr Warren have said that you want to focus on anti-social behaviour.

What we have heard in the evidence to date, which I am sure you will have read in preparing for today, is that there is real concern about dogs increasingly out of control. The thrust of your evidence today has been anti-social behaviour. How can we get dog owners to be more responsible to get their dogs to behave better?

**Mike Warren:** The White Paper certainly flagged some community-based education projects to encourage more responsible dog ownership.

**Q298 Chair:** So you are asking local authorities to pay.

**Mike Warren:** No, sorry; these are projects that are being sponsored or encouraged by Defra. As I say, we work very closely, to the extent that we certainly welcome that in principle, but it would be a Defra lead, rather than a Home Office lead.

**Mr Browne:** I was not aware of this, Madam Chair, but I have been told that we have given £50,000 of taxpayers' money to animal welfare charities to set up community projects. We have also provided £20,000 of taxpayers' money to ACPO, so it can train a dog legislation officer in every force. I should have known that.

**Q299 Iain McKenzie:** We were actually going on to discuss whether schools should do more to teach children about responsible dog ownership. Is that the sort of education level that they should be supporting?

**Mr Browne:** This is a matter for the Department for Education. Whenever I talk to an Education Minister, they are always a bit nervous that, once they have got through teaching children about healthy eating, financial management, appropriate sexual relations and looking after dogs adequately, there will not be any time left to teach them about maths and English at the end of the day. They seem to be resistant to burdening schools with a huge amount of prescriptive regulation. I hope every young person leaves school a more rounded citizen who can contribute to our society in benign ways, including looking after their dogs properly. I do not know if there is a specific idea to make dog rearing part of the national curriculum; there is not one that I am aware of.

**Q300 Mrs Glendon:** Minister, the police have powers at their disposal under the Dogs Act 1953 to deal with attacks on livestock, but these powers do not seem to be working effectively. Why do you think that is?

**Mr Browne:** Under the Dogs (Protection of Livestock) Act 1953, it is an offence to allow a dog to worry livestock. The maximum penalty is a fine of £1,000. My understanding is it used to be £10, so I am pleased it has been upgraded hundredfold to reflect the modern costs of living. This is reinforced, I am told, by the Animals Act 1971, chapter 22, section 3, "liability for injury done by dogs to livestock", which states that "Where a dog causes damage by killing or injuring livestock ... [the] keeper of the dog is liable for the damage." The legislation certainly exists, and I suppose it is for the police to make sure that, where people break the law, they are prosecuted.

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**Q301 Mrs Glindon:** The NFU and ACPO are organisations that have voiced different concerns on the issue. ACPO actually does not believe that enforcement agencies have adequate legislation to deal swiftly and proportionately with attacks on dogs by other animals, and the NFU in their evidence were critical of the low level of priority given by the police to following up incidents that could be prosecuted under the 1953 Act.

**Mr Browne:** There does not appear to be a shortage of legislation in this area—the Dangerous Dogs Act 1991, the Animals Act 1971, the Animal Welfare Act 2006.

**Q302 Chair:** It is not working, we are suggesting. We are saying it is not working effectively.

**Mr Browne:** That is a very good point to bring to the attention of Defra's Ministers, if you feel there is not enough legislation to protect livestock.

**Q303 Chair:** My understanding is that it is a criminal offence. It is not a civil offence that Defra would prosecute. We have heard from ACPO, as Mary Glindon said, that it is leaving the enforcement agency without sanctions. It is dog on livestock; it is dog on dog; it is dog on horses. There has been a whole stream where horses have freaked out and often injured their rider, because a dog has worried them. What we are saying is: what are you doing about it?

**Mr Browne:** It seems to me that the legislation exists for the police to take action. If the public is not being protected adequately, I will happily write to the Committee, Miss McIntosh, to see what further measures can be taken to improve the protection of the public and livestock. My understanding is that there is not a legislation gap, but there may be an action gap in this area.

**Chair:** Could we pause, Minister? Could we invite you to come back? It will not take long, if we could ask you to come back. I am just going to adjourn now for the vote. I apologise to yourselves and the next group of witnesses, but we will come back as quickly as we can. We stand adjourned.

*Sitting suspended for a Division in the House.*

*On resuming—*

**Q304 Mrs Glindon:** I know, Minister, I said that there were some organisations, such as NFU and ACPO itself, that were concerned about the state of the current legislation. Going on from that, what level of sanctions do you think are appropriate for attacks on animals by dogs?

**Mr Browne:** Before we broke for the Division, I was saying that there is a fine that can be levied in those circumstances. The point for the Committee is this: there are powers that exist in legislation to punish people who worry or frighten animals and livestock in the way that has been described. The question then is how hard it is to prove that that has happened. In some cases, it is quite difficult. How great a priority do the police give to this issue? That may vary from one police force to another, depending on other considerations that they may have. I am not sure that the solution is either legislative or more punitive levels of punishment. It may be about the priority that

is given to this issue by communities and the police that serve them. It may be that, for example, doubling the fine would not necessarily lead to a reduction in undesirable behaviour. I defer to Defra colleagues, because they would take the lead on that, not the Home Office.

**Q305 Richard Drax:** Does the Home Office consider that amending the Dangerous Dogs Act 1981 to remove references to specific breeds or types banned under section 1 would weaken attempts to prevent dog attacks?

**Mr Browne:** This again, Miss McIntosh, is, as I understand it, a Defra lead rather than a Home Office lead, but the case has been made to me, as a constituency MP, that all dogs or many, many different types of dog are capable of threatening or anti-social behaviour, and so we should concentrate on the behaviour, rather than on the breed of dog. That is the argument that is made. It is an argument that the Government accepts in part, because there are a small number of dogs that are regarded as highly dangerous, where the breed is identified, but it clearly does not even attempt to be a comprehensive list. There are many types of dogs that, if reared in the right way, behave properly and, if they are encouraged to behave in an improper way, can do so. I do not know whether it is about the deed not the breed, as it has been put to me in some cases. We need to be alert to the potential for many different types of dogs to cause difficulty. There are some I am told, the pit bull terrier, the Japanese Tosa, the dogo Argentino and the fila Brasileiro, which are considered sufficiently dangerous that it is in the interests of the public and the view of the Government to not have those dogs threatening the public.

**Richard Drax:** I was very impressed with your list of dogs.

**Mr Browne:** Maybe not my Spanish and Portuguese pronunciation.

**Q306 Richard Drax:** What discussions had the Home Office had with Defra about what we are discussing now, prior to publication of Defra's proposals on tackling irresponsible dog ownership?

**Mr Browne:** Because this area of responsibility is primarily but not exclusively Defra, we do liaise with them and discuss it with them. I have met a Defra Minister to discuss this specific issue. At an official level, there are more frequent exchanges, so we try to make sure that we have a cross-Government approach.

**Q307 Richard Drax:** Is there, on this issue? You have had discussions; what was the result of those discussions?

**Mr Browne:** I hope so. As I say, the police are strongly of the view, as a whole, that there are certain types of dogs that carry such a strong risk or such a potential danger that it is necessary to ban them. There is, if you like, the Home Office side of the equation being brought to bear. Clearly, these anti-social behaviour sanctions that we have been talking about this afternoon are the Home Office's contribution to a wider debate that is led by Defra, but is not exclusively owned within government by Defra. We

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are constantly trying to make sure that we have a joined-up approach. I hope that will be increasingly the case as these new proposals are analysed and put forward.

**Q308 George Eustice:** On that joined-up approach, we know that Defra has put forward proposals that may come within your remit as well to extend the Dangerous Dogs Act to cover attacks made on private property. I know that there was some talk of having an exemption for trespassers who have criminal intent so that, if they were attacked by a dog on a private property and they had criminal intent, they could not prosecute the owner of that dog. If they were not, they could. How practical do you think that is to implement? It is asking quite something of, say, a border collie on a farm to work out whether or not someone has criminal intent or not when they see them come down the lane? Is that a realistic test for the courts to apply?

**Mr Browne:** It is interesting; I was trying to prepare for this potential line of questioning. Of course, there is an extremely long Q&A about all of the different circumstances in which a person might find themselves in somebody else's front garden, and how legitimate or illegitimate that may be. I am not wishing to make light of it, but obviously a child retrieving their cricket ball is unlikely to be seen by most people as criminal trespass in the same way as somebody entering somebody's garden with more malign intentions. Obviously, what we do not want, from my understanding, is that somebody breaks into a person's house, the dog in the house attacks the burglar and the burglar sues for criminal damage, based on the fact that they were attacked by the dog, unless the attack was so grotesquely disproportionate that people would feel that that was appropriate.

On the other hand, people who are going to a house—a postman is the most obvious cited example, but health employees or a police officer, for that matter—just because they are entering private property, it does not mean that they should have their protection from very aggressive dogs suspended in those circumstances. That is the balance that we are trying to strike, but I suppose one can come up with difficult hypothetical examples where it may be harder to make it clear-cut.

**Q309 Ms Ritchie:** Minister, what level of resources, including police resources, do you envisage being deployed on enforcement on the compulsory puppy microchipping measures proposed by Defra?

**Mr Browne:** I am not aware that any police resources are being devoted to that task, or at least not any additional resources. I suppose new police and crime commissioners, when they are elected in a few weeks' time, may decide to reorder the budgets in a way that they feel is most likely to protect the people who live within their areas of responsibility, but I have not seen a budget heading that says that there will be a specified police pot of money made available for this.

**Q310 Ms Ritchie:** Do you not think there should be if you want this microchipping to work?

**Mr Browne:** I would need to give that more thought. I do not doubt that there are all kinds of areas of Government policy that I would like to work. Whether they necessarily require direct Home Office financial grant in order to bring that outcome about is another matter. I suppose I would like the primary responsibility of the police to be to cut crime and protect the public. That should be their main focus, but police do not just concern themselves with crime. They concern themselves, for example, with missing persons, being an example of non-criminal activity on which the police spend time. They are working on a whole number of different areas. They are allowed a degree of flexibility on how they spend their budgets. That is the right approach. I do not know if the Committee would envisage a Home Office grant being given to dog-chipping. Maybe that is for you to decide.

**Chair:** You might like to write to us.

**Q311 Mrs Glendon:** Would a dog licence scheme with conditions to be met by owners, as to their suitability to own a dog, help to reduce dog attacks? How could such a scheme be introduced in a non-bureaucratic and cost-effective manner?

**Mr Browne:** Just on the previous one, I have had a very helpful note saying that dog welfare charities are offering free chipping. That is the understanding of officials, so it may be one of those helpful outcomes where public policy objectives are advanced without the taxpayer having to fund it. In my experience, quite a lot of dog welfare charities have got quite a lot of money and they may regard that as a good use of their money.

In terms of people owning dogs, I suppose the difficulty is that literally millions of people own dogs, and so the question is whether it is possible to run some sort of scheme to judge the suitability of people to be dog owners, without that scheme being so wide-ranging, onerous and expensive that people regret ever going down that path in the first place. It is the view of the Government that trying to have some pre-ownership scrutiny of all aspirant dog owners is probably not likely to work well in practice.

**Q312 Chair:** Minister, I am very grateful. Is there anything else you would like to add on that point?

**Mr Browne:** No.

**Chair:** Thank you for being so generous with your time, and Mr Warren, too. Mr Warren did say that you were awaiting evidence on how dog control notices are working in Scotland. If you could possibly share that with us in writing, the Committee would be most grateful. Thank you, Minister and Mr Warren, for being with us. We are most grateful indeed, and we will release you to your duties in the Chamber.

### Examination of Witnesses

*Witnesses:* **Peter Jones**, President, British Veterinary Association, and **Mark Johnston**, President, British Small Animal Veterinary Association, gave evidence.

**Q313 Chair:** May I welcome you both, Mr Jones and Mr Johnston, and once again may we apologise for the delay last week leading to carrying over your appearance? We are very grateful to you for accommodating us, very grateful indeed. Just for the record, could I invite you each in turn just to give your names and positions?

**Mark Johnston:** My name is Mark Johnston. I am President of the British Small Animal Veterinary Association.

**Peter Jones:** I am Peter Jones, and I am President of the British Veterinary Association, Chairman.

**Q314 Chair:** You are both very welcome. Can I just ask at the beginning whether there a reputational danger for the veterinary profession if it is seen to be failing to tackle the breeding of unhealthy pedigree dogs? How would you respond to such a concern?

**Peter Jones:** Thank you, Madam Chairman. Clearly, the veterinary profession would be open to criticism if it did not take this matter very seriously. I think that we do take the matter very seriously. We recognise the leading role that we have in persuading and convincing the public about the important aspects about the welfare of dogs. We are very eager to work with our members within the British Veterinary Association and with our colleagues in other divisions to promote the issues surrounding welfare. In our congress—in Liverpool just two or three weeks ago—we often address matters concerning dog welfare. We often have contentious issues and aspects of our programme, where we deal with this matter. We are running continuing professional development courses all the time, where we try repeatedly to remind our members of their obligations and to be aware of what it is that needs to be done. We are doing all we can to keep this matter high on everyone's agenda. That would be my opening remark.

**Mark Johnston:** I would agree with Peter Jones. This did not start with the Bateson report; it has been a problem and a worry within the profession for a number of years. I must say the Bateson report highlighted what the problems were and, again, at the BSAVA, we do a lot of CPD and also our congress highlights the various problems associated with breeding. One of the things that did come out the Bateson report was the lack of data. What has been encouraging in the last couple of years is the introduction of data collecting for within practices. SAVSNET and VetCompass are the most encouraging on that side.

**Peter Jones:** I might add, just to come back, I think that we have been very involved in the review board that has set up the Advisory Council. We are very pleased with the work that that council has done and we feel that we are trying, at all times, to secure long-term funding for any aspects that publicise this issue. Maybe we will get into that in some of the questions that we come to.

**Q315 Chair:** Can I just ask, then, what you have done as a profession to raise the profile of health

problems linked to breeding practices, both in the public domain and with breeders?

**Mark Johnston:** We have our congresses. In fact, at the next congress, there is a press conference highlighting this. We have the Kennel Club geneticists and the Chairman of the Kennel Club coming along, with a number of other veterinary professionals within the field, trying to highlight that. This will go out to the veterinary press and, as much as possible, to the public. Highlighting it to the public is very difficult. We will discuss and talk to the public when they come to us, but to the ones that do not come to us as veterinary surgeons we find it very difficult to highlight the problems. That is particularly highlighted in the person who comes into my consultation room already having purchased a puppy. It is very disappointing that they may have purchased it from a puppy farm. We would very much like to try to get out there that there are veterinary practices throughout the country. All people need to do is pick up the phone and there is good advice, on the end of the phone, from the veterinary practice on where to obtain their puppies from.

**Peter Jones:** From the BVA standpoint, we are very pleased with the canine health schemes that we have been working with the Kennel Club on. Before the setting up of the Advisory Council, the hip scheme was in place and the eye scheme was in place. Since then, we have launched the syringomyelia scheme for cavalier King Charles spaniels. Also with the Kennel Club, we have reached agreement that our members would be encouraged to report situations where Kennel Club-registered dogs have to have more than two caesareans for delivering of puppies, so that this heightens the awareness of issues around conformation problems. Also in terms of reporting surgery to correct conformation, we have been promoting this. We have more work to do. The Kennel Club, if they were here today, would say that that has been slightly disappointing and that we need to do more.

**Q316 Chair:** Can I run past you what the Kennel Club said last week? You seem to be in disagreement with them. The Kennel Club said, in response to a question about why they did not use their powers to decline registration to unhealthy dogs, that it was not that simple, and that you cannot draw an imaginary disease; the dog would still exist. Do you take a different view to that, if the dog should be registered or not, because obviously the lack of registration would possibly reduce the value of the dog?

**Mark Johnston:** I was disappointed to hear what they said. As an example, with the last dog I reported with conformation surgery, the Kennel Club stopped that breeder from showing, but made no recommendation as far as breeding. That breeder could have continued breeding that puppy and registering, as far as I understand, even though both she and I knew that that dog had a problem, which was probably genetically passed on. She did not, but another less responsible breeder might. It is disappointing. The only other



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thing I can say is that, as far as clients coming to my consulting room, for that puppy, that dog or the parents that are registered, the assumption is that it has the approval of the Kennel Club—i.e. that it is fit for purpose and fit to do things—and that registration is not just some sort of list of pedigree dogs that are out there.

**Peter Jones:** I would absolutely endorse that. I was very disappointed that, when we had the opportunity to be here last week and were listening to the responses of Professor Dean, I think it was disingenuous when he gave the example that if you have a dog with a recessive gene and you cross it with a normal dog, then you might produce a normal puppy, and therefore there is no problem. You perpetuate the problem by doing that. I would say the way to stop this perpetuation of the problem is not to register those dogs if there is a problem.

**Q317 Chair:** I wanted to get that on the record; thank you. Do you believe that the veterinary profession has put the right mechanisms in place to encourage all its members to identify poor breeding practices and flag up concerns over individual animals and general practices, Mr Johnston?

**Mark Johnston:** For conformation, we do CPD to make sure that people can identify what is entropy and what are other conformation problems. With breeding practices, we have been involved in the Northern Ireland and the Welsh consultations as far as breeding and licensing of breeding establishments. We would like that to be expanded, so that all breeders should follow that. It is quite difficult for us to go in as someone to tell the breeders they should be doing this and this and this, without the various guidelines or some form of official registration. If we had that official registration, we could then be telling the breeders, “No, you shouldn’t be doing that, because it says here that you shouldn’t, and you should be doing this, because it says here that you should.”

**Peter Jones:** I think that Professor Crispin’s comments last week were also germane. She mentioned that, in a busy practice, the vets are very concerned with the health issues that presented on the day. Sometimes, there is not enough time to focus on the finer nuances. I think that, through continuing education and highlighting these problems in our congresses and our CPD programmes, we are bringing this awareness far more acutely to our members. They are reporting, but not as much as we would like them to. What was very disappointing was the response from the Kennel Club that said they are too busy to distinguish between responsible breeding and irresponsible breeding. That is a rather disappointing remark. The fact that they are more concerned with running their practices and getting the returns due from running an effective practice, and not taking account of breeding practices, is not appropriate and not true of the profession that I belong to.

**Q318 Chair:** Could we just ask as well how much of this murky criminal underworld is there, where dogs simply would not cross your threshold? Should we be concerned about that?

**Mark Johnston:** You are asking about what I do not know, because I do not know.

**Chair:** It is a stab in the dark.

**Mark Johnston:** Again, it is different for me. I am in East Sussex, but from talking to people who are in a practice in the middle of Manchester, middle of Birmingham or east London, there are serious welfare issues and breeding going on with unscrupulous people, mainly for money and partly to breed aggressive dogs, so that they can use them in their various activities they should not be used for. Those are anecdotal, because getting any official figures on that is—

**Peter Jones:** The problem is that, all too often, for the animals we actually see in our practices, it is too late if they are coming from that source. Sadly, we hear all too often that that is a continuing trade. We have moved on from the little dogs that were sold down Petticoat Lane on a Sunday morning, but they are still being sold from the back of a van, as was headlined in the press recently about dogs being found due for export to Britain from Dublin—vans full of young puppies. It is very depressing and there is still much more that can be done.

**Q319 Chair:** Do each of your organisations support the breeding standard that the Dog Advisory Council published last month?

**Peter Jones:** Absolutely, without question.

**Mark Johnston:** Yes.

**Q320 Ms Ritchie:** If we could move on to the actions of the Government and the need for legislation and regulation, this is a question to both of you. Do you believe that Defra should take a more proactive role in driving a programme of change, including setting a timetable for results, rather than relying on voluntary bodies to effect change?

**Peter Jones:** If I can start with that, what the Advisory Council has achieved since the Bateson report is very impressive, but it is an advisory body. BVA definitely feels that it would have far more teeth if it was made into a regulatory body. It could issue then welfare codes, which would be embraced under the Animal Welfare Act of 2006, which would enable us to be far more rigorous in trying to control this whole practice. There is not enough being done. We need to make the Advisory Council into a regulatory body, give it teeth and allow it to produce welfare codes for the breeding of dogs.

**Mark Johnston:** I would agree with that. We now have a council that is just advisory, but the advice is a collection of people who have the scientific knowledge. We are getting proper advice that we can then distribute as necessary. Defra does need to do more and I would like to see it become regulatory, rather than just advisory. Basically yes, I would like to see Defra do more. Yes, I would like to see the Advisory Council having more teeth. As I say, this is not new; this has been going on for a number of years. As veterinary surgeons, it has been very difficult to know where to go to for advice or have one voice saying, “This is what we should be doing.”

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**Q321 Ms Ritchie:** I think you have possibly answered the next part of my question. It was: do you believe we have reached the last resort point, where we now need enforcement welfare standards, through regulation or even legislation? I think you are both agreeing with that point.

**Peter Jones:** Absolutely. I think that Northern Ireland and Wales have set an example here, and I would dearly like to see England taking the initiative. We heard an impassioned plea from Professor Crispin last week, which we thoroughly endorse and support. The registration of all breeders is absolutely essential. There have to be minimum requirements for the premises. These people are making an awful lot of money. It is an income stream for them, but the conditions under which these dogs are being bred are appalling. There is no socialisation; there is no proper diet; there is no feeding; there are no proper aspects of disease control; often they are released without vaccination. It is an appalling situation. We have to legislate against that.

**Q322 Ms Ritchie:** Then to both of you again, Professor Bateson recommended that new regulations and codes of practice be produced under the Animal Welfare Act of 2006, including a duty on dog breeders to have regard to the health and welfare of “both the parents and the offspring”. Do you believe that breeders have affordable access to the right information to enable them to be able to fulfil any such requirement?

**Peter Jones:** They need to be, and maybe there is more that can be done. We at BVA have been working very hard to change the situation from where it is today, where people are buying dogs without even seeing the mother, for example, where they are not aware of the source of these dogs. I think we need to be looking at how, by making the Advisory Council a regulatory body and introducing welfare codes, we are laying down rigorous conditions for how these people operate. There has to be an educational means of teaching them what their obligations are. That is going to have budgetary implications. I am not an expert in such fiscal issues, but there has to be an investment to go along with that to make it work, and I am not sure Defra has shown commitment to that yet.

**Mark Johnston:** Some of the work that has been done in the puppy contract is one area that will help advise the breeders in what they should be doing or at least advise owners of newly acquired puppies what they should be asking and what they should be looking for. There is a good list of requirements, so that is education on both sides.

**Q323 Ms Ritchie:** If I could move on roles and responsibilities for tackling dog breeding issues, you have already referred yourself to the need for regulation of the Advisory Council in order to give it more teeth. This question is to both of you again. Do you believe making the Advisory Council an independent Government-funded regulatory body would enable it to gain real traction on improving dog breeding practices?

**Peter Jones:** Yes.

**Mark Johnston:** Yes, if it has enough resources and financial backing.

**Ms Ritchie:** I think that is quite clear, Chair.

**Q324 Neil Parish:** What impact has the Kennel Club's Code of Ethics and Assured Breeder Scheme had in reducing the breeding of dogs with heritable diseases or to prevent breeding from too narrow a gene pool?

**Peter Jones:** The Assured Breeder Scheme is a good scheme, but I have a sense that it is something that is used within the sphere of the Kennel Club. Everybody who is within that sphere is apprised and aware of the Assured Breeder Scheme, and everything that the Assured Breeder Scheme stands for is laudable and supportable. My concern is that it is there for those who are in the Kennel Club, those who are breeding pedigree dogs, but there are an awful lot of pedigree dogs that are bred outside of the sphere of the Kennel Club. There are also people breeding dogs that are not pedigree dogs, not purebreds, some crossbreds. What we need in the context of all the comments we have made is to bring the attention of all these issues to the puppy-buying public and to those that are selling the dogs.

We have launched, as I think you know, Mr Parish, the puppy contract and the Puppy Information Pack, and I believe my colleagues have distributed copies of that. That is an instrument that has been endorsed by the Advisory Council, us, the Dogs Trust, the RSPCA and the Animal Welfare Council. To me, it is a pity that we could not bring the Kennel Club on board because, with all the other parties in this, we could be reaching out to so many more people involved in the breeding of dogs, pedigree and otherwise, to instil upon them the essentials of what it is to prepare for owning a dog, to know what it is you want to ask and to making sure there is a binding agreement by the person who is going to breed and supply that puppy, so that they are not allowed to get away with any practices that colleagues around this table would see as most unfortunate.

**Q325 Neil Parish:** On the gene pool in particular, where there is a very narrow gene pool, where you have a very specific pedigree dog that, shall we say, is being sold to a very closed community of breeders, should the Kennel Club actually say that these dogs are now too pure and you should bring in another breed in order to stop this inbreeding basically?

**Mark Johnston:** The coefficient of inbreeding is a useful measure in that respect. Again going back, the frequency with which breeders would tell me they are line breeding and consider that as a good thing was very worrying. I was trying to convince them that that was not a good thing. The changes that have been made have been useful, and they are now advising that it is not a good thing and that outbreeding and increasing the gene pool is a good idea. That has succeeded when it comes through to the consulting room, when I am getting in animals, with owners and breeders who fully understand the implications. These are very early days at the moment. There was also a question about duty of care. Is that correct?

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**Q326 Neil Parish:** I have a supplementary, if you like. The supplementary is: could the Kennel Club do more to influence breeders, for example, by only registering those dogs under the Assured Breeder Scheme with proof-of-health checks that have been passed? The point I want to make is that I think the general public believes that, once they have bought a puppy that is Kennel Club registered, they expect all those things almost automatically to have been done, because they almost consider it an assurance scheme in itself.

**Mark Johnston:** Again, my experience is that I say there is a problem with the dog, but “It’s registered,” or “The parents are registered.” I ask questions like, “Were the hips done? Where the elbows done? Were the eyes done?” “Nobody mentioned that to us at the particular time.” There is a lack of knowledge within pet owners of the right questions to ask, but they are working on the assumption that, if the Kennel Club has registered them, it must have passed the test. The Kennel Club may disagree with that, but that is what owners think.

**Peter Jones:** If I might add, I think the Kennel Club underestimates how much influence it has. There are an awful lot of people breeding pedigree dogs out there who are not necessarily registered with the Kennel Club, but the standards that apply are the Kennel Club standards. We can talk about standards and what we think about the standards, and we certainly have rather strong opinions on that, but whilst the breeding community out there that is not necessarily part of the Kennel Club is still applying these standards—and we heard Mr Seath, I think, last week saying that there are still some breeders out there who have to be taught that it is not just okay to continue with the sort of conformation that existed for years. If that conformation pattern, in whatever breed, still remains, because you have people who still need educating, then that is going to influence people outside that sphere of the Kennel Club who are breeding those breeds. The situation perpetuates itself.

**Mark Johnston:** One analogy that bears some comparison is Milan and Paris in fashion. What occurs on the catwalks of Milan and Paris ends up in the high streets six months later. The Kennel Club has to understand that they have that sort of influence, not just on their own registered breeders, but beyond that as well.

**Q327 Chair:** Do we know why the Kennel Club would not sign up to the scheme? You just expressed disappointment that they did not agree with the scheme.

**Peter Jones:** Yes, the puppy contract. They felt that their Assured Breeder Scheme was the one to go with. In fact, most of the stakeholders and parties that we have worked with feel that the puppy contract is actually more rigorous than the Assured Breeder Scheme, but they just felt that they had their own scheme and they did not feel it necessary to support this.

**Q328 Chair:** You did earlier say you signed up yourselves to the Assured Breeder Scheme.

**Mark Johnston:** We are supportive of it, because it is there and we would not want it not to be there.

**Q329 Chair:** They are not mutually exclusive.

**Peter Jones:** No.

**Mark Johnston:** No.

**Q330 Chair:** Could I just ask what influence you can bring to bear on breeders, as a veterinary profession, to encourage appropriate outcrossing programmes?

**Mark Johnston:** Education is the key here. Breeders want to do the best they can. I would agree with Professor Steve Dean that they do not deliberately go out to breed unhealthy animals, but they end up doing so in some circumstances, because they are misguided or do not understand the science behind what they are doing. Education would be the most useful. Those who are deliberately breeding purely for the financial gain, whether they are in or outside the Kennel Club, are difficult to influence. As I say, most breeders want to do the best thing; it is just convincing them what the best thing is.

**Peter Jones:** I suppose that relates to this expression “fit for function”. There is some debate over what function might actually be. Sometimes it is not clear, when you are a Kennel Club breeder and you are complying with Breed Standards, if you want it to be compliant with the standards that would be consistent with the function originally of that breed or what it is there for today. It is health and welfare that have to prevail over all this.

**Q331 Chair:** Would you say there is sufficient data available now so that the ill-advised selection of breeding pairs should no longer be acceptable to the dog breeding community? If you believe that there is not sufficient data, what more can we do to bring more data to the public domain?

**Mark Johnston:** As a generality, the amount of money that is there to do veterinary research of whatever is very low. We are trying to collect data. There are ways of collecting data, which are now being introduced into practice management systems, to try to identify particular diseases, not just genetic but any form of disease. How that influences specific pairs I am not certain.

**Peter Jones:** I would add that I think what the Kennel Club in terms of supporting the research of the Animal Health Trust on DNA—and I am not sure it is specifically answering your question, Madam Chairman—is to be applauded. We need more data; that is for sure. The initiative that has been taken under VetCompass is excellent. I understand now they have data on over 480,000 dogs and about 180 practices. They are looking at different problems in conformation and they have a cohort of PhD students at the RVC, analysing this data. There is quite a lot going on, but there is always room for more, of course.

**Q332 Chair:** Is it a lack of funding for the research or a lack of will?

**Mark Johnston:** Funding, yes. We have just invested £600,000 in a SAVSNET project for the next three years. That will do data collection on across-the-board

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illnesses, breeds and so on and so forth, from practice management systems. At the end of three years, that may well fold; its continued funding from that point onwards would be in doubt, any sort of funding. Yes, funding for all sorts of research within veterinary, but particularly in this area, is important.

**Q333 Dan Rogerson:** Given the high incidences of health problems linked to certain breed morphology, have revisions to Kennel Club Breed Standards gone far enough in all cases to encourage breeders away from breeding dogs with unhealthy characteristics? It is some of the ground you have been covering there, but also the same issues we put to the previous panel that you heard the other day. What are your responses to whether they have gone far enough?

**Peter Jones:** There was a pivotal moment, of course, in this whole subject with *Pedigree Dogs Exposed*. We know that the Kennel Club addressed the issue of Breed Standards in 2009, and that was very welcome. From everything my colleagues in our membership are saying, it is not really good enough to rest on one's laurels. We have said that there needs to be a regular review of those Breed Standards by an independent panel. I do not think it should be something that should be done within the Kennel Club, for reasons that might be obvious. We are calling for a regular update and review of those Breed Standards by an independent panel. That would certainly focus attention on moving it away from the problems that still persist, as we are aware from the high-profile breeds and the vet checks that took place at Crufts. What the Kennel Club did at Crufts last year was excellent. The introduction of those vet checks should be applauded. We were able to be part of that and support it, but it is disappointing that so many champions of high-profile breeds were excluded. The problem is still there, so we need to keep on reviewing those Breed Standards.

**Mark Johnston:** All I can do is agree with that. Again, it is the assumption within breeders that the gold standard is the Breed Standard. It needs to be looked at and evaluated correctly and scientifically. There has to be proper scientific input to look at what they are describing. It is worrying that some of the wording is vague enough to allow breeding unhealthy animals. There are certain words that are difficult to interpret. If judges take them in a certain way, you will end up with a significant change in the morphology of those different breeds.

**Q334 Dan Rogerson:** This concept of an independent body interests me. Given the controversial nature of the issue at times and a tendency for debate to be a little polarised between different groups, I am not asking you how many for each group, but what do you think is representative? Who should be on that panel, effectively?

**Peter Jones:** Vets.

**Q335 Dan Rogerson:** Just vets?

**Peter Jones:** I am somewhat biased, maybe. We heard Professor Bateson last week saying that a lot of these standards are very vague and ill defined. I think Mr Seath said that, for many years, we—and I say “we”

in the broadest sense—have grown up with these standards and we have come to accept them as being normal. My concern is that, if we have an internal review by the Kennel Club, that will continue. We need an independent panel, but clearly it should be led by vets. There will be other people on there. It would be arrogant of me to suggest that we have all the answers; we do not.

**Q336 Dan Rogerson:** I am just trying to think of some sort of parallel in the human medical world of—I do not know—ballet dancers or something. If you had a panel about techniques and what they put their bodies through, should there be someone who is involved in that sector as well as speaking for the medical profession? Do you think it should be entirely vets on that panel and that there should not be other representatives?

**Peter Jones:** No, I would not suggest it is entirely vets. We need animal welfare experts on there. We need nutritionists. We need behavioural experts. It needs to be a broad base of expertise. I would say that, from the BVA standpoint, we feel that it should be led by vets, but it should be independent of the BVA, the Kennel Club and other interested parties.

**Mark Johnston:** One of the comments before was that judges were good at judging conformation, vets were good at judging disease, but the vets' view should take priority because that is what animal health is. If the conformation that you want is to have a rolling eye, because you feel that looks good and that is what you want, that should be overridden by the animal welfare aspect. Ultimately, it has to be scientists. The conformation of a certain breed description may well have other people on there, but it has to be science-led.

**Q337 Dan Rogerson:** It would be around the constitution of it and its terms of reference, I suppose—what the key priority would be; you would argue that it would be animal welfare. To come back to that, there was this question also of an acceptance of genetic problems, because that is what that breed has and we just live with it. We just deal with it. People have become desensitised to these problems and accept them as being normal for that sort of dog, in that sense. What do you think we could do to deal with that, and are there issues in the veterinary community about that as well, where they could be more challenging of that acceptance?

**Mark Johnston:** I saw the comment that vets become desensitised to it and come to accept it. I do not really believe that. We become, to some degree, disillusioned, because I get disillusioned by the number of times I have said, “This has got a malocclusion in its mouth; this has got an eye so-and-so,” but what do I do about it? What can I do if the owner already has it there? What is my feedback mechanism to try to stop this happening again? You just keep repeating it time and time again but, over a number of years, you cease to feel that your voice is being heard. It is a problem, but we just need to highlight it. This debate, report and everything that has happened in the last two years have reinvigorated me, as far as my disillusion is concerned, because I

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was getting to the point, after 20-odd years in practice, of seeing the same problems time and time again, and not seeming to make any sort of advancement, as far as that was concerned.

**Peter Jones:** I would absolutely agree with that. As a profession, to some extent we have become desensitised. I am not in practice; Mark certainly is, and I have heard similar comments from other colleagues. People are tiring of seeing these conditions presenting themselves repeatedly. As a profession, we are far more attuned to the problem, but we have more work to do.

**Q338 Dan Rogerson:** We also heard in the previous evidence session about the lack of data. In other jurisdictions, they have been able, whether through insurance or whatever, to increase that flow of data, so that we can look at particular species, practices or whatever might be an issue. Should the RCVS Code of Professional Conduct require mandatory reporting of any surgical intervention that has to go on as a result of this?

**Peter Jones:** I do not think that that is something we could recommend today. I cannot speak for the college obviously. I think that is a matter that would have to be discussed with the college, and it is certainly something we can take back and discuss. I do not think I would give a definitive yes or no answer to that one today.

**Dan Rogerson:** It would be interesting to hear their perspective on that.

**Q339 Richard Drax:** Can we move on to vet checks at dog shows? Some dogs awarded best in breed in the 2012 championship shows, such as Crufts, have failed to pass their vet tests. Does this indicate that the approach is working or that the entrance of unfit dogs indicates there is much more to be done?

**Mark Johnston:** It was brave of the Kennel Club to do it. It has highlighted the disconnect between what vets considered was good conformation and what the judges considered was good conformation. I think that is a good thing. It is way too early to decide how much of an effect it is going to have in the medium to long term. It is only just the 15 high-profile breeds.

**Q340 Richard Drax:** Did you say the vets and judges disagreed or agreed?

**Mark Johnston:** They disagreed.

**Q341 Richard Drax:** That is good, you say.

**Mark Johnston:** In the fact that we have, for a long period of time, been saying that we feel that these dogs were not really as good as they should be, particularly the optical problems that were occurring. The assumption is that the judges considered them okay, because otherwise they would not be voting them through as champions. The fact that there were a number of failures indicated there was not a general agreement between the veterinary profession or the vets who were doing it and the judges who were voting these through.

**Q342 Richard Drax:** Should there be better communication between the judges and the vets?

**Mark Johnston:** There should be better communication and better education.

**Q343 Richard Drax:** Of the judges probably, because the vets are medically trained.

**Mark Johnston:** Of the judges, yes. The disconnect is the fact that the judges were looking at the breed standards and were judging on the breed standards. The vets were looking at what may be correct for the breed standard, but is not correct as far as health and welfare are concerned.

**Richard Drax:** That is interesting.

**Peter Jones:** Without a doubt, what happened at Crufts was a significant sea change in dealing with this problem. Crufts and the Kennel Club should be absolutely applauded for what they did. We helped them in identifying the vets who carried out the checks, and there was a lot of nervousness on both parts as to where this was heading. The Kennel Club have grown in their reputation. They were brave and they took this on. It was a good outcome. We heard at this session last week from Mr Seath, I think it was, who said there are an awful lot of judges out there and there is a lot of educating of the judges to be done. I suspect that those folks who have been judging for a long time may not like change. They may question whether it is right that somebody from the outside, who has not been involved, carrying out vet checks, should be saying to them, "Actually, what you are doing is wrong."

I completely agree with Mark; I think there is a lot of work to be done in educating judges, and I think the Kennel Club is taking that on. They are introducing not just for high-profile breeds but for all best of breeds. That is very, very good. They are doing it amongst all championship shows, which is even better. There has been a question about whether we should be recommending that every dog, before it goes into every show, should be vet-checked. The logistics of doing that today, whilst it would be an ideal situation, are probably difficult, but maybe that is a long-term aim.

**Q344 Richard Drax:** That was my next question. Perhaps you could add the judges. Obviously, the judges would not be able to comment, saying, "This dog is not going to win," but clearly the judges are there with the vets to hear the vets' view of the state of the dog. I do not know. You said this is administratively a bit of a nightmare to achieve.

**Peter Jones:** For doing every dog in every show, it probably would be today.

**Q345 Richard Drax:** What about the very big shows?

**Peter Jones:** That is certainly something that we should aim for. I do not know where the Kennel Club is, because we have not had that discussion with them. It is very good that they have agreed now to do all the best of breeds, not just the high-profile breeds. They are minded to move with this and to continue doing it better.

**Mark Johnston:** The further trickled down it goes, the better it will be, but with the number of shows that are out there, to try to get every dog checked—

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**Q346 Chair:** What about random vet checks?

**Mark Johnston:** I had not thought of that.

**Peter Jones:** A good suggestion.

**Chair:** You could take that forward. We really need to move on, so very briefly.

**Q347 Neil Parish:** What about the judge who likes a flat nose on a pug, but the pug then cannot breathe? What are we going to do about that?

**Mark Johnston:** If that is so, then the animal's health and welfare should override that, and that judge should be informed that their view is incorrect.

**Peter Jones:** I wonder whether that judge should really continue being a judge.

**Q348 Mrs Glindon:** Do you consider that local government have been able to effectively enforce licensing requirements on breeders?

**Peter Jones:** No, I do not, but I think it is a matter of resources. It is a huge responsibility. In the times that we live in, with all the demands that are being made on local authorities, I just do not think they have the resources to do it. It would be great if they could, but a simple answer to your question is no, I do not think so today.

**Mark Johnston:** I would agree. They struggle enough as it is. Through local authorities is the way to go, but with all things, you have to provide the resources and the finances to do it, and they are really struggling.

**Peter Jones:** If they were to carry it effectively, they would need training, offices and staff. In the situation they are in today, I just do not think they cannot even start to think about doing that.

**Q349 Mrs Glindon:** Do you think that changes are needed to the licensing regime itself—for example, reducing the threshold for licensing to those producing three rather than five litters per year?

**Mark Johnston:** We would agree with the reduction. Five litters is an awful lot. You could produce 40 puppies from that in a year, so a reduction down to the three, or more than two, we would agree with, yes. There is going to be that low-level breeding going on, and they are the ones who we really need to try to educate, license or regulate. Some people need educating; some people will be breeding but not understand the consequences, and they need education. There are some people who are breeding who fully understand, but just want to do it for profit. They are the ones who need regulating.

**Peter Jones:** The Advisory Council has adjudicated on this and they would call for two litters as a

maximum. One of the devolved administrations is looking at three. Two litters a year can be 20 puppies, so we would say we are spot on with the Advisory Council and we would support that.

**Q350 George Eustice:** Linked to this, all the evidence we have had has raised concerns about websites like Gumtree, and the online sale of pets. Is it realistic to do anything about this? Would it be possible to introduce a law that says people must buy puppies from registered breeders, for instance, or is that just not enforceable?

**Mark Johnston:** My heart sinks when someone buys their puppy off the internet. Some sort of regulation we do need. PAAG is voluntary. There are some breeders who will advertise on the internet as a legitimate way of advertising; but as a generality, the code of conduct that comes with PAAG we would support. That is the first step. Regulating anything on the internet at the present time, we understand, is very difficult. You cannot regulate prescription medicines on the internet, but we should try to regulate. That is a big worry to me from clients who have bought on the internet, driven on the M4, picked the puppy up from the service station and come back again. That is the sole introduction in purchasing. They are coming from all sorts of areas. We would support regulation, at least as a way of stopping that happening.

**Peter Jones:** I had a discussion on this with one of my colleagues, who is a fellow officer of BVA, before coming into this meeting and without knowing that you were going to ask the question. If I may very briefly, he was starting to quote an example and I said, "Well, just send me an e-mail quickly." "In a recent discussion with researchers for a possible TV programme, we looked at internet selling." This is a practitioner. "In half an hour, the researchers were able to identify seven or eight different breed types, from westies to dogue de Bordeaux, at unusually low prices and all with the same e-mail addresses. There were two groups quickly identified. They each had a common e-mail address and the two addresses were very similar. This is either a front for farming, import or a plan scam. Either way, it is transparently very dodgy. I think a serious exposé is overdue, but it is very difficult to know how you control it."

**Chair:** Can I thank you very much indeed for being with us this afternoon, and apologies again for carrying over? We are very grateful to you for being so generous with your time and for sharing your expertise with us. Thank you very much.

## Wednesday 31 October 2012

Members present:

Miss Anne McIntosh (Chair)

Thomas Docherty  
Richard Drax  
George Eustice

Neil Parish  
Ms Margaret Ritchie  
Dan Rogerson

### Examination of Witnesses

*Witnesses:* **Lord de Mauley**, Parliamentary Under-Secretary for Resource Management, the Local Environment and Environmental Science, Defra, and **Sue Ellis**, Deputy Director, Animal Welfare Team, Defra, gave evidence.

**Q351 Chair:** Good afternoon, and welcome. Congratulations on your appointment, Lord de Mauley, and thank you for being with us and contributing to our inquiry on dog control and welfare. You are most welcome. For the record, would you like to introduce yourself and Sue Ellis, just to give your positions, if you would?

**Lord de Mauley:** Yes, thank you. I am Rupert de Mauley. I am the Minister at Defra who is responsible for animal welfare.

**Sue Ellis:** I am Sue Ellis. I head up the Animal Welfare Team at Defra.

**Q352 Chair:** At the outset, a number of witnesses, for a number of reasons, stated that they thought this could potentially be a wasted opportunity. Can you assure us that the consultation that you completed in July, I believe it was, will actually lead to something constructive? What are your current proposals following on from the consultation?

**Lord de Mauley:** As you know, we had 27,000 responses, which is a very pleasing response rate. We are currently finalising our review of those responses, and we are certainly taking them very seriously indeed.

**Q353 Chair:** Excellent. I obviously was not in the House at the time, but looking back at the Dangerous Dogs Act 1991, I think that is generally deemed to be a bad piece of legislation, albeit it had cross-party support. What proposals do you intend to come forward with? Do you intend to go down the path that some witnesses have asked for of wholesale simplification and rationalisation of the law, or possibly a tinkering at the edges, which is what your consultation might have suggested?

**Lord de Mauley:** The principal measures that we expect to come out of that are microchipping and particularly extending the reach of the Act into private places. You are aware of the issue I am talking about.

**Q354 Chair:** What co-operation and discussions have there been between your Department and the Home Office, at both ministerial level and official level?

**Lord de Mauley:** I have met Jeremy Browne and gone through the proposals in that regard. Sorry; I did not really extend my answer to the Home Office proposals, but I should do. Officials are working very

closely with his officials on that. Would you like me to talk a bit about that part of it?

**Chair:** That would be helpful, yes.

**Lord de Mauley:** The basic premise is a simplified escalating approach to anti-social behaviour, of which irresponsible dog ownership is an important example. Irresponsible dog owners are very often also involved in crime at different levels. They are simplifying quite a long list of tools into a more comprehensible list of six tools, starting with informal interventions, such as acceptable behaviour contracts, which can be used to nip emerging issues in the bud, where effectively the owner is made to recognise the impact of their behaviour. Both sides will sign up to a contract. I can go through them if you want me to.

**Q355 Chair:** We can come on to them in more detail. Can I just press you a little on the question I asked at the outset? The consultation has finished; there were 27,000 responses. There seem to be two arguments: one school of thought is that you enforce the existing legislation better; another is that you rationalise the existing legislation and come out with a codified new piece of legislation. Do you have any views as to which path you are likely to go down?

**Lord de Mauley:** I think we are unlikely to go for wholesale reform. For instance, you might be leading me in the direction of what we are going to do about the banned breeds. We are not, for instance, proposing to change or extend that, for the sake of argument. It will be more in the area of carefully considered amendments to the existing Act.

**Q356 Chair:** In terms of excluding from your consultation the requirement for owners to take out compulsory third-party insurance, what were the grounds behind that decision and what analysis did you take to reach that conclusion to exclude, so that anybody could be compensated after a dog attack from such insurance?

**Lord de Mauley:** The previous Government considered this when they launched the consultation in 2010. The insurance industry was not supportive of the proposal, and I am not convinced that requiring every dog owner to insure their dog against injuring a third party would necessarily be the right thing to do. Of course they can insure, and many do, but we should not forget the fact that the courts have the power to order an offender to pay compensation to a victim.



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**Q357 Chair:** Just moving on to a different tack, the incidence of stray dogs, certainly in Yorkshire, has multiplied hugely in the last two or three years. To what do you attribute that phenomenon?

**Lord de Mauley:** First of all, in acknowledging the problem, I would say that I am quite aware that rehoming centres are so full they can no longer take in dogs. I think nearly 120,000 dogs were picked up over the UK, over the last 12 months. Our proposed way of addressing the problem is through microchipping, because clearly a large part of the problem at the moment is that, if the authorities pick up a dog and there is no way of linking it up with its owner, it goes to a rehoming centre. Microchipping seems to us to be the most cost-effective and sensible way of addressing that.

**Q358 Ms Ritchie:** Thank you, Chair. You are very welcome, Lord de Mauley. What assessment has Defra made as to the capacity, in terms of both staff and resources, of local authorities to deal with the increase in the past few years in the number of stray dogs?

**Sue Ellis:** Shall I pick that up? We have been talking previous to Lord de Mauley's arrival in the post. We have had close contact with the local authorities and their representative organisations. Indeed, both Lord Henley and Lord Taylor, when they were there, actually held stakeholder meetings with everybody concerned, including local authorities, so they could get the input from dog wardens and similar people running services in local authorities. Certainly my team keeps in close contact with people in local authorities, so they understand the concerns.

**Q359 Ms Ritchie:** Do you believe a return to a statutory role for the police in managing stray dogs would assist in tackling the problem of dangerous dogs?

**Lord de Mauley:** It is an interesting question.

**Chair:** Could I just give you a bit of background? If you look at 1987, when the dog licences were removed, there was a wave of stray dogs then. In 2005, when there was a Clean Neighbourhoods and Environment Act, there was a wave of stray dogs then, because kennelling left the responsibility of the police and is now the responsibility of local authorities. That is really what lies behind the question, just to help the Committee.

**Lord de Mauley:** Yes, I see. I am not convinced that giving the role statutorily to the police is necessarily the answer. Very often, to do something like that might relieve others of what should rightfully be a shared responsibility. It is right for local authorities and excellent that the third sector is also helpful in that. I am not convinced that that would be the way to go.

**Q360 Chair:** What we heard from Battersea Dogs & Cats Home is that it is putting enormous pressure on them. London boroughs and local authorities cannot house them. I have Blue Cross in my area. Where they cannot house them, it is putting huge pressure on the charities. It is about whether you think the local

authorities are coping in these straitened economic times to take the number of dogs.

**Lord de Mauley:** I acknowledge that it is a considerable burden. It is very difficult to know how else one would address it, but the most important thing, it seems to me, is to get those dogs that do have an owner who actually wants the dog back—one must hope and the evidence in other countries is that a large proportion want them back.

**Q361 Chair:** What about the criminal underworld? The concern of the Committee and the evidence that we heard, with microchipping and everything else, is that responsible dog owners will act responsibly; irresponsible and criminal dog owners will not. These are often the dogs that are collected as strays on the streets. What we hope to hear from you this afternoon, Minister, is how the Government intends to deal with this increasing problem of stray and often dangerous dogs on the streets.

**Sue Ellis:** You are right, Chair, that the proportion of banned breeds has been going up in the number of strays. The number of strays has been increasing in total over recent years, although it did fall back slightly last year, according to the Dogs Trust figures. Certainly we have been told by the rehoming charities that the number of dangerous dogs has gone up. Those dogs are not rehomed; they are actually euthanised if they are identified by the police as dangerous dogs. The burden does not carry forward but, yes, the rehoming charities might have to be responsible for the euthanasia of those dogs. There is a remedy in law, effectively. They are banned breeds, so they are not rehomed.

**Chair:** We will come on to that.

**Q362 Neil Parish:** Good afternoon. I want to turn to livestock, and dog attacks on livestock. The evidence we heard from the NFU and others says that under the 1953 Act it is £10 for the first offence and £50 maximum for a later offence. If dogs are chasing pregnant ewes, irrespective of whether they are actually damaged physically, they will probably abort. Is this strong enough and what should we do about it?

**Lord de Mauley:** It is an important question. The maximum fine for a dog attacking livestock has in fact been amended from £10 to £1,000, which is a level 3 penalty. Should the scale be increased, the fine will be increased too. It is reinforced also by the Animals Act 1971, where liability for injury done by dogs to livestock is also dealt with. It states that "Where a dog causes damage by killing or injuring livestock...[the] keeper of the dog is liable for the damage."

**Q363 Neil Parish:** Can Defra do more to publicise it? I think some people do not realise the extent of damage their dog can do just running through the field, especially with pregnant sheep. Can we do more to get the message out to the public to be careful with sheep in particular?

**Lord de Mauley:** Perhaps. Speaking as an owner of a farm myself, this problem has often occurred to me, and I think farmers could help themselves by putting up a small sign saying, "Please keep your dog on a lead; the sheep are out."

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**Q364 Neil Parish:** Perhaps it does need wider education sometimes. I know you can take a horse to water, but you cannot necessarily make it drink. However, I just think that sometimes the public does not realise the problems that occur with dogs chasing sheep that are heavily in lamb.

**Lord de Mauley:** I agree.

**Q365 Chair:** If I may, before we leave that, the NFU did indicate that they were very disappointed by the level of prosecutions by the police. Do you share that disappointment? Would you seek to legislate to encourage the police, where there are pernicious attacks?

**Lord de Mauley:** I am not convinced that it is a case of legislating actually. I take Mr Parish's point about education.

**Q366 Chair:** For example, there has been a lot in the newspapers—the *Telegraph* had that four-page story—about the number of horses being attacked by dogs. Of course that can lead to rider injury. Is there a gap in the law that you could plug to fill that loophole at this time? That is what we are seeking to ask.

**Lord de Mauley:** Sorry; you are going to the issue of enforcement—

**Chair:** It is the police and whether you could legislate.

**Lord de Mauley:** I do not think that further legislation is required, no.

**Q367 Neil Parish:** A lot of people feel that rural crime generally—and this you could put into that category—perhaps the police do not always take seriously enough. Is there anything you can do across government to emphasise that it should be taken slightly more seriously?

**Lord de Mauley:** It does occur to me that much of this problem is not deliberate crime. It is people being irresponsible and having their dogs off leads. To some extent, the Home Office rules will address that. I think the answer to your question is, in that respect, yes.

**Q368 Chair:** So better enforcement of the existing rules then.

**Lord de Mauley:** I am talking about the new Home Office rules that will come in. To that extent, yes; there is a proposal to have more.

**Q369 Neil Parish:** Can I now turn to the Dangerous Dogs Act? You said something about this at the beginning, actually, which I want to press you a little bit on. Has the Dangerous Dogs Act 1991's focus on breed rather than deed reduced the credibility of legislation? I will give you the supplementary as well. Would you agree that the section 1 ban on specific dog types leads to the destruction of animals that represent no risk to the public or indeed their owners? I have actually been to the Blue Cross hospital here in London, where there are dogs that are perfectly good to be rehoused but, because of their breed, have to be put down.

**Lord de Mauley:** We do not consider that repealing breed-specific legislation would promote more

responsible dog ownership or reduce dog attacks. Importantly, the police have said that there is a need to retain the prohibition on keeping certain types of dog bred specifically for fighting, unless approved by a court and kept under strict conditions. The Act does actually deal not only with breed but with deed as well in section 3. In terms of rehoming banned breeds, it is problematic because, very often, almost inevitably, these dogs' history is unknown, so one cannot tell to what extent they have been socialised. After all, we have to face the fact that these dogs are bred for biting and fighting, and they are inherently dangerous. We have seen evidence of a number of attacks on small children in their homes. Frankly, we think our priority must be to protect the public.

**Q370 Neil Parish:** I will take you on a slightly different course then. There are a lot of people out there who are breeding dogs to be dangerous now by crossbreeding them. In a way, do you want to have your cake and eat it? Either you have to keep the legislation breed-specific, but you might have to broaden that to some other breeds; or do you have to deal with the deed more than the breed?

**Lord de Mauley:** As I explained earlier, the Act does also address the deed, but I do not deny that there is an issue with crossbreeding. That is why our focus is on encouraging more responsible dog ownership, nurture playing a very large part in the temperament of the dog. Of course we must remind people that dogs, whether family pets or not, are dogs. The RSPCA points that out in its 42 Teeth campaign.

**Q371 Neil Parish:** One of the problems is that, due to no fault of that particular dog, it is bred for a particular reason and then is automatically put down. That is where, from talking to the Blue Cross and others, these dogs are crossbreeds, but perhaps have not been bred by people to make them vicious, but they still have to be put down. I know it is a difficult conundrum, but that is one of the situations we have to face.

**Sue Ellis:** Chair, crossbreeds, yes: as I am sure Mr Parish knows very well, actually the banned breeds are types of dog, not breed-specific, effectively. Dogs that go into rehoming centres are usually checked over by the local dogs legislation officer or somebody on behalf of the police, who is an expert in discerning whether these dogs are of a banned type or not. The point the Minister made earlier is that, because their history is unknown, even if a dog, at first appearance, may look well socialised, public safety has to come first. If they are a banned breed, then unfortunately they have to be euthanised.

**Q372 Chair:** We did actually hear, though, from the dog welfare charities that many stray dogs, just because they are a banned type, are being kennelled and put down, whereas actually they may not be anti-social; they may not be doing anything wrong. It is just the fact that section 1 bans the breed. It is whether you are prepared to move away from that in the review, following the consultation. Are you prepared to move away from that? The dog charities

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feel that you are condemning a dog because of its breed, not because of its behaviour.

**Lord de Mauley:** As you will realise, it is something we have thought very carefully about, but I am very conscious of the police advice, which is that we should retain these provisions. I would be very loth to move away from that.

**Q373 Dan Rogerson:** Good afternoon. One of the issues that you are looking at is extending the Dangerous Dogs Act to provide for attacks that take place on private property, which is something we have heard some very moving evidence about. We can all take a view as to what is lawful and unlawful on a property—what is welcome and what is unwelcome, if you like. How is this to be determined in law and statute?

**Lord de Mauley:** We have stated that the law will not penalise law-abiding people and it will not protect burglars. If a dog attacks a burglar or another intruder on private property, the householder will be protected; burglars and trespassers will not. People can already use reasonable force to defend themselves. That has been expressed in law. They would welcome the extra security that having a dog in the home brings. We will not introduce laws that undermine that position. Specifically how it is drafted we have not yet got to, but I am confident that we will be able to draft the law so that it encapsulates that position.

**Q374 Dan Rogerson:** The sort of scenario I am envisaging here is unsolicited callers—door-to-door peddlers or, heaven forbid, political canvassers, religious callers or whatever. If a householder decides that, in their opinion, that is trespass, they have no interest and they have a sign saying they do not want anyone to call, someone may miss that sign. These are the sorts of issues. You said trespassers and burglars. Burglary is fairly straightforward, if someone is in the act of breaking a window or a door to get in a house. If someone is just coming up to knock on the door, but they have not been invited in to the curtilage, how that would be dealt with?

**Lord de Mauley:** It is very clear to me that that person would be protected. This is the whole thing that we want to protect by this piece of law. The postal worker, the political campaigner, as you say, health visitors and a lot of people have an absolute right to come and bang on your door and mine. We absolutely want them to be protected and, at the moment, there is a lacuna, which is what we are closing.

**Q375 Dan Rogerson:** Very good. There is a particular question for those of us who are rural MPs, about farm dogs, and the distinction with working dogs and guard dogs for expensive machinery and so on. Have you considered this issue and taken advice about how best to deal with that?

**Lord de Mauley:** Yes. As long as the dog is not dangerously out of control, the proposed new legislation will not really apply to it. Any issues arising from the role of farm dogs as guard dogs would be subject to the same scrutiny as if they had attacked a trespasser, with a legitimate defence should the trespasser have illegal intentions. That would

protect innocent mistakes by tourists, walkers and children, for instance.

**Q376 Dan Rogerson:** If dogs are being used explicitly as guard dogs or it is something that they are trained to do alongside other working roles, would you be expecting that they would be confined to an area that they are guarding, rather than access to the front door? Is this the sort of thing you would consider—whether they would need to be near machinery and other stuff that is being protected—but still allowing access to the front door?

**Lord de Mauley:** Unfortunately, it is going to be very difficult; it is going to be different. It might be worth saying that owners of guard dogs have to comply with the Guard Dogs Act, which requires things such as notices at entrances and so on. Failure to comply with that Act is an offence, again liable to a fine.

**Q377 Ms Ritchie:** Moving on, Lord de Mauley, to the issue of microchipping, how would microchipping dogs reduce the number of dog attacks?

**Lord de Mauley:** The real reason for microchipping is to address issues of dog welfare and straying particularly. The real tools for stopping attacks are in the Home Office package, which we have briefly referred to. Chipping does have the incidental benefit, in the case that you are referring to, of helping us to identify the owner.

**Q378 Ms Ritchie:** What is your response to criticism that the Defra-preferred option of microchipping only puppies means enforcement will be difficult and implementation slow?

**Lord de Mauley:** As you will well know, we have set out various options on microchipping in the consultation. All of them would lead, eventually, to all dogs being microchipped, one, as you point out, rather quicker than the other. We also need to consider the effects any proposal would have on breeders, owners, vets, rehoming centres and the microchipping database companies. Some of these might find it difficult to respond to all dogs being microchipped at the same time but, I have to say, we are still carefully considering these issues.

**Q379 Ms Ritchie:** How much can the proposed budget of only £20,000 across England and Wales achieve in ensuring there is full awareness by the public and agencies of the new microchipping arrangements?

**Lord de Mauley:** I am not convinced that that £20,000 is the budget for that actually. I do not think we have decided what the budget is for that yet.

**Chair:** I think that is what has been published.

**Lord de Mauley:** I beg your pardon. Is that right?

**Chair:** We have taken that figure from your impact assessment, which is a published document.

**Sue Ellis:** I am sorry; I have not got the document in front of me. We have not set aside a certain amount for advertising microchipping. However, the Microchipping Alliance and the charities involved in that would obviously step up their education campaigns locally. We would anticipate that, rather than a centralised drive by Defra, actually there would

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be a spread of effort on this one to make sure that people did know that they are required to microchip their dog.

That is also partly the case for having an introduction over a period of time, so that people did realise and get to know that they should be getting their dog microchipped and that there would be benefits to them as well, in case their dog got lost or strayed. It would also give, as Lord de Mauley indicated, the vets and others an opportunity to make sure that dogs were microchipped. Vets could advise owners, when they popped in to have the dog inoculated or treated in some other way, that they would benefit from having the dog microchipped.

**Q380 Ms Ritchie:** What measures will be in place to ensure that data is updated on change of dog ownership?

**Lord de Mauley:** As with when one sells one's car, it is the responsibility of the seller or the former owner to update the register. If a reader is applied to a dog and it does not match up to the new owner, we will be able to pin it back to the vendor.

**Q381 Ms Ritchie:** What happens then if the vendor does not comply?

**Lord de Mauley:** The former owner may be subject to a penalty charge.

**Q382 Ms Ritchie:** Maybe through the Chair we could get that checked out. Would it be possible to get a further response by way of written correspondence?

**Lord de Mauley:** Of course.

**Q383 Chair:** Is there going to be a national database?

**Lord de Mauley:** There will not be a single database.

**Q384 Chair:** What we picked up from the evidence that was given to the Committee is that, if you are trying to facilitate owners, surely there should be one place they can go to lodge the data and then, when it requires to be updated, you are just going back. Equally, if you find a dog, would it not be more sensible to look at just one national database?

**Lord de Mauley:** My understanding is that the reader will tell you which database it is on. There will be a small number of databases, four or five, because it is done by the commercial sector. The reader will tell you which database to go to; you go to that database and that will tell you the owner of the dog.

**Q385 Chair:** Minister, Sue Ellis said there about it being for the dog owner to trot along and give this information. The Committee is concerned that there is this element of non-compliant owner. They are not the type to take their dogs to the vet; they are the type to leave their dogs, if they have been injured in whatever activities they have been doing. The point is, if only 50% of people are buying a dog licence, how can you convince the Committee that more than 50% of dog owners will microchip?

**Lord de Mauley:** First of all, it will be much more straightforward to tell if the dog is microchipped, provided there is someone there with a reader, than has a paper licence, which might have got lost or been

left at home. It will vary from local area to local area. In some areas, we might expect campaigns and encouragement to help microchipping take place, coupled with some light-touch enforcement. Checking for microchips could become part of the process when a dog is picked up by a dog warden for being a nuisance. I acknowledge that there will inevitably be those who try to circumvent the law but, if the dog comes to the attention of the authorities because its behaviour is giving rise to concern, then action can be taken against the owner, both in relation to the behaviour of the dog and the lack of a microchip.

**Q386 Chair:** You are not selling microchipping to me—I am personally sceptical about it. The responsible dog owner is going to be put to the expense of going out and microchipping their dog—potentially 50%, if it is the same figure as those who did not buy a dog licence when we had dog licences. I am just not convinced that you are doing enough to encourage or coerce non-compliant dog owners into microchipping their dog. Surely you want to get the widest possible dog ownership to comply.

**Lord de Mauley:** Already nearly 60% of dogs are microchipped, which is a good sign. We have also seen, in other EU countries, very high levels of compliance. When dog owners see the benefits of being married back up with their dog when it has strayed, for instance, and when that is accompanied by publicity campaigns, vets and so on, I think we will get a good level of compliance.

**Chair:** Amongst responsible dog owners.

**Q387 George Eustice:** I wanted to ask about the idea of licensing, which obviously we know was scrapped in 1987. The Guide Dogs Association floated the idea that perhaps there was a case for reintroducing some sort of licensing. A lot of the evidence we have had is very clear that a lot of the problems we get are from irresponsible owners and people who are frankly not fit to own a dog. Do you think there would be a case for some kind of new licence that would not just be a licence attached to the dog but perhaps some kind of assessment of the suitability of people to own a dog?

**Lord de Mauley:** I understand that paper dog licences failed because they were too easy to forge or simply avoid having. There was no easy way of linking dog owners and their dogs. We think there is a better modern alternative, which we have been discussing.

**Q388 George Eustice:** Microchipping just means you can identify the dog and the owner. It does not enable you to say to an owner, "Actually, we do not think you are fit to own a dog, and you are not going to," does it?

**Lord de Mauley:** No, but there are other measures. That is where the Home Office measures come in. I do not think a licence, per se, would help address those issues.

**Q389 Chair:** Why do you think a microchip would?

**Lord de Mauley:** It enables you to match the dog to its owner. We are talking about irresponsible dog ownership.

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**Q390 Chair:** What about the criminally irresponsible dog owners? Charities out there might say that they should not ever own a dog. How are we addressing that through what you are trying to do?

**Lord de Mauley:** If the dog is behaving in an irresponsible way, which is after all the point that we are trying to address, when it is caught, the reader will be applied. If it is not microchipped, it will be subject to the existing process for going to a rehoming centre, possibly destruction if it is a banned breed and so on. If it is able to be rehomed, it will be chipped at that point. I am sorry; I am probably being obtuse. I am not understanding the issue.

**Chair:** George, you can probably put it better than me.

**Q391 George Eustice:** Frankly, if it is a hooligan who is not fit to look after a dog or raise a dog properly, how do we at the moment prevent them from owning a dog? A licence perhaps could do that—not a licence that is automatic to a dog, which is applied for and there is just a fee to pay, but a licence that is conditional on their being suitable.

**Lord de Mauley:** Licences did not prevent that, because people did not get them.

**Q392 George Eustice:** If you were going to go to the RSPCA or the Dogs Trust and say, “I would like to adopt a rescue dog,” they will not just say, “Sure, here’s a dog.” They will go to your home; they will check that you are going to be able to give the dog exercise, that your home is big enough, that you have outdoor space and that you have not got young children who might be inappropriate for a particular dog. There is actually a proper assessment that takes place. I am just saying: is there scope for some kind of system along those lines, perhaps run by local authorities, which would help deal with this problem?

**Lord de Mauley:** We do not really consider that that would be practicable or feasible, given the number of dogs, to require every owner to go through what is effectively a suitability test. We have to do something that is practicable and feasible.

**Q393 George Eustice:** Moving on, you mentioned the Home Office powers that are going to come in. The Home Office Minister was very keen to stress to us that they wanted to simplify the system, have a much smaller number of powers around anti-social behaviour and get rid of any specific ones. They seem to regard anti-social behaviour problems that are dog-related equating to exactly the same as any other kind of anti-social behaviour. One of the issues with dogs is that a big aspect is whether they have been socialised as puppies. There are all sorts of other factors that come in; it is not just like normal anti-social behaviour. Quite often the problem is that the owner is unable to cope with the dog; a mastiff becomes fully grown and suddenly they abandon it. Do you accept that, when it comes to dogs, actually it is specific and different from any other type of anti-social behaviour, because of that factor?

**Lord de Mauley:** I do not actually, no. I think it is very much an aspect of irresponsible behaviour.

**Q394 George Eustice:** The powers at the moment would only basically have sanctions against the owner of the dog. They would not be able to deal with, for instance, the back-street puppy farm that caused the dog to be a problem in the first place, would they?

**Lord de Mauley:** They might, but that is not the specific focus of those tools, no.

**Q395 George Eustice:** We talked quite a bit with the Minister about the Scottish model, where they have dog control notices, which do have more specific powers, which ACPO has called for. Has Defra made any assessment of how successful dog control notices have been in Scotland and whether we can learn anything from that?

**Lord de Mauley:** They came into effect in February 2011. Between 26 February 2011 and 5 March 2012, there were 1,114 DCN investigations, resulting in 92 dog control notices being issued, and we are monitoring it very closely. These are early days, frankly.

**Q396 George Eustice:** From what you have seen so far though, are you persuaded that it is a good model to follow or are you sceptical?

**Lord de Mauley:** The model that we are proposing, with the Home Office escalating approach to the thing, effectively achieves what dog control notices achieve in Scotland.

**Q397 George Eustice:** Are there any things that you do not think it can achieve? Is there anything that you think a dog control notice, i.e. the Scottish model, delivers that the current proposals do not?

**Lord de Mauley:** No. I think actually our proposals are broader than that and achieve a better result than that.

**Q398 George Eustice:** For instance, at the moment under a dog control notice, you can order that a dog be neutered. You could ban somebody from breeding dogs. You might allow them to keep the dog they have, but ban them from breeding dogs. Will you be able to do that under the Home Office proposals?

**Lord de Mauley:** We can certainly look at that. It is not set in stone yet, but those sorts of things can be considered.

**Q399 Richard Drax:** Lord de Mauley, good afternoon. The community educational work that is Defra proposing to do is welcomed by the Guide Dogs Association, the NFU and ACPO, so it is generally accepted that more education is needed for dog owners. What do you expect this to achieve and what proportion of owners have you estimated will require this sort of education, bearing in mind millions of people own dogs in this country?

**Lord de Mauley:** We are working very closely with the animal welfare charities on this, and we are still in the process of learning. Our final decision on educational plans is yet to come and we are waiting for reports on that research to come in.

**Q400 Richard Drax:** These are early days at the moment. I note here that you are spending £50,000,

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which is going to be shared between Battersea Dogs & Cats Home, the RSPCA and Dogs Trust “to foster innovative local community projects to encourage responsible dog ownership in areas where there are high instances of dog-related problems”, which is probably most of the United Kingdom. Is that budget enough? Is that realistically going to be enough to educate, if indeed that is what people need? Maybe I should phrase it another way: would you regard this route, in most cases, as quite Big Brother-ish? Would you oppose this, is it something you would suggest or is it a test you are doing?

**Lord de Mauley:** Can I address the first half of the question: is it enough? These are austere times and there is never going to be enough funding for everything we want to do. We think that we have reached a relatively good balance with what is happening at the moment. Money saved from kennelling and rehoming stray dogs, when microchipping is in place, will also be channelled by the dog charities towards educational activities.

**Q401 Richard Drax:** Presumably the sorts of people who cause trouble with dogs are hardly going to attend the sort of education that perhaps we would like them to do. Is that a fair comment?

**Lord de Mauley:** Yes, but hard-to-reach people are going to be hard to reach. There are limits to what one can do, but we must do the best we can. Some of this charitable work is going on in specific hotspot areas, where they are trying to reach out to the more difficult-to-reach people. You have to be very targeted in your use of resources.

**Q402 Richard Drax:** The majority of dog owners, you are saying, who are responsible—I think we all agree that most of them are—probably do not need education in the sense that you are suggesting here. It is just the real problem owners.

**Lord de Mauley:** Yes, absolutely; it has to be targeted.

**Q403 Richard Drax:** What about schools and the national curriculum, or is that a step too far?

**Lord de Mauley:** I think it is unlikely that the national curriculum will go in that direction, but we do certainly see education in schools, particularly at primary school level, as being something that is worth investigating, yes.

**Q404 Neil Parish:** Can I press you on that, because I think it is really important to get to young children? What more can we do from Defra to the Education Department to make sure that primary schools do bring forward some teaching on proper ownership of dogs and their welfare? In their own homes, some of these children may see quite the reverse.

**Lord de Mauley:** I certainly agree with that and, as I have said, there is absolutely a role for education about dogs in schools. Charities very often perform this role very well and, for younger children, perhaps schools could help educate them that they need to be sensible around dogs.

**Q405 Dan Rogerson:** To turn to the issue of puppy farms, what assessment has Defra made of the

effectiveness of local authorities in tackling unscrupulous dog breeders and puppy farms?

**Lord de Mauley:** There are a couple of problems that you are probably referring to. One is in the area of pedigree breeding, where people are looking for enhanced features and so on. The other is in the underground area of breeding.

**Dan Rogerson:** It is more the latter to start off with.

**Lord de Mauley:** A particular concern in that area is clearly the welfare of the puppies. The law on dog breeding already provides local authorities with powers to tackle problems of poor welfare in dog breeding establishments, whether they are large or small scale. Any dog breeding establishments that do not need to be licensed must be subject to the provisions of the Animal Welfare Act. As I say, local authorities have powers to respond to welfare concerns under that Act.

**Q406 Dan Rogerson:** Maybe the question is: has Defra looked at the effectiveness of local authorities in using those powers? As you quite rightly point out, they already exist and are available to them.

**Sue Ellis:** No, we have not undertaken a formal assessment. However, we do keep in close contact with local authorities and we do understand that there are some localised problems, but we have not quantified those at all.

**Q407 Dan Rogerson:** Is that something you plan to do at all?

**Sue Ellis:** Not at the moment, no.

**Q408 Dan Rogerson:** In terms of the scale of this problem then, we are relying on anecdotal evidence as to how great a problem it is and whether local authorities are a) taking it seriously enough, or b) resourceful enough to act. Is this something you think perhaps you should be looking at?

**Lord de Mauley:** In terms of the resources, it is covered by great support grant funding and it is for local authorities to decide their own priorities. It is also worth saying that the Dog Breeding Stakeholder Group is working on updating the guidance for inspectors of breeding establishments.

**Q409 Dan Rogerson:** Yes, sure but, as you said, that is at the higher end. Turning to the evidence that we have had then over the past few sessions, some have argued that the threshold, in terms of the number of litters in a year, ought to be lowered in order to tighten up on this sort of thing. Is that something on which you take a view?

**Lord de Mauley:** Anyone who breeds dogs, whether they are licensed or not, needs to comply with the Animal Welfare Act 2006, which provides for the welfare needs of animals. Anyone who has concerns about the welfare of animals at a breeding establishment can report them to a local authority, which has powers, under both the dog breeding legislation and the Animal Welfare Act, or they can report them to the RSPCA. In answer to your question about five litters or two, I think that we are not minded to change that.

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**Q410 Dan Rogerson:** We have heard about education, and evidence from previous witnesses has pointed to the fact that we need to say to people, “If you have not seen the puppy with the mother, do not buy it.” You need to investigate where it is coming from. That refers to your earlier comment about nurture and socialisation, and the temperament of the animal in the future, which is quite important. As we move to update the legislation, perhaps this is something that the Department might want to look at a little bit more, in terms of the evidence we have received. Perhaps a recommendation may come from the Select Committee about that, but at the moment you are minded not to make a change.

**Lord de Mauley:** I am minded not to, but I would be happy to—

**Q411 Dan Rogerson:** Following that, on a particular group of breeders, those where these breeds are not prescribed by the Act, but they are deemed to be particularly aggressive or there is a particular danger that they might become aggressive if not handled properly, have you looked at the issue of whether all or any one breed of those dogs should be licensed, even if it is only one litter a year?

**Lord de Mauley:** I see what you mean. The problem would be that they will be very difficult to get to. Whether or not we legislate to introduce licensing for them, in practical terms, it might not achieve very much.

**Q412 Dan Rogerson:** I am not particularly thinking of people who are doing it and then training the dogs to be aggressive. I am just thinking of particular breeds that the police advise, for example, that they are not covered by the current Act, but there are concerns.

**Lord de Mauley:** I absolutely understand the concern. I question the practicality of achieving it.

**Q413 George Eustice:** I know you say you are minded not to at the moment, but the evidence we have had is pretty overwhelming that these back-street puppy farms are a major source of the problem—status dogs and dogs that you do not control. Five litters a year is quite a lot of dogs actually. Unless you actually reduce that, so that, if there is a problem with a dog, the police can then go to the person they brought the dog from and say, “Right, you are illegal because you are not licensed”, you cannot actually deal with this and raise standards, because you never find out where they are. Is that something you really ought to be looking at?

**Lord de Mauley:** We certainly have considered it very carefully.

**Q414 George Eustice:** What is the reason that you have ruled it out?

**Lord de Mauley:** I think in terms of practicality, but I am very happy to take the matter away, give it some further thought and perhaps write to you, if that would be helpful.

**Chair:** It is something that the Welsh Government is seeking to legislate on, so we would welcome a note, if we may.

**Q415 Thomas Docherty:** My Lord, I think in August you received a report from the Advisory Council on the Welfare Issues of Dog Breeding, which suggested, among other things, a minimum criteria that breeders should have to adhere to. Can I ask whether you are considering adopting a breeding standard as a regulatory requirement?

**Lord de Mauley:** Our view is that that is probably better done by organisations such as the Kennel Club.

**Q416 Thomas Docherty:** Can I ask why?

**Lord de Mauley:** It is something that is less appropriate to regulate for.

**Q417 Thomas Docherty:** I am going to press you a little bit to say a little bit more about why.

**Lord de Mauley:** I am not sure that I am going to be able to elucidate why I think that, but it is the view I have.

**Q418 Chair:** Could I just give you a statistic? I think only 40% of dogs are registered by the Kennel Club. The question is asking about the 60% that are not, which obviously are in our minds.

**Sue Ellis:** The report has recently come forward. We have been looking at it and, indeed, the Minister has a meeting coming up quite shortly with Sheila Crispin to discuss that. There has been quite a lot of work so far by the Dog Advisory Council in terms of bringing together all the effort and focus of work. Indeed, the charities earlier in the year, particularly the RSPCA, working with BVA and others, have produced both a puppy information pack and a puppy contract, which I think the Committee may have been told about actually. It sets out very clear expectations of what responsible breeders should be doing, but it also helps people who are intending to buy a puppy understand what they should be looking for when they are buying a puppy from a breeder as well. There is quite a lot of work going forward in this area.

**Q419 Thomas Docherty:** I am sorry to belabour the point, my Lord, but I am yet to hear why—given, as the Chairman has pointed out, more than half, 60%, of dogs are not covered at the moment—you think a voluntary approach that effectively has a minority is better than regulatory action.

**Lord de Mauley:** Let me have the meeting with Professor Crispin, and then I will answer your question.

**Chair:** If you would be good enough, share it with us, if you would.

**Lord de Mauley:** Of course.

**Q420 Thomas Docherty:** On Ms Ellis’s point about the puppy contract, we are obviously aware of the RSPCA and BVA. What steps are Defra taking to encourage the dissemination and implementation of that puppy contract?

**Sue Ellis:** Defra has endorsed the approach that has been adopted.

**Chair:** How are you getting it out to the wider world?

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**Q421 Thomas Docherty:** Ministerial warm words are wonderful, but the question was: what encouragement are you providing?

**Sue Ellis:** I think I am right in saying that there is a link on our website for people to follow through to get the details on that, so we are helping to disseminate in that way. To some extent, I think the charities are possibly going to be more successful, in that they are on the front line; they do deal with people and individuals on a day-to-day basis, so it is probably a more effective way of getting it across.

**Q422 Thomas Docherty:** My Lord, I know that the Defra website has huge traffic and I sure it is on everyone's "favourites" list, but are you really satisfied by simply putting a link on your website? Is Defra is doing all it reasonably can do to promote this?

**Lord de Mauley:** I will give it some further thought but, as you know, one has to think very carefully about what one spends money on. I am happy to give it some further thought.

**Q423 George Eustice:** I wanted to move on to the issue of people who are able to sell dogs, because some of the evidence we have had from people like Canine Action UK has suggested a couple of ideas. One is that you would restrict sale only from people who are registered breeders or from rescue centres. Secondly, you would effectively ban the sale of dogs that have been bred outside the UK. Is either of those proposals something that you think has merit?

**Lord de Mauley:** Taking the last point first, I think I am right in saying that that would be very difficult to enforce, particularly under EU law. I do not think we could stop people importing and selling, unfortunately. Sorry; could you ask your first question again?

**Q424 George Eustice:** The first one is that you would restrict sale only from registered breeders or from rescue centres.

**Lord de Mauley:** That would be quite draconian. At the moment, small hobby breeders can breed and, very often, are perfectly legitimate and attend to the welfare of their animals. It would be quite hard on them to prohibit them from doing that. It might be disproportionate.

**Q425 George Eustice:** A lot of the concern here stems from worries about the internet. Gumtree, for instance, is cited regularly as being a real problem here. Is there anything that can be done? It is notoriously difficult to regulate the internet, but I think what they are trying to get at is whether we can find a different way of dealing with this problem.

**Lord de Mauley:** We are consulting with other Government Departments on the possibility of an industry-driven code of practice, which we think, given the points you make about how difficult it is to police the internet, is more likely to be successful than Government-imposed measures. There is also the good work of the Pet Advertising Advisory Group, which is a collection of animal welfare organisations that work with newspaper and internet pet advertisers

to promote more responsible advertising of pet animals.

*Sitting suspended for a Division in the House.*

*On resuming—*

**Q426 Chair:** Thank you very much indeed, Lord de Mauley, for your patience. George Eustice apologises; he is going to speak in the next debate. Had you finished your answer?

**Lord de Mauley:** I think I had finished what I had to say, thank you.

**Q427 Neil Parish:** I want to move now please to pedigree dog breeding and the Bateson report. What role should Government have in tackling issues raised by the Bateson report on dog breeding? What has Defra done and who else can bring pressure to bear on what I would say are inbred dogs rather than line-bred dogs?

**Lord de Mauley:** We are very much aware of the problems, which can cause physical malformations and other welfare issues. Local authorities already have the power to investigate under the welfare criteria in the Animal Welfare Act. We do not think additional legislation is necessary to address it. We are also encouraging the industry to create its own standards in regard to dog breeding, which are supported by some quite impressive work by the Kennel Club and other charities.

**Q428 Neil Parish:** The Kennel Club has an assured breeder scheme, but it also registers pedigree dogs that are not bred under the assured breeder scheme. One of the points we have made to the Kennel Club is that, once somebody buys a dog that is registered with the Kennel Club, they in themselves would consider that an assurance scheme. What more pressure can be put on the Kennel Club to make sure all their dogs are bred under an assured breeder scheme?

**Lord de Mauley:** Pressure by yourselves and ourselves, in terms of meeting and encouragement, is worth doing. I do not think regulation is the way to do it, but I agree with you that encouragement should be given and we are keen that they should do that. Yes, I am with you on that.

**Neil Parish:** There are also vets now at Crufts inspecting the dogs, which is a good thing, but there are some dogs that are being excluded.

**Chair:** We were coming on to that.

**Q429 Neil Parish:** I will leave it there then, thank you. I have some other questions—I am not going to let you off quite so lightly as that. Pursuing the Bateson report, why have you not set a timetable for the adoption of recommendations in the Bateson report? First, have you set a timetable? Second, are you going to have a timetable?

**Lord de Mauley:** I do not think we are minded to have a timetable particularly. Can I ask Ms Ellis if she has got anything to add?

**Sue Ellis:** We have been expecting that the Dog Advisory Council, which is something that was in the Bateson report, would be taking forward a lot of the recommendations. Indeed, as you know, they have just issued a copy of their report on dog breeding and



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recommendations. As we mentioned earlier, the Minister is intending to meet Professor Sheila Crispin shortly to discuss some of those recommendations in more detail.

**Q430 Neil Parish:** The Advisory Council, I believe, is doing a very good job, but do they need more teeth in being able to get the best breeding practice to take place?

**Sue Ellis:** I think we need to have the discussion first with Sheila Crispin, who is the expert on this, before we can come back on that.

**Lord de Mauley:** Perhaps we could include that in the growing letter.

**Q431 Neil Parish:** Funnily enough, we were actually discussing that. Under what circumstances would you consider introducing regulations that tackle genetic and conformation problems in pedigree dogs caused by inbreeding and breed standards, especially those breeds that are of a very strong pedigree but a very small gene pool, where the dogs are being sold amongst the breeders? There is an issue there. Do you intend to do anything about that or again is it the Advisory Council? What do you intend to do?

**Lord de Mauley:** It is not something that I have given a lot of thought to, but I thank you for the point. If I may, I will take it away and give some thought to it.

**Neil Parish:** If you would, because I do actually believe it is a problem, where you might have to bring in some other breeds into some of these breeds that are far too pure. There is not enough of the gene pool.

**Q432 Ms Ritchie:** Minister, bearing in mind that you probably will have to put this in writing as well, do you believe that Defra supports making the Advisory Council an independent regulatory body to enable it to get tough with those who need improved breeding practices?

**Lord de Mauley:** I am not aware of a loud call for making it a regulatory body. We are watching developments and, as you have rather foreseen, that is something that is also likely to come up in the meeting with Sheila Crispin.

**Q433 Ms Ritchie:** Bearing in mind somewhat the previous questions and your work in the Department as Minister, do you think there would be such a need for a regulatory authority in order to improve breeding practices?

**Lord de Mauley:** I hope not. I hope that the existing organisations such as the Kennel Club and the charities will be enough, but that will be on the agenda, no doubt.

**Q434 Ms Ritchie:** Have you given any thought to what knowledge or how the Department is likely to act on irresponsible breeders, knowing full well that there is a need to do such a thing?

**Lord de Mauley:** I may have said before, and you will no doubt bring me up if I am not answering the right question, that we think that the law on dog breeding already provides local authorities with the powers to tackle the problems that you are referring to. The larger dog breeding establishments clearly require

licensing; the smaller ones are subject anyway to the Animal Welfare Act. That gives the local authorities the powers to respond to welfare concerns, under the Act.

**Q435 Ms Ritchie:** Through the Chair, maybe you would reflect on those issues and discussions with your colleagues, following your discussions with Professor Crispin.

**Lord de Mauley:** Of course.

**Q436 Chair:** Could I just say that the Advisory Council told us that they feel they can recommend as much as they like, but their recommendations are just ignored? Would you be minded to give teeth to the recommendations of the Advisory Council?

**Lord de Mauley:** I can absolutely assure you that they are not ignored. I do not consider that they need more teeth, but I thank you for the point.

**Q437 Chair:** If a breed is not right and if the dog is not of the breed, should the Kennel Club simply just not register that breed, rather than registering and actually admitting that that dog exists? If there is any doubt about an individual dog, would it be better simply not to register it with the Kennel Club because, at the moment, they seem obliged to register. If it is a bad dog or one that should not be deemed to exist, if it is not pedigree, then why register it with the Kennel Club in the first place?

**Lord de Mauley:** With respect, I think it is quite difficult for Government to answer that question. I think that really is more of a question for the Kennel Club.

**Q438 Chair:** The evidence that we took was quite conflicting between the Kennel Club and the veterinary profession. If I just go on then to talk about the Kennel Club revision of breed standards and the introduction of veterinary checks for some pedigree dogs, for example at Crufts, they were not allowed to go on to the next stage of the group or best in show. Do you think that there is sufficient objectivity being undertaken in the checks being introduced? Is it not confusing for people?

**Lord de Mauley:** I am so sorry to say this, but I think this is really a matter for the Kennel Club, unless I am misunderstanding the direction of travel.

**Q439 Chair:** What the Committee heard was that there is unease amongst the veterinary profession that it is being left to the Kennel Club. The Kennel Club is registering dogs that perhaps the vets feel are best not registered, because then they would not be deemed to exist and be bred from. Therefore, a steer from the Department would be very helpful.

**Sue Ellis:** I would just say that vets at the shows would of course be exercising their professional judgment, which would be an independent one, obviously based on the Kennel Club standards, but they do exercise professional judgment.

**Q440 Chair:** Can I just share with you, and it is available on our website, what they told us last week? "Defra does need to do more." This is Mark Johnston.

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“I would like to see it become more regulatory rather than just advisory. Basically, yes; I would like to see Defra do more. Yes, I would like to see the Advisory Council getting more teeth...As veterinary surgeons, it has been very difficult to know where to go to for advice or have one voice saying, ‘This is what we should be doing.’” What we are asking and what the vets are asking for is a steer. Are we likely to get a steer, Ms Ellis, in your follow-up to the consultation?

**Sue Ellis:** It has not been something that we have been looking at recently, but if Ministers would like us to look at it further, then we would do so.

**Q441 Neil Parish:** The point is that, for instance, the fashion for some time for pugs was to make the nose flatter and flatter, until such a stage as the dog cannot breathe. Therefore, you have to reverse that. The Kennel Club is starting to reverse it, in fairness to them, but the Advisory Council and Defra need to be much firmer on this. This is what the vets are particularly interested in—reversing that.

**Lord de Mauley:** I am certainly happy to take that point away and consider that.

**Q442 Chair:** We are going to get a long written briefing from you. Do you think that your Department has a role in improving data gathering on the genetic status of pedigree dogs? What we heard from Professor Crispin was that, in her view, the collection of data has been pretty grim. Professor Bateson said that the insurance industry data is provided in countries such as Sweden to enable people to get a full picture of health problems in pedigree dogs, and there is a call for this to be provided in the UK. Are you likely to respond positively to that call? Could I ask what discussions you have had with the insurance industry?

**Sue Ellis:** No, we have not had discussions on that point.

**Q443 Chair:** Might you be minded to have discussions with the insurance industry now, on the back of this inquiry and also on the back of the consultation?

**Sue Ellis:** Certainly if that is something that Ministers would like us to follow up, then we would do so.

**Q444 Chair:** A direct question: might you be inclined to ask that insurance companies be compelled to provide such data?

**Lord de Mauley:** Can I consider that in light of the meeting with Professor Crispin?

**Q445 Chair:** Okay. Just to clarify, we have now heard from yourself, Minister, and the Home Office Minister last week. The Home Office Minister said that—in terms of dog attacks on humans, postal workers, other dogs, livestock and other animals—this is a Defra lead. Your answers today, earlier, seemed to indicate that this was a Home Office matter. Can

you just convince us that it is a Defra lead, that you are going to run with this and that the matter will be dealt with?

**Lord de Mauley:** There is existing legislation, which is very much Defra legislation, which deals with such things—the Animal Welfare Act, the Dangerous Dogs Act, the Animals Act and so on. Yes, that is very much Defra business. Indeed, we are cooperating very closely with the Home Office over their new rules. Please accept that we are fully apprised of our responsibilities.

**Q446 Chair:** Just one question hung over from the puppy farms. We heard very compelling evidence from a number of witnesses that in no circumstances should any dog from a litter be sold without the mother being present. Is that something you agree with? Is this something that should be intuitive? Should there be guidance issued? We may not need legislation, but it just seems so natural and it would seem to put an end to many of the illicit practices that we are seeing.

**Lord de Mauley:** It certainly is a principle that I would agree with. We need to think about how we achieve that, by education, guidance or whatever. Yes, I certainly agree with the principle.

**Q447 Chair:** You will go through the responses to the consultation. Just to repeat the question we asked at the beginning, what is going to happen now as a result of the consultation and all the responses that you have received? Are you going to come forward with legislation, either primary or secondary—it could be regulation—in taking the matter of dog control and dog welfare forward?

**Lord de Mauley:** Yes, there will be legislation. I am confident of that.

**Q448 Chair:** Primary legislation or secondary?

**Lord de Mauley:** Certainly the extension to private property will require primary legislation. I think microchipping is a possible regulation under the Animal Welfare Act.

**Q449 Chair:** On that point, I must declare an interest: I am a non-practising Scottish advocate. The Scottish law now talks about a dangerous dog found in any place. Would there be a possibility of looking at that or will you come up with your own formulation?

**Lord de Mauley:** I think we will come up with our own form of words, but it will be something similar to that.

**Chair:** May I thank you, on behalf of all the Committee, for being so generous with your time? Obviously there are a number of issues on which we would like to hear from you. We will make our recommendations, but we will look forward to seeing what comes out of Defra in due course. I hope our inquiry will be a positive contribution to that process. Thank you very much indeed.

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# Written evidence

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## Written evidence submitted by the Local Government Association (LGA)

### OVERVIEW

While the LGA agrees with the Government position that the law on dangerous dogs needs changing to promote more responsible ownership of dogs and to reduce the number of dog attacks, we are concerned that the proposals within this consultation will not achieve this objective.

It is important that Government engage effectively with delivery partners to really tackle the misery the growing tide of dangerous dogs presents for communities across the country. In the time that the Government has remained silent on this issue of dangerous dogs, local delivery partners have worked together to produce a holistic and sustainable proposal that we believe provides the tools to work robustly with irresponsible dog owners. We have listened to the experiences of those working with the communities that are all too frequently suffering because police and councils are left unable to respond to the concerns created by dangerous dogs and their owners. While it is disappointing that Defra have failed to effectively engage with the partners that have developed these proposals as part of this consultation, we would welcome further engagement with the Home Office to ensure that the new anti social behaviour proposals can begin to provide delivery partners with a real solution to the issue of dangerous dogs.

### SUMMARY OF KEY POINTS

- The LGA do not believe that compulsory microchipping will tackle the range of problems caused by dangerous dogs, though we do recognise that it may help reduce timescales for returning stray dogs.
- We strongly encourage Defra to accept our previous offer of engaging directly with councils to ensure the cost, practicality and outcomes of compulsory microchipping have been fully considered.
- If compulsory microchipping is introduced then councils must have access to robust data in a timely fashion.
- The LGA supports the extension of the Dangerous Dogs Act 1991 powers to private property.
- We strongly encourage Defra to produce a holistic approach to dangerous dogs, which also accommodates a form of Dog Control Notices to secure long term improvements to dog ownership and brings the regulation of dog breeding and sale up to date with commercial practices.

### MICROCHIPPING

1. Compulsory microchipping will not resolve the issue of dangerous dogs and can only provide a small contribution to a far wider package of tools needed to encourage responsible dog ownership. Unfortunately, a microchip will not alter the behaviour of a dog owner and will not alleviate the fear that a dangerous dog can inflict on local communities. It is unlikely that the most irresponsible dog owners will comply with a legal requirement to microchip their dog.

2. The LGA acknowledges that compulsory microchipping of dogs will help some stray dogs to be returned to their owner more rapidly, hence promoting welfare standards and reducing the extensive and increasing kennelling costs incurred by councils. However, the benefits still remain limited as many stray dogs have already been microchipped on a voluntary basis and councils are already working hard to ensure stray dogs are returned to their owners as quickly as possible. Unfortunately, microchipping will not resolve the increasing trend of individuals abandoning dogs because they have been unable to cope with the full responsibility of dog ownership. A trend that is increasing as economic pressures on families continue to grow.

3. The Defra consultation only includes very high level information about the proposed approach to compulsory microchipping. As councils will have responsibility for enforcing any legal obligations relating to microchipping, it is absolutely critical that we are engaged directly if this proposal is developed further. In our response to the March 2010 consultation on dangerous dogs, the LGA offered to provide a number of local Government contacts to liaise on the practical and legal issues associated with microchipping, but unfortunately this offer has not been taken up by Defra.

4. If compulsory microchipping were to be introduced then it is anticipated that councils will be able to make increased use of microchipping to return stray dogs to their owners. However, councils will not have the resource to undertake any proactive enforcement of microchipping requirements without additional funding.

5. It is important that Defra have realistic expectations about the action that is appropriate if a dog is found without a microchip and can be reliably linked to their owner. The LGA recognises the role of improvement notices in addressing non compliance, however, in the vast majority of circumstance it is not in the public interest to take legal action for such a technical offence in isolation. Further enforcement action may be considered in response to a broader range of issues and associated offences.

6. If the Government were to introduce compulsory microchipping then it is important that a fixed point is established by which all dogs need to be microchipped, including a requirement to update details on transfer

of ownership. This removes any ambiguity about whether microchipping applies in individual cases that may undermine enforcement action.

#### DATA ON DOG OWNERS

7. We note the consultation refers specifically to the use of the existing PetLog database. We would have concerns about the legality of creating in effect a monopoly for a private database and would stress the positive impact that market forces can have on driving standards and reducing price.

8. If Defra are suggesting the use of a range of different private databases, it is essential that minimum standards are established to provide councils with 24 hour access to information. Data collection and recording must be conducted in a robust manner that can be used as the basis for formal enforcement action. We strongly recommend that Defra consider issues associated with data collection in relation to both horse passports and greyhounds, where multiple private databases have created problems with easy access to data, accuracy and reliability.

#### PRIVATE PROPERTY

9. The LGA supports the extension of criminal law under the Dangerous Dogs Act to all places including private property. We hope this will help the police and councils respond more effectively to dogs that are out of control on private property, particularly the threat that they pose to workers and visitors to family homes.

10. This extension would increase enforcement responsibilities for both police and councils and as such there would therefore be a financial implication.

#### RESPONDING TO THE CONCERNS OF COMMUNITIES AND PREVENTING DOG BITING INCIDENTS

11. The LGA is disappointed that the Defra proposals on dangerous dogs do not include the introduction of “Dog Control Notices”. Defra has failed to consider the united views of the police, councils and charities about how such notices can provide the basis for a preventative and sustainable approach to dangerous dogs that actively encourages responsible dog ownership.

12. Dog Control Notices are not blanket bans on dogs in specific areas, but rather a contract with a dog owner to promote sustained responsible dog ownership. This tool could be used by delivery partners in response to indicative signs of irresponsible dog ownership with the aim of preventing a dog attack from occurring in the first place. Dog Control Notices are a tool that could be used in response to the myriad of issues associated with irresponsible dog ownership that can plague communities.

13. The RSPCA, with support from the LGA, ACPO and a range of charities, has put forward clear proposals on circumstances in which Dog Control Notices could be used and the improvement measures that could be applied. There is unanimous frustration across those working on dangerous dogs issues that Defra have not considered these proposals.

14. Since the publication of this consultation, the Home Office has released Government proposals on tackling anti social behaviour. The LGA would like to work with the Home Office to ensure that the tools to tackle anti social behaviour can be used to effectively target dangerous dogs issues and secure long term improvements in responsible dog ownership. It is important that the anti social behaviour proposals for this purpose can be administered a timely manner and without unnecessary red tape.

#### LICENSING

15. Since the introduction of the Animal Welfare Act in 2006, the LGA has argued that Defra should review the legislation relating to dog breeders and pet vending to ensure that it remains responsive to current practices and risks. We are disappointed to see that Defra has not included proposals to update this legislation, as we believe it could form an important preventative tool in the fight against dangerous dogs.

#### WORKING WITH PARTNERS—CASE STUDIES AND SHARING BEST PRACTICE

Councils across the country are working hard with the police and charities to respond to community concerns about dangerous dogs. The work of councils is focused on measures that encourage responsible dog ownership, reduce the fear felt by many communities and prevent dog attacks from occurring.

Wandsworth—Social housing  
Stockton—Microchipping and neutering  
Hampshire—Dog control contracts

*June 2012*

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**Written evidence submitted by the Royal Society for the Prevention of Cruelty to Animals (RSPCA)**

Irresponsible dog ownership is an increasing problem. Trends show an increase in the number of dangerous and stray dogs, prosecutions for cruelty and dog attacks. The RSPCA believes these can only be reversed by a holistic approach of preventative legislation, increased/targeted resources, and joined up education programmes.

Increased resources could be sourced from a dog licensing scheme. Government in England has proposed compulsory microchipping, which may improve stray dogs, but will not affect dog control. It has proposed some anti-social behaviour (ASB) measures and limited funding for education programmes whose impact is unclear.

No measures have been proposed to improve the scale/standard of dog breeding though in Wales such measures are being considered. The RSPCA fears that in England irresponsible dog ownership will continue to occupy more time/resources of enforcement agencies unless a more effective approach is taken.

1. As the leading private prosecutor for animal cruelty in England and Wales the RSPCA is pleased to respond to the inquiry into dog control and welfare. As a frontline responder we work closely with our colleagues in the police and local authorities to tackle these increasing problems.

2. Little data on dogs are centrally collected though dog bites, seizures, and prosecutions under relevant legislation.<sup>1</sup> However a number of trends can be evaluated from data that does exist. The dog population in England is estimated to be 8.4 million and is rising. The number of dogs that are microchipped is estimated to be over 50% (4.2 million dogs)<sup>2</sup> and is also rising.<sup>3</sup>

3. A number of parameters show increasing incidents involving dogs. Numbers of stray dogs have risen every year since 2008 (total rise 30%) after a steady decline in the previous 11 years. There could be a number of reasons for this including the increasing dog population, legislative changes, such as the change in stray dog provision, or the economic climate. The RSPCA is concerned that as the number of local authorities that do not provide 24-hour cover rises the stray problem will increase.

4. The number of incidents concerning prohibited and dangerous dogs has been increasing in the past six years. This could be down to a number of reasons such as fashion for certain types of dogs, increase in detection and enforcement, increase in irresponsible dog ownership.

**NUMBER PROSECUTIONS UNDER SS1(3), 3(1) AND 3(3) DDA 1991 PA (ENGLAND/WALES)**

<i>Year</i>	<i>S1(3) DDA<sup>4</sup></i>	<i>S3(1) DDA<sup>5</sup></i>	<i>S3(3) DDA<sup>6</sup></i>
1992	209	696	50
1993	167	656	57
1994	57	482	33
1995	35	448	40
1996	18	383	22
1997	15	434	32
1998	23	681	40
1999	12	703	43
2000	5	724	72
2001	4	768	70
2002	6	821	56
2003	1	889	72
2004	5	887	59
2005	11	923	68
2006	8	981	73
2007	87	1008	72
2008	117	1031	64
2009	149	993	78
2010	354	1210	86

5. Based on this information it is clear that even with increased enforcement in recent years the current legislation has not prevented attacks on people or animals or discouraged irresponsible ownership. This trend is not confined to England; legislation to control prohibited dog-types has also failed in other countries where it has been evaluated such as the Netherlands, Spain and Denmark.

6. The number of admissions to hospitals due to dog bites in England rose 5% over the past year to 6,120 people (2010–11). The RSPCA has seen a 16% increase in the number of convictions it has secured where the “victim” is a dog from 1,808 in 2009 to 2,105 in 2011.

<sup>1</sup> e.g. Dogs Act 1871 (DA) or Dangerous Dogs Act 1991 (DDA).

<sup>2</sup> PDSA estimate up to 70% but RSPCA has reported lower figures therefore 50% is reasonable.

<sup>3</sup> If numbers of dogs on PetLog, the largest database are used.

<sup>4</sup> Possession of a prohibited type of dog.

<sup>5</sup> Owner/person responsible for dog at time allows it to be out of control in a public place.

<sup>6</sup> Owner/person responsible for dog at time allows it to be out of control in a place it is not allowed to be.

7. Financial issues include police costs for kennelling dogs which are believed to be around £3.7 million per year (£2.6 million for Metropolitan police alone) and annual costs to the NHS estimated at over £3 million.

8. The RSPCA believes that these trends should be reversed as they are a drain on resources at a number of levels and pose a threat to dog welfare and human safety. To do this, a good understanding of the relationship between animal welfare and wider socio-economic issues is required and clear success indicators agreed. It is difficult to assess what problem Defra is trying to solve. The increase in dog bites is mentioned in their proposal and improving traceability is put forward as a policy objective but so is using microchipping as a deterrent and improving dog health/welfare.

9. Legislation on dog control has existed since 1871 and can be found in different places with different scopes which many enforcers believe causes barriers to its use. The Government has presented a number of proposals, including tackling the use of dogs in ASB,<sup>7</sup> increasing the scope to cover private property, improving welfare of some seized dogs, requiring microchipping of dogs at birth, and grants for education programmes.

10. Increasing the scope of the law to include private property is welcome as it provides an opportunity for legal redress but it is not a preventative measure. There is scientific evidence to show that many dog attacks occur inside homes.

11. We support the proposal on seizure of dogs as it could reduce the time a dog is kept in a kennel. However, its impact on animal welfare or how it will work in practice is unclear. There are many other measures that would significantly improve the welfare of all dogs seized aside from those in the proposal such as deadlines for expert witnesses to produce reports, ability to re-home appropriate dogs to appropriate owners, or the ability to dispose of dogs when in their welfare interests prior to the conclusion of trial.

12. The proposal on microchipping is useful to allow for traceability of dogs back to their owners (providing the owner's contact information remains up to date on a central database). RSPCA statistics show that only 48–49% of strays in England were returned to their owner between 2006–09. Microchipping can ensure lost/stray dogs are returned to their owners more quickly and may be useful for proving ownership in a prosecution but it does not solve irresponsible dog ownership. If it is to work there should be clear guidance on enforcement responsibility, a compulsion to update the database on change of owner and introduction within a year for all dogs.

13. Breed specific legislation (BSL) is not effective in tackling the real cause of the problem, which is often due to the owner's actions/omissions rather than the type of dog. It is recognised that this is not on the Government's agenda. Of three evaluation studies (Netherlands, Berlin and North Rhine-Westphalia) on the effectiveness of BSL only one, Berlin, found that legislation had any impact on dog bite incidents. Netherlands has subsequently revoked its BSL.

14. Improving irresponsible dog ownership should be delivered through clear and consistent legislation and education for the public, enforcers and others. This should see improvements to animal welfare and human safety. The RSPCA wanted to see preventative measures including much earlier intervention in any legislative proposals. At present the approach is reactive—authorities can only step in and deal with the animal/its owner following an incident which can be costly and does not protect public safety/animal welfare. The Home Office proposals on ASB appear to address this partly through informal interventions such as Acceptable Behaviour Contracts but the Defra proposals do not. We will be assessing the impact of both sets of proposals.

15. Education, especially for children, their parents and owners of dogs as children can be vulnerable to attacks is essential. Reviews of programmes are central but rarely undertaken. Only three countries have undertaken reviews of the effect of educational programmes on dog control and show owner education is important as is large scale advertising over a long period of time. The Defra proposals do not include any long-term funding for education or any review mechanism and it is difficult to see what impact the limited funding will achieve.

16. The RSPCA has looked at ownership of dogs and many young people own dogs for companionship but some do so as a status symbol. While there are an increasing number of projects providing information to young people, few are properly evaluated to determine their effectiveness. This is an urgent need for more effective coordination of resources so that a targeted approach can be carried out. Different communities have different dog-related problems which in turn impact on enforcers' resources. The RSPCA is involved in a range of multi-agency approaches, some of which have shown that improvements can be made even with limited funding.

17. Defra may be placing too much weight on what compulsory microchipping can deliver. Effective responses require resources not currently available. Extra resources can be delivered through additional funding which can be released through annual dog registration. Having scrapped the dog licence in 1987, the costs of dog control, and improving health/welfare for dogs have been under-funded and may be partly responsible for rising trends in indicators above. The RSPCA estimates that an annual dog licence of £17, even at 75% compliance, could release money to pay for dog wardens and police dog legislation officers, the NHS costs and responding to imported zoonotic diseases from the pet trade. The RSPCA has estimated this to be around

<sup>7</sup> Through Home Office proposals.

£107 million. An annual fee of £17–20 would represent about 3% of total annual costs of keeping a dog and two thirds of dog owners support a dog license and 70% would pay more than £30 for it. Northern Ireland reviewed and updated its dog license in 2012 and is one of the few areas of the UK showing a decrease in stray numbers.

18. Twenty-three countries in Europe have a dog registration scheme where it is considered an essential part of successful stray control. In some countries, such as Germany and the Netherlands, it has controlled reproduction/dog overpopulation, and reduced risks from dog-borne diseases.

19. Although difficult to assess, it is apparent that too many dogs are still being bred and there is a deficit of suitable homes. It is estimated that in England some 8,000 re-homeable dogs are euthanised annually by organisations and local authorities. Despite an availability of dogs from rescue organisations, people are still obtaining dogs from other sources.

#### ESTIMATED SOURCES FOR DOGS

<i>Source</i>	<i>Per cent</i>
Kennel Club registered breeders/non-registered breeders	circa 50%
Neighbours, friends or from the internet	30%
Rescue organisations	10–15%
Pet shops	5%

20. Best estimates show around half the dogs obtained each year are bred by Kennel Club registered breeders or non-registered breeders, 30% from neighbours, friends or from the internet 10–15% from rescue organisations and only 5% from pet shops. However legislation only exists for pet shops and commercial breeders.<sup>8</sup> Back-street breeders/other unregistered breeders are not covered by legislation other than the Animal Welfare Act 2006 with regard to neglect/cruelty. The relaxation of the quarantine rules in January 2012 has seen a rise in the import of dogs from central Europe and it is unclear what effect this will have on spread of disease.

21. Regarding dog breeding, in 2010 the Bateson report recommended the establishment of a Dog Advisory Council and for Governments to consider improving the regulation of dog breeding. The Advisory Council has undertaken a lot of good work on agreeing breeding standards and recommendations for the top eight priority welfare issues. The RSPCA gave 36 recommendations in its 2009 report on this issue; progress is slow although the veterinary checks at the 2012 Crufts were a welcome step forward.

22. No progress has occurred in England on dog breeding legislation. With new legislation unlikely due to better regulation, Defra prefers other means such as accreditation schemes or education programmes. In Wales the Government has developed new legislative proposals which are under consultation and due to progress through the Assembly in the autumn. This sets out a number of improvements concerning dog welfare and improved regulation. They are also looking at compulsory microchipping for all dogs.

*June 2012*

#### Written evidence submitted by the Blue Cross

##### INTRODUCTORY STATEMENT

Blue Cross is one of the UK's leading pet charities. We are dedicated to improving the lives of sick and unwanted pets across the UK. At Blue Cross we take in animals of all shapes and sizes and we find them appropriate new homes. We make sure thousands more get the veterinary treatment they need when their owners cannot afford to pay.

In 2011 our income was £28.6 million, of that we spent just over £9 million on clinical services, undertaking over 95,000 veterinary consultations, operations and diagnostic procedures. Through our rehoming centres we cared, and found new homes, for over 7,000 abandoned pets. We also reached out to 32,219 young people through our education talks and services. In addition to these activities we also campaigned on issues such as compulsory microchipping, pet advertising, and the reform of the Dangerous Dogs Act throughout the last year.

We are pleased to contribute to this EFRA inquiry into dog control and welfare, as the current law does impact on the Blue Cross's operation and on and our clients. We also contributed to the Government's consultation on irresponsible dog ownership and we have been advising on and lobbying for the reform of the existing legislation for a number of years as part of a cross sector alliance. The Dangerous Dogs Act does not provide adequate protection for the public and it has had a devastating effect on the welfare of certain breed types.

We do not consider that the Government's proposed approaches will deliver the right legal framework, enforcement regime and educational support to reduce irresponsible dog ownership and tackle out of control dogs. Blue Cross considers that there needs to be a wholesale review of existing dangerous dog legislation,

<sup>8</sup> ie those that breed four or more litters per year.

including Section 1 (S1) of the Dangerous Dogs Act, and that a new, consolidated Bill that aims to both protect the public and improve dog welfare should be introduced as a matter of urgency. A position we, and other groups, have articulated to the Government for a number of years now.

The irresponsible breeding and sale of dogs also has an impact on attitudes towards dog ownership in many areas. Further details of our aspirations for policy in this area are included below.

## DOG CONTROL

The approaches proposed by DEFRA in its announcement on “Tackling Irresponsible Dog Ownership” on 23 April 2012 are not sufficient in our opinion to ensure that there is a reduction in the number of attacks by dogs on people and animals.

It appears to us that this was a missed opportunity to consult on a complete overhaul of all dangerous dog legislation, with the aim of introducing a new Bill that includes useful preventative measures, such as Dog Behaviour Contracts. It is generally agreed within the sector that such interventions are both useful to enforcers and socially desirable. The key to reducing dog related anti-social behaviour, dog attacks, and irresponsible dog ownership is by combining an effective enforcement regime with extensive information and support services, similar to those provided across the UK by Blue Cross. It is expected that over time the desired behavioural changes will be observed, thus reducing the social and financial cost of irresponsible dog ownership.

It is well documented that dog attacks on people have increased in the last few years, as have attacks on horses and other pets.<sup>9</sup> Blue Cross works closely with the Association of Chief Police Officers (ACPO) and the British Horse Society (BHS), to provide information and support on these matters and considers that the Government could do more to support the efforts of the voluntary sector. Blue Cross considers that the Government should be seeking to thoroughly assess the range of community based education services being offered by voluntary sector organisations, and then to support those that are effective. Rather than distributing relatively small amounts of finance to support one off projects or regionally specific activities. In addition to the availability of finance, central coordination of services is desirable to assist Local Authorities and community based organisers to plan and procure the most relevant service for their area.

Schools based education is vital to improving animal welfare and dog ownership in the longer term. Blue Cross considers that animal welfare should be a compulsory part of the national curriculum.

The Blue Cross considers there to be a distinct difference between “dangerous” dogs and “status” dogs. We understand that in urban areas in particular, there is a definite trend for young people to acquire dogs that look ferocious, large, or are perceived to be useful for protection purposes. We can consider these dogs to be “status” dogs. Consequently, the behaviour and activity of irresponsible “status” dog owners can and often is regarded as anti-social.

This trend has created a two tier problem. Firstly, the perception by the general public is that such dogs are inherently dangerous, and secondly, the welfare of such breeds because of their perceived threat and often inappropriate ownership, is compromised. However, not all young dog owners are irresponsible or engage in anti-social behaviour, and not all status dogs are dangerous. At Blue Cross, we are forced to turn away many hundreds of abandoned Staffordshire Bull Terriers because we simply do not have the kennelling space. There are far too many of these dogs than good homes available for them. They are the sad victims of this status dog trend, and as a result the welfare of the breed is being compromised. The Government’s proposals will do nothing to improve this situation.

Blue Cross wishes to see the implementation of flexible, properly resourced measures that practically deal with those irresponsible dog owners whilst not unfairly penalising those young people with dogs simply because of the way they look or the breed of dog that they have chosen. And we wish to see the issue of dangerous dogs being addressed separately to the issue of anti-social behaviour. Blue Cross has articulated this message through various channels, and most recently through both the Home Office consultation on new measures to tackle anti-social behaviour and the Defra consultation on promoting responsible dog ownership.

In addition, the Government’s proposals did not include any flexibility for rehoming organisations dealing with abandoned S1 Pit Bull Terrier-type dogs (PBTs). There are many more of these dogs in the UK than ever before, and the breed type remains desirable for many groups in society. Many clients of Blue Cross are PBT owners who have had their dogs added to the Index of Exempted Dogs (IED) and meet the conditions (muzzling, neutering, permanent ID) happily. However, many of these animals are owned by irresponsible owners who desire them for criminal purposes and compromise their welfare. When such animals are abandoned by their owners and come to our attention they are sadly destroyed, regardless of temperament. This is because under the current conditions ownership cannot be transferred. Whilst we appreciate that a total repeal of Breed Specific Legislation (BSL) is undesirable at present, we do not think that it is acceptable that the welfare of this particular breed type should be compromised to such an extreme, and that the cost should be picked up by voluntary sector organisations such as Blue Cross.

<sup>9</sup> For more information please see <http://www.bluecross.org.uk/2000-98638/rise-in-dog-attacks-on-horses-prompts-safety-warning.html>



With regards to the other proposals put forward by the Government, Blue Cross supports the extension of the Dangerous Dogs Act to private property, considering that all dog owners should be held responsible for the actions of their dogs at all times and in all places. We also consider that all dogs should be permanently identified by microchips, and that such a requirement should be introduced and phased in over a two year period. We do not consider that a requirement to microchip all puppies is sufficient. Whilst compulsory microchipping will not in itself reduce dog attacks, it will promote the principles of responsible dog ownership and significantly reduce costs for both enforcers and for organisations and agencies dealing with stray dogs. All dogs, and their owner's details, should be registered on an approved database that provides a single point of contact. We do not consider that the cost of permanently identifying a dog would be a financial burden for dog owners, particularly considering the number of voluntary sector schemes and services that are currently available.

With regards to the management of stray dogs, we have concerns that financial difficulties and budget cuts at a local level will lead to an inconsistent approach across the UK and an increased financial burden on the voluntary sector. To effectively deal with irresponsible dog ownership and improve dog welfare, Local Authorities must prioritise these services with support from central Government. The introduction of compulsory microchipping will help to reduce costs at this time, but only if a universal requirement is introduced and phased in over a reasonable period (two years).

## DOG WELFARE

With regards to Professor Bateson's report, there has been a clear response from the public and from animal welfare organisations that the situation is unacceptable and that the welfare of some pedigree dogs must be improved. Blue Cross appreciates that dog breeders and members of the veterinary profession are seeking to address some of these breeding issues, but more needs to be done. We do not consider however that this is the real focus of this inquiry, and that action should be taken to improve the breeding of all dogs in the UK, not just within the show world.

Unfortunately, many puppies are bred in intensive breeding operations which compromise their five freedoms guaranteed under the Animal Welfare Act 2006. The welfare of stud animals can also be severely compromised in commercial breeding operations, with many animals being kept in relative isolation, denied freedom of expression and bred continuously with no regard for their long term health. For dogs this practice is known as puppy farming. Blue Cross considers this to be an abhorrent practice and would strongly advise any potential pet owner to stay vigilant about the dangers of buying an animal bred in these conditions. Anecdotal evidence collected from welfare groups, vets and members of the public over several years suggests that the commercial breeding of dogs in both the Republic of Ireland and Wales is a welfare problem that requires action and stricter regulation. We have supported the recent efforts of the Welsh Assembly Government to tackle this problem. From January 2012, following the harmonisation of EU pet travel requirements, we have had concerns that we will see similar welfare issues arising from animals bred in poor conditions elsewhere in Europe and then imported into the UK for sale.

There are also clear welfare issues with the small scale "back street" breeding and sale of dogs. These are the breeders that fuel the ever increasing online trade in dogs. There are many individuals that wish to breed from their pet dog for financial gain, and this is an increasing problem in urban areas. These pet owners often lack vital information on health, welfare, and do not consider the long term consequences, or the possibility of not being able to sell the puppies. The Blue Cross considers this to be a significant and urgent welfare issue and one which is contributing to the status dog problem in particular. We believe that welfare organisations are well placed to address this problem, through education, neutering, and information services. We are also working with classified advertisers to improve the information available online and to ensure that breeders that are compromising the welfare of their animals do not have an easy outlet to sell on what is often a "poor product".

We are particularly concerned about the lack of access officers have to unlicensed premises where breeding is taking place. Blue Cross considers that all owners of two or more unneutered dogs should be required to register with the Local Authority as a breeder. This is to promote neutering, and to discourage the casual (currently unlicensed) breeder. The visibility of poor breeding will help to drive up standards and promote a more responsible culture at a time when breeding to produce extra income is becoming an increasing attractive prospect. The Government should consider legislating in this area.

*June 2012*

## **Written evidence submitted by The Guide Dogs for the Blind Association (Guide Dogs)**

### **1. INTRODUCTION**

1.1 The Guide Dogs for the Blind Association (Guide Dogs) provides a range of mobility and other rehabilitation services and campaigns to increase the independence, well-being and dignity of blind and partially sighted people throughout the UK. Services are delivered through 20 Mobility Teams spread out across the country and working with other local voluntary and statutory agencies to identify individuals whose mobility would be enhanced by the provision of a guide dog or other mobility services. Guide Dogs currently provides guide dogs to over 4,500 blind and partially sighted people including some people who have additional disabilities such as hearing loss.

1.2 Additional mobility services are offered to those who apply for a guide dog and who need some initial mobility training prior to taking on a dog or to those for whom a guide dog is not really a suitable aid to independence. This includes both teaching people how to use a cane and sighted guide training for family members so they can lead their loved ones safely and confidently both indoors and out.

1.3 We also campaign passionately to break down barriers—both physical and legal—to enable blind and partially sighted people to get around on their own.

1.4 Guide Dogs welcomes the decision by the Environment, Food and Rural Affairs Committee to examine the Government's dog control and welfare policies. In policy terms, this is a priority area for us. We have already responded to the proposed measures on Tackling Irresponsible Dog Ownership published by Defra on 23 April (both in our own right and as part of a joint submission by the Microchipping Alliance). We also responded to a consultation undertaken by the Sentencing Council for England and Wales earlier in the year on draft guidelines for the judiciary in relation to dangerous dog offences.

1.5 Guide Dogs held a recent reception on June 13 on "Dog Attacks" at the House of Commons hosted by Mary Creagh MP, Shadow Secretary of State for the Environment, Food and Rural Affairs at which we launched the findings of our latest research on the subject. The event was well-attended by Parliamentarians, which indicates that this issue has risen up the political agenda. There is an opportunity here for Parliament to take decisive action on irresponsible dog ownership—the Select Committee system is a tried and tested method of scrutinising evidence to inform sound political decisions and so we fully support this initiative.

### **2. ANIMAL WELFARE**

2.1 In respect of the issue of dog welfare, our core business depends on a culture within the organisation of ensuring that our own dogs enjoy optimum health and welfare. We invest heavily in canine research and the results of that research will by definition be of benefit to the wider dog population, not just to guide dogs and other assistance dogs. However, our primary reason for responding to this call for evidence is not on the issue of dog welfare, or on the practices of breeders and so we are not commenting on issues emerging from Professor Bateson's report. We would, however, be happy to share our canine welfare expertise if it is requested.

### **3. AREAS OF MUTUAL CONCERN**

3.1 As indicated, whilst Guide Dogs has an interest in animal welfare, it is not in relation to those aspects of this inquiry that we are submitting views. We do, however, have comments to make and evidence to present in relation to existing and proposed legislation and in particular in relation to the control of dogs. Irresponsible dog ownership is having a significant negative impact on the independence and wellbeing of blind and partially sighted people, as well having a financial impact on our organisation. It is estimated that the financial loss to the organisation through the premature retirement of seven guide dogs injured and traumatised through dangerous dog attacks over a two year period is £202,657.14. The emotional impact on guide dog owners and the loss of independence and mobility is harder to quantify. However, we would argue that even if a blind person was prevented from leaving their home for just one day due to the actions of an irresponsible dog owner, then this would be unacceptable. The reality is that some guide dog owners lose their independence for weeks or even months and the gravity of this is not reflected in either current legislation or Defra's proposals.

### **4. DEPARTMENTAL RESPONSIBILITY FOR DANGEROUS DOG OFFENCES**

4.1 We can understand why Defra considers that offences resulting from Dangerous Dog ownership could be included with "anti-social behaviour" and therefore be put within the remit of the Home Office. However, we believe that it makes more sense to address all aspects of irresponsible dog ownership, including all of the consequences of irresponsible dog ownership as one discrete policy area and covered by one legislative framework.

### **5. THE SELECT COMMITTEE'S FOCUS**

5.1 We now turn our attention to the particular areas on which the Select Committee wants to focus on in particular the degree of need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets.

5.2 We strongly believe that there is a case for introducing a raft of measures (including increasing the powers of the judiciary to impose stiffer sentences than those currently available) to halt and reverse the rising incidence of dangerous dog offences. Our latest findings reveal that attacks on guide dogs are now running at eight per month. This represents a shocking escalation in the number of reports. One attack per month is too many. We have a wealth of statistics and qualitative data on the nature and impact of these offences. We also presented a short video clip to Parliamentarians at our recent reception. This featured three guide dog owners talking about the impact of these offences on their dogs, on them and on other members of their families. As one interviewee observed, she described losing her dog Norman, whose injuries were so severe that it was unable to work again, as tantamount to having her eyes taken away. She relied on him to get her around safely. In that sense, the assault on Norman was as serious as Actual or Grievous Bodily Harm.

5.3 We believe that compulsory microchipping of puppies can act as a means to improve dog welfare and help to secure criminal action for dog attacks at an affordable cost to dog owners, as we have set out in our consultation response to the proposals. We strongly urge the Government to take more urgent and robust action in relation to microchipping. From the economic forecasts of the options being considered, it is clear that introducing a requirement for all dogs to be microchipped by a certain date, that this will reduce costs to local authorities and others. It will enable speedier reunions between dogs and owners and also enable a link to be established between the person responsible for a dog and any offences committed involving dogs dangerously out of control. In the case described above, although the two dogs involved in the savage attack on Norman were located, impounded and subsequently destroyed, their owners were never traced.

## 6. THE MERITS OF A LICENSING SCHEME

6.1 We would be in favour if the introduction of a licensing scheme. Owning and caring for a dog carries with it a huge amount of responsibility. The consequences of irresponsible dog ownership are well documented and on the increase. We believe that some kind of licensing scheme could help to reinforce a culture of “responsibility” around dog ownership.

## 7. THE CASE FOR EXTENDING THE DANGEROUS DOGS ACT 1991 TO INCLUDE OFFENCES COMMITTED ON PRIVATE PROPERTY

7.1 We have indicated in our consultation response that the vast majority of offences in which guide dogs are attacked occur in public areas. However, there could be issues where a guide dog is vulnerable to an attack if the owner needs to access private property as part of their daily life, such as part of their work or visiting a friend. No one should have to face unnecessary risks in the course of performing their duties on behalf of society and for that reason we would very much support such an extension to the law, although the proposed extension would still mainly be used with regard to attacks on people, rather than dogs.

## 8. DEFRA PROPOSALS TO SUPPORT RESPONSIBLE DOG OWNERSHIP

8.1 We welcome the proposals in the recent Defra announcement to encourage responsible dog ownership through educational work and were pleased to see Government funds being allocated to this task. However, Guide Dogs would like to see this type of work being given more official and financial support as by tackling the root cause, attacks are likely to be less frequent.

## 9. AN ATTACK ON A GUIDE DOG IS EQUIVALENT TO AN ATTACK ON ITS OWNER

9.1 One point we wish to reinforce, though which is not listed as a specific focus of the Select Committee inquiry is what we believe to be a gap in both existing legislation and in sentencing guidelines. The non-availability of a guide dog, either temporarily or permanently as a result of a dog attack, can markedly affect the owner, causing a loss of mobility and reduced quality of life; these attacks can also have financial implications for the charitable organisation that supports the maintenance of the dogs. As a result of incidents occurring between May 2010 and April 2012, seven guide dogs had to be permanently withdrawn. The estimated financial cost to Guide Dogs in withdrawing those seven dogs is more than £200,000. But of course, the financial drain on our resources is nothing in comparison to the devastating impact that these crimes have on their blind and partially sighted owners.

9.2 Guide Dogs is doing all it can to understand the factors behind dangerous dog incidents and we are investing additional funds in investigating this problem. As a charity, we can only do so much and therefore look to politicians, the police and the judiciary to help us to safeguard the safety, health, wellbeing and independence of guide dog owners and their dogs. We would like to see an attack on a guide dog or other assistance dog considered as an aggravated offence. In short, we believe that an attack on a guide dog should be treated as seriously as an attack on the guide dog owner. Indeed, in some parts of the world and the United Kingdom, this is already the case.

## 10. SUMMARY OF OUR DESIRED OUTCOMES

10.1 We would like to see a requirement within two years of legislation being passed for all dogs to be microchipped, not just puppies. We would also like to see a wider use of additional measures such as dog control notices to minimise the risk of attacks or further attacks from occurring. We would also like to see an

acknowledgement in law that an attack by a dog on a guide dog or other assistance dog has equivalence to an attack on the individual blind or disabled person that depends on that dog.

10.2 We are keen to avoid regulations that require us to delay our current policy of microchipping our puppies at between six and seven weeks. We would also like to avoid the introduction of regulations that would require us to submit amendments to the national database each time a guide dog moves along on its training journey. This is supported by the Microchipping Alliance as we have robust record keeping systems in place which clearly identifies who has responsibility for one of our dogs at every stage in its life.

June 2012

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### Written evidence submitted by Dogs Trust

#### 1. ABOUT DOGS TRUST

Dogs Trust is the UK's largest dog welfare charity. Every year, we care for around 16,000 stray and abandoned dogs at our nationwide network of 18 re-homing centres. No healthy dog is ever destroyed. We also promote dog welfare substantially through educational, neutering and lobbying campaigns.

#### 2. Dog Control—Overhaul of, and Future Dog Legislation

Dogs Trust believes that there is a need for a fundamental overhaul of dog legislation, especially in relation to irresponsible dog ownership. Any Bill must:

- consolidate legislation concerning dog control;
- give greater flexibility and discretion to enforcers and the courts;
- include a genuine preventative effect; update some offences;
- improve public safety and animal welfare; and
- reduce the costs of enforcement.

To that end, we do not believe that the current proposals being considered by DEFRA go far enough and are merely tinkering around the edges of the problem.

Dogs Trust has long been lobbying the Government to repeal and replace the existing Dangerous Dogs Act (DDA) 1991, often referred to as the worst piece of legislation ever to reach the statute book. We very much believe that, first and foremost, the biggest failure of the DDA is the breed specific part (section 1). Banning types of dogs such as the pit bull terrier has not reduced the numbers found in the UK, instead their numbers have exploded and breed specific legislation does not get to the crux of the problem.

Furthermore, the existing legislation currently only applies after an incident has taken place, rather than operating on a preventative basis. We would like to see police and local authorities given powers to deal with the irresponsible owners of dangerous dogs via Control Orders, for example ordering of dogs to be on a lead or muzzle in public places, for the dog to go to training classes, or in severe cases a court disqualifying irresponsible dog owners from keeping a dog.

Dogs Trust understands that the Home Office is proposing to look at this under Anti Social Behaviour legislation—we have grave concerns regarding this. We believe that this process may be overly complicated; for enforcers' ease of use for we would like to see the proposals considered as part of DEFRA considerations and not under separate anti social behaviour legislation via the Home Office. We are concerned that owners who deem themselves to be "responsible", but have dogs in need of training or causing issues in parks, would not associate themselves with anti social behaviour and will not consider that these new proposals apply to them.

We also have concerns that proposals seek to abolish Dog Control Orders which can be introduced under the Clean Neighbourhoods and Environment Act.

Finally, we would like to see either a move away from breed specific legislation (BSL) entirely or for a sunset clause to be put in place that would phase out BSL. If this was not deemed to be an option for Government, we recommend new provisions to allow responsible owners of potential crossbreeds, which could be deemed of being of "type", to come before a court and let a magistrate decide whether their dog is a threat to the public rather than the dog being seized based on looks alone.

#### 3. IMPACT OF STATUS DOGS; NON LEGISLATIVE INTERVENTIONS

Dogs Trust has become increasingly aware of the issues caused by "problem" dogs or, more accurately, their problem owners. We believe that, in many cases, dangerous dogs are a social issue, rather than exclusively a "dog" problem. Whilst enforcing new, more effective legislation will be particularly beneficial, a legislative approach will only be able to do so much. Crucially, non-legislative interventions to influence irresponsible owners and better educate the public are needed. To that end, Dogs Trust invests £6 million a year in outreach work to combat irresponsible dog ownership across the UK.

One of these initiatives, the City Dogs project, was initially launched in Hackney in May 2010, a densely populated area of London, with the aim of helping young inner-city owners to become more responsible with their dogs.

#### 4. MICROCHIPPING

It is important to stress that compulsory permanent identification, via microchipping, is a separate issue from “dangerous dogs” and “dog control” discussions. It is therefore unfortunate that DEFRA chose to look at these two issues as one consultation document, resulting in a misunderstanding, not least within the media, of the importance of microchipping in order to improve welfare.

In 2010, Dogs Trust formed the Microchipping Alliance, consisting of welfare organisations, vets and pedigree dog registration bodies, to jointly call for Government to introduce the compulsory microchipping of all dogs and a requirement for owners’ details to remain up to date on a national database.

Microchipping is proven to be the most effective way of ensuring lost dogs are returned to their owners. However, of the estimated 8.2 million pet dogs currently in the UK, more than a third remain unidentifiable by a permanent means of identification. According to recent independent economic research carried out by Dogs Trust on behalf of the Microchipping Alliance, if Government were to introduce compulsory microchipping it could save the public purse between £20.5 and £22.8 million per year. If more dogs were microchipped, more could be returned to their owners and in a timelier manner. As such the cost to local authorities would be vastly reduced. Dogs Trust is aware that the LGA believes voluntary microchipping is working. However, despite years of endless education and free microchipping offers from charities, only an estimated 59% of the dog population is currently microchipped and stray dog figures for the UK continue to rise year on year, last year being at over 126,000 instances of stray dogs were recorded.

Compulsory microchipping could be introduced via secondary regulations under the Animal Welfare Act (2006) and would therefore not require the introduction of new primary legislation.

Dogs Trust is adamant that a return to the dog licence would not help to prevent dog attacks. With 8 million dogs in the UK, we believe it would be completely wrong to penalise the millions of responsible owners because of the actions of the irresponsible minority: microchipping, unlike a dog licence, actually benefits the owner by directly linking dog and owner. The dog licence has been shown to be an ineffective measure in the UK. In Northern Ireland, where it is still a requirement, only an estimated one-third of all dog owners currently have a dog licence. Northern Ireland still has the highest number of stray dogs per head of population of any region in the UK. We do not believe that any money raised from the dog licence would be ring fenced for improving dog welfare/responsible dog ownership and would therefore be seen as another tax for dog owners.

#### 5. DANGEROUS DOGS ACT

Dogs Trust would like to see Section 3 of the DDA to be extended to cover private property for owners who allow their dogs to cause the most severe of attacks. However, for less severe cases, we believe that this should continue to be a civil matter, under the Dogs Act 1871, but for the law to be amended to allow for greater compensation for victims. Hence we support the Government’s proposal to extend Section 3 to cover all places provided:

- the victim was present lawfully;
- the victim did nothing to cause the dog to act dangerously;
- the incident was serious; and
- the owner could have reasonably anticipated that the victim would be present.

In addition, we would not wish to see a criminal prosecution brought if:

- the dog attacked in self-defence;
- the dog was provoked into being aggressive; and
- the dog was a serving assistance dog.

In short, neither the dog, nor its owner, should be prosecuted if the dog had reasonable cause to attack.

#### 6. PROPOSALS FOR WIDER COMMUNITY AND EDUCATIONAL APPROACHES

Dogs Trust believes that consideration should also be given to raise awareness of responsible dog ownership in general. Most animal welfare charities already have a large number of resources and ways of interacting and trying to educate the general public. Dogs Trust has 12 education officers based around the UK who visit schools to educate children about dog welfare and how to be safe around dogs and we operate an annual Poop Scoop Week to raise awareness about picking up after your dog to give just a few examples.

#### 7. ROLES OF LOCAL AUTHORITIES, POLICE AND ANIMAL WELFARE CHARITIES

Dogs Trust believes that it is appropriate that the police are responsible for dealing with dangerous dogs and Local Authorities the responsibilities for dealing with stray dogs. However, the stray dog service being provided

by each individual Local Authority varies greatly and therefore an inadequate service can have a negative impact on the welfare of some dogs, especially when a Local Authority does not have an out of hours stray dog service.

#### 8. DOG WELFARE—BREEDING

Dogs Trust jointly funded Professor Bateson's report into the breeding of dogs. As a result of this report, the Dog Advisory Council was formed to look closely at his recommendations and undertake further evidence based research in order to advise Government on this issue and present them with solutions that will help tackle this problem.

Whilst some progress has been made by some breeders, the Kennel Club and the veterinary profession to prioritise the health and welfare of pedigree dogs, there is still much to be done to protect their future health. Primarily, it is vital to establish and collate sufficient data on the prevalence of hereditary diseases in dogs to determine the scale of the problem and what needs to be done on a breed by breed basis. The veterinary profession has its part to play in better surveillance and reporting of genetic problems.

#### 9. ACTIONS BY GOVERNMENT

Dogs Trust would like the Government to introduce legislation to help prevent inappropriate breeding practices, particularly the intentional inbreeding of closely related dogs or those with known debilitating genetic illnesses.

We believe it is unacceptable for dogs with genetic health problems, which affect their health and welfare, to continue to be held up as a pinnacle for good breeding at dog shows. We would like to see a further review of Kennel Club breed standards to ensure that they are firmly focused on the health and wellbeing of the dog and for breeders and show judges to adhere to these revised breed standards. However, we very much welcome the Kennel Club's decision to have veterinarians' health check dogs at Crufts for the first time. This was a positive step in helping to discourage the showing of unhealthy dogs.

In addition, we would also like to see the gene pool of pedigree dogs to be increased ie allowing out breeding, limiting the use of popular sires to father litters and not registering puppies with a COI (Coefficient of Inbreeding) of less than 12.5%.

#### 10. CONTROL OF DOG BREEDING

With regards to unscrupulous breeding of dogs, Dogs Trust has long been calling on Government to strengthen the Breeding and Sale of Dogs Act to tackle this issue. It is generally accepted that the current legislation on the breeding of dogs is failing. This is largely because enforcement agencies find it difficult to detect people illegally breeding dogs and that the welfare of both the breeding stock and the puppies can be adversely affected as a consequence. Dogs Trust believes that breeding licences are granted too easily and that there are requirements that need to be fulfilled before a licence is issued needs to be tightened up significantly. Many commercial dog breeders and puppy farmers are operating without a licence and therefore not coming to the attention of Local Authorities. Puppy farms are establishments where dogs are bred intensively for profit with little or no consideration for their welfare. Puppies are treated as products, mass produced in order to create maximum profit for the breeder.

Dogs Trust is also concerned about the increase in the number of classified advertisements offering pets for sale in the UK. We believe that consumers are not given even basic guidance on the purchase of pet animals online and are at risk of making impulse purchases. As puppy farms and irresponsible breeders may advertise on classified websites there is a risk that a consumer could unwittingly buy a sickly puppy or one of questionable breeding so fuelling the pockets of unscrupulous breeders.

Dogs Trust chairs the Pet Advertising Advisory Group (PAAG), which is made up of numerous animal welfare organisations. PAAG's focus is to curb the number of inappropriate or illegal classified advertisements for pets. PAAG aims to work with online advertisers in order to raise the standards of the advertisements which are being placed onto their sites. In an ideal world we would not want pets to be sold online as this method is largely unregulated. However, in the absence of immediate regulatory change on this issue we see an urgent need to work with online advertisers to improve the quality of their systems to try to filter out unscrupulous advertisements.

### Written evidence submitted by the British Veterinary Association and the British Small Animal Veterinary Association

1. The BVA (British Veterinary Association) and BSAVA (British Small Animal Veterinary Association) welcome the opportunity to respond to the EFRA Committee inquiry on Dog Control and Welfare.

2. The BVA is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country. The BSAVA is the largest specialist division of the BVA and of the veterinary profession. It represents approximately 7,500 members, the majority of whom are in general practice and have an interest in the health and welfare of small animals, namely cats and dogs.

3. Our specific responses to the Committee's questions are outlined in brief below but we have also attached a number of our responses (*see* Appendix A) to recent Government consultations on these topics which include more detailed background information.

#### DOG CONTROL

*Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

4. Yes. We strongly believe that the current dog legislation should be overhauled. While we support the individual proposals put forward in the most recent consultation on tackling irresponsible ownership we do see the package as a missed opportunity.

5. The current legislation is flawed and ineffective and the new proposals do very little to prevent future dog attacks. We believe that to solve all of the problems associated with dog control and dog welfare, repeal and replacement of the Dangerous Dogs Act with dedicated and consolidated legislation is necessary.

6. We do not support breed-specific legislation. Evidence from hospital bite injury reports or surveys of bite victims indicates that a wide variety of breeds are involved in these incidents.<sup>10</sup> Breed-specific legislation faces problems because of the difficulty in proving the breed of a dog and may engender a false perception that aggression is a problem in certain breeds and that therefore the legislation does not apply to the majority of dogs and their owners.

7. The manner in which a dog behaves is partly as a result of its inherited characteristics, but more importantly is a result of the rearing and training provided by its owner and the environment in which the dog is kept. We therefore favour a preventive approach to the problem of dog control, which includes not only measures to educate the public about responsible ownership, but also measures (such as control notices, acceptable behaviour contracts, etc) to address the early signs of aggression in all dogs and tackle irresponsible ownership before it becomes a problem.

8. It is also our view that legislation should be extended to cover attacks on protected animals.<sup>11</sup> The recent *Guide Dogs for the Blind Association* report highlighted an increase in attacks on guide dogs, with more than eight guide dogs a month being attacked by other dogs.

*Is sufficient action being taken on pets raised as status dogs to ensure their welfare and reduce their impact on communities?*

9. The issue of status dogs and those animals kept for the purposes of intimidating others should be considered separately from the wider issue of dog control. The former is a specific situation arising from the behaviour of individual people who expose their dogs to environments and situations deliberately to create an uninhibited and aggressive response. The behaviour of these individuals should be addressed with public order or antisocial behaviour legislation.

10. As well as causing problems for the police, because of public order offences, there are welfare problems for the dogs themselves through their involvement in dog fighting and abandonment. Status dogs are often referred to as "dangerous dogs", although this is not necessarily the case as many of these "status dogs" are Staffordshire Bull Terriers or their crosses (breeds not covered specifically by the Dangerous Dogs Act).

11. We agreed in principle with the proposals put forward by the Home Office in May 2011 to tackle the social causes of the problems caused by dangerous and "status" dogs. We believe that more action needs to be taken to deal with the issues that lead people to acquire "status dogs", and that significantly more education is needed so that people understand the responsibilities of dog ownership before acquiring a dog.

<sup>10</sup> For more information please see our response to the Consultation on Dangerous Dogs of June 2010, question 4 (Appendix A).

<sup>11</sup> As defined by section 2 of the Animal Welfare Act, ie if (a) it is of a kind which is commonly domesticated in the British Islands, (b) it is under the control of man whether on a permanent or temporary basis, or (c) it is not living in a wild state.

*Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners? Should a dog licensing scheme also be considered?*

12. We support a policy of compulsory microchipping and are in favour of the Government's proposal to introduce compulsory microchipping for all dogs within a year of the legislation coming into effect (option d). However microchipping alone has limited benefit and must be combined with a requirement for the owner/registered keeper of the dog to register and keep registration details up to date.

13. The principal objective of microchipping is to enable lost, stolen or stray dogs to be reunited with their owners. This in itself can help to improve dog welfare by reducing the amount of time that dogs are kennelled before being reunited with their owners or re-homed. Microchipping can also help promote responsible ownership as owners can be readily identified, and it can facilitate the reporting of hereditary health problems and surgical procedures resulting in conformation alteration in pedigree dogs.

14. However, microchipping is not the solution to the problem of irresponsible ownership and dangerous dogs. Instead, compulsory microchipping must work in tandem with a package of other measures aimed at reinforcing responsible ownership through education and the use of initiatives such as control notices and acceptable behaviour contracts.

15. The cost of microchipping is not prohibitive, especially in the context of the cost of lifetime ownership of a dog.<sup>12</sup> The cost of microchipping ranges between £10 and £30, although many charities offer discounted or free microchipping services and veterinary practices may include discounted microchipping as part of a package of wider healthcare measures.

16. The issue of dog licensing is controversial, as although the idea of dog licensing can be linked to responsible dog ownership and has the potential to raise revenue, experience suggests that it is difficult to enforce. We feel that dog licensing would potentially create unnecessary bureaucracy and expense for local authorities and could act as a barrier to dog ownership for vulnerable groups. Although it has been suggested that money from a licensing scheme could be ring-fenced to provide for dog welfare initiatives, we are yet to be convinced that this could be adequately achieved. As a result, we believe that compulsory microchipping and registration is currently the preferred alternative to a dog licensing scheme.

*Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

17. Evidence suggests that most incidences of human directed aggression in dogs occur within the home environment and towards family members or those known to the dog. We therefore support the extension of the Dangerous Dogs Act to private property alongside a programme to educate owners about responsible ownership. However there must be clear guidelines for owners about their responsibilities and the circumstances under which they may or may not expect to be prosecuted should their dog attack an intruder.

*Are Defra's proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?*

18. No. While the £50,000 earmarked for education is welcome and we support the idea of disseminating good practice, we consider that significantly more money will need to be spent on education in order to promote responsible pet ownership.

19. There should be wider engagement with the general public on this issue, with a nationwide public campaign to raise awareness, to encourage responsible ownership and to promote safe interaction between people and dogs. There are already a number of initiatives which could be used as resources upon which to base any such campaign, including the Blue Dog Programme, the Kennel Club's Safe and Sound scheme and the AWF/RSPCA Puppy Contract and Puppy Information Pack.

20. As we have stated above, dog control notices and acceptable behaviour contracts, should also form a key part of a community approach to supporting responsible ownership.

*Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?*

21. Currently the responsibility for stray dogs rests with the local authority while the police are responsible for dangerous dogs. It is correct for the police to have responsibility for dangerous dogs where an offence has been committed. As local authorities do not have a requirement, or in many cases the resources, to collect dogs outside normal working hours this can create problems, not least of all for the welfare of the dogs concerned. While animal charities may be in a position to accept stray dogs directly, many stray dogs are initially presented at veterinary surgeries. Compulsory microchipping and registration would enable rapid re-unification of those dogs which have temporarily become separated from their owners.

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<sup>12</sup> The PDSA Wellbeing Report 2011 estimated the lifetime costs of owning a dog to be between £16,000 and £31,000.



**DOG WELFARE**

In respect to concerns expressed in Professor Bateson's report over poor welfare that has arisen in the course of breeding dogs:

*Has the response by dog breeders and the veterinary profession been effective?*

22. Issues surrounding dog breeding still present significant problems to animal welfare and we feel this remains a priority concern. Although progress has been made on dog breeding, we feel that more could have been done by now to tackle the problem.

23. Since Professor Bateson's report, a large number of initiatives have been created to address the problems associated with dog breeding. However, a more strategic approach is needed to co-ordinate these initiatives so that progress can be measured more accurately against a single set of objectives.

24. The setting up of the Advisory Council on the Welfare Issues of Dog Breeding in 2010 has been a positive step in this regard and we feel that the Council is on the right track. We believe that the Council can act as a collaborative body, pulling together stakeholders to achieve a more co-ordinated approach. Outputs from the Council are due to be published soon and we will be working with the Council to take these forward. The lack of funding for the Advisory Council is an issue and we recommend that Defra look to providing some funding so that the Council can work properly.

25. Because of the disproportionate influence of show dogs on the desired phenotype and genotype of a breed, there should be greater pressure for those showing and breeding dogs to improve the health and welfare of their dogs.

- (a) The health and welfare of individual dogs must be put before the protection of the breed.
- (b) Breed standards should be reviewed to ensure that the emphasis is on health and welfare and not aesthetics,
- (c) There needs to be better data gathering to identify individuals with heritable diseases or exaggerated characteristics, and this information must be made available to those seeking to breed from or buy progeny from these animals.
- (d) Identifying problems in dogs before breeding is of paramount importance and we welcome the research largely funded by the Kennel Club, being undertaken for DNA testing at the Animal Health Trust to identify those genes carrying inherited diseases. It is vital that the breeders and breed clubs make the most of this information when selecting dogs for breeding.
- (e) Steps should be taken to maintain and increase the gene pool by:
  - (i) allowing outbreeding where necessary to counter inherited disease;
  - (ii) limiting the use of popular sires so that they do not have a disproportionate influence on the gene pool of a breed; and
  - (iii) prohibiting registration of puppies where the co-efficient of inbreeding is greater than 12.5%.
- (f) Dog shows should be encouraged to place greater emphasis on health, welfare and fitness for function.
  - (i) We welcome the "vet checks" on the Best of Breed winners at all championship dog shows to ensure that only healthy dogs are awarded prizes and in due course this should be extended to cover some other breeds.
  - (ii) Where health schemes or genetic tests exist for a breed the dogs must be tested and the results published before the dog can be awarded "champion" status.

*What actions should Government take to address these Issues?*

26. There need to be stricter controls over dog breeding covering the conditions in which dogs are bred; the welfare of the breeding animals and future generations, through the appropriate selection of breeding stock in order to reduce the incidence of hereditary disease and conformational exaggeration; and the socialisation requirements of puppies particularly those destined to become family pets.

27. We have called on the Government to conduct a broad review of breeding legislation to ensure that it is fit for purpose and can respond to the problems of puppy farming and irresponsible breeding. Both the Welsh Government and the Department of Agriculture and Rural Development in Northern Ireland have recently consulted on proposals to amend their dog breeding legislation; the English Government should follow this example.

28. The introduction of compulsory microchipping before puppies leave a breeder will enable puppies to be traced and allow for more breeder accountability, both in the case of hereditary disease and health and welfare problems arising from puppy farming.

*Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?*

29. Yes, controls should adopt the Breeding Standard developed by the Advisory Council on the Welfare Issues of Dog Breeding (<http://dogadvisorycouncil.org.uk/the-reports/>) and should cover:

- (a) The registration of all breeders, other than those breeding an occasional litter from a family pet.
- (b) Minimum requirements for the premises in which the animals are kept with reference to disease control and animal welfare—with particular emphasis on environmental enrichment for those animals which are kept in “puppy farming” environments.
- (c) The staffing ratio required to provide for the welfare of all animals on the premises allowing for the greater needs of pregnant and lactating bitches and socialisation of puppies.
- (d) Socialisation programmes appropriate to the destination of the puppy with particular emphasis on those animals likely to become family pets.
- (e) Microchipping and registration.
- (f) Puppy contract detailing breeders and future owners responsibilities to ensure the welfare of the dog.

June 2012

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#### **Written evidence submitted by Association of Chief Police Officers (ACPO)**

I am grateful for the opportunity in providing a submission to this important enquiry. I write as the Association of Chief Police Officers (ACPO) Lead on Dangerous Dogs.

The issue of dangerous dogs has been of significant concern for many years and the level of deaths and serious injuries being sustained has prompted ACPO to formulate a clear vision on how we would like to see the law strengthened to improve public protection. This vision includes measures to:

- *Improve public protection from harm and serious injury*  
The level of harm and injury in these cases is significant and life changing, especially when children are involved. As we have seen, the consequences can be far reaching and we cannot dismiss the potential for loss of life.
- *Provide protection in private places, including dwellings*  
All deaths in the past four years have occurred in private places and the limited powers frustrate a proper investigation.
- *Seek early preventative action to be taken*  
By changing the focus to an early preventative approach, injuries could be avoided. By the use of control notices and orders, early intervention and resolution can be achieved.
- *Provide a proportionate response dependant on the danger posed*  
The current legislation is strict in its definition and does not allow flexibility to deal with the variety of issues we face.
- *Provide protection for workers who visit people's homes*  
The need for such protection is evidenced from Unions such as the Communication Workers Union. Other Trade Unions who have employees working in people's homes also support the Bill.
- *A cost effective procedure*  
The current legislation leads to substantial kennelling costs for Forces which could be significantly reduced.
- *Improve animal welfare*  
The reduction in kennelling for many months will lead to a significant improvement in animal welfare.
- *Provide a swift and effective resolution*  
A preventative strategy, with options depending on the seriousness of the case that would allow an appropriate and swift resolution to many situations.
- *Give communities reassurance*  
This issue causes concern in many communities and some of the life changing injuries being sustained result in the public having a lack of confidence that the problem is being effectively addressed.

You will be aware that legislation has been passed in Scotland and Northern Ireland and that the Welsh Government is also considering bringing forward new legislation. As ACPO Lead I have been in discussion with Government Ministers seeking to influence the debate and hoping that they will bring forward a new comprehensive Dog Control Bill. The work on the Dog Control Bill has been undertaken in conjunction with the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the National Dog Wardens Association. Unfortunately, this comprehensive Bill has not yet found favour with Government but a copy can be supplied to the Inquiry on request.

I hope this submission is of use and I would be happy to address any specific concerns or provide any additional information that would assist your enquiry.

*Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

1. The Association of Chief Police Officers (ACPO) was pleased at the release of the consultation on *promoting more responsible dog ownership to reduce dog attacks*. The consultation document addressed areas of public concern such as extending the law to “any place” a dog may attack (improving public safety and assisting investigating and prosecution agencies) and an increase in the microchipping of dogs (benefiting animal welfare and reducing kennelling costs for local authorities and the charitable sector).

1.1 ACPO was, however, disappointed in the limited number of issues addressed by the proposals in the consultation. For example, attacks by out of control dogs on Guide Dogs, and the consequent harrowing experiences endured by their human companions, will not be addressed by matters within the scope of the consultation. Around eight<sup>13</sup> such incidents occur every month in the United Kingdom. Police and prosecutors require the tools, in the form of robust legislation, to protect these vulnerable members of society, and the dogs on which many are so reliant to maintain their quality of life.

1.2 After 20 years, serious flaws within the current legislation are still being discovered. In a recent judgment it was deemed that the courts could not refuse to grant a contingent destruction order due to the bad character of the owner, stating; “all that the court can do, and should do, if satisfied that the dog in question would not constitute a danger to public safety, because it does not have the inherently dangerous characteristics that pit bull type dogs are believed to have, is make a contingent destruction order if asked to do so, so that attempts can be made to obtain a certificate of exemption.”<sup>14</sup> It is well known that the responsible, or more importantly irresponsible, owners of dogs are a significant factor with regards to their environment, and resulting behaviour.<sup>15</sup> This will have serious risk factors with regards to public safety.

1.3 Current legislation leaves enforcement agencies without adequate legislation to deal swiftly, and proportionately, with attacks by dogs on other animals. Incidents of attacks by dogs under the control of irresponsible individuals on other dogs are reported on a daily basis, officers very often having to inform distraught members of their communities that they have no grounds for criminal complaint. Dog attacks on a variety of other animals has been shown to be on the increase, with some organisations going to great lengths to encourage their members to report, and then collate this information. The British Horse Society has been able to evidence a marked increase in dog attacks on horses.<sup>16</sup>

1.4 Dog attacks on farmed animals have also shown current legislation to be outdated. Recent attacks on farmed Llamas have proven difficult for enforcement agencies to deal with appropriately. Llamas are not covered by the Dogs (Protection of Livestock) Act of 1953; this is due to their not being defined as livestock under s 3(1) of the Act.<sup>17</sup>

1.5 ACPO's view is any attack on a protected animal must be aggravated (physical injury inflicted) for an offence to be committed. Use of the terminology “apprehend injury” would be too open to misinterpretation by individuals not familiar with animal behaviour, and although there may be a genuine apprehension of injury, it is not realistic to expect resources to be deployed for minor incidents. However, where a dog is so dangerously out of control that it attacks and seriously injures another animal, such as a Guide Dog or horse being ridden, officers should be empowered to investigate the case in a proportionate manner, and if in the public interest, place the owner before the courts.

*Is sufficient action being taken on pets raised as status dogs to ensure their welfare and reduce their impact on communities?*

2. ACPO considers that the term, “Status Dogs” has become a catch all phrase for a broad spectrum of dogs whose owners are involved in a variety of areas of criminality and irresponsible dog ownership. These include:

1. Young people using dogs to increase their standing within both their peer group and the wider community which is often linked to criminality. This is what ACPO believes to be the true meaning of the term “Status Dogs”.
2. Residential dogs. These are dogs that may well have started their lives as genuine family pets or status dogs. They then become a nuisance and inconvenience to their owners, and live their lives in a confined space, often tethered, with no social contact from the family group or other dogs.
3. Dogs used to intimidate and injure people with criminal intent.

<sup>13</sup> Guide Dogs for the Blind (2012)

<sup>14</sup> The Queen on the application of Sandhu v Isleworth Crown Court (2012)

<sup>15</sup> O’Heare (2007) *Aggressive Behaviour in Dogs*

<sup>16</sup> www.horseaccidents.org.uk

<sup>17</sup> 3.-(1) In this Act—“agricultural land” means land used as arable, meadow or grazing land, or for the purpose of poultry farming, pig farming, market gardens, allotments, nursery grounds or orchards; and “livestock” means cattle, sheep, goats, swine, horses, or poultry, and for the purposes of this definition “cattle” means bulls, cows, oxen, heifers or calves, “horses” includes asses and mules, and “poultry” means domestic fowls, turkeys, geese or ducks.

4. Dogs owned by otherwise law abiding members of the community, who through irresponsible behaviour or ignorance as to the potential consequences, allow their dogs to become out of control.
5. Dogs used to protect stolen property or drugs.
6. Dogs involved in organised dog fighting or “chain” fighting.
7. Dogs kept solely for the purposes of breeding (puppy farming).

2.1 All of the above groups of dogs and, more importantly, their caretakers, need to be given consideration as individual groups to be appropriately addressed. There is not one solution that will address all the issues, and the phrase “Status Dogs”, when referring to the wider issue of ‘irresponsible and criminal dog ownership’ is not particularly helpful.

2.2 There is also a need to promote education in the community around responsible ownership and ACPO would welcome greater coordination of these issues. The present arrangements between Police, Local Authorities and charitable sector are not dealing effectively with the social problem that is irresponsible dog ownership. The role of the police is primarily to protect the public. The lead on animal welfare has primarily been taken up by the charitable sector, assisted by the relevant local authorities. Coordination of these separate partners is a key component in improving animal welfare and public safety.

*Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners? Should a dog licensing scheme also be considered?*

3. ACPO support compulsory microchipping of puppies at the earliest opportunity, and all dogs over a period of three years. This is primarily an animal welfare issue, but will aid the Police in assisting other agencies. Aside from owner accountability, should a stray dog be involved in an incident of being dangerously out of control, there are few public safety issues benefited from, or affected by, compulsory microchipping.

3.1 There is also a need for safeguards to ensure that the registration process has integrity and retains the confidence of enforcement officials, dog owners and the general public. A single national database of microchipped dogs is needed so that those charged with dealing with incidents can access the information they need quickly and in real time.

3.2 This would address a number of areas of current concerns including:

1. A phased approach is necessary to ensure that the workload being placed on microchipping companies with a surge of applications is taken into account.
2. That sufficient and reasonable period of notice is given to the public to have dogs microchipped.
3. Those involved in the microchipping of dogs, such as veterinary practices and the charitable sector, are not overwhelmed but rather experience a gradual increase over the period of three years.
4. ACPO suggests a three year lead time on implementation. In the first year microchipping should take place at sale or change of ownership. In the second year microchipping should take place of any animal that comes to local authority and third sector possession/attention. By the end of year three the Police would wish to see the microchipping of all dogs. This would greatly assist a long term solution to irresponsible dog ownership.

3.3 The potential benefits of compulsory microchipping would include:

1. Empowering the local authorities and voluntary sector to microchip dogs that come into their possession. It is important that, to be effective, the agencies have the power to microchip a dog that is in their temporary possession without having to seek the permission of the owner.
2. Empowering local authorities and partners such as the RSPCA to take action against those irresponsible individuals who will not microchip and register their dogs. Without this power, any other type of compulsory microchipping risks becoming a tax on responsible dog owners.
3. The suggestion that only puppies should receive compulsory microchipping will not address or affect the many back street breeders, which are proving to be the main aggravating factor with regards to irresponsible dog ownership within our society.
4. The quick locating of owners of dogs that may have been involved in an incident. This will increase the accountability of those who allow their dogs to stray and be dangerously out of control. It would also reduce the unnecessary kennelling of dogs that can be returned immediately by the local authority.

3.4 If microchipping was introduced as an amendment within the Animal Welfare Act 2006, as a welfare issue, as such the responsibility should fall with local authorities and the charitable sector in line with DEFRA’s preferred approach. What is clear in the current budgetary circumstances is that the Police are not resourced to facilitate the microchipping of dogs. In the context of the reduction in Police funding, it will be not be realistic to divert resources away from core public protection duties. Changes in legislation need to take cognisance of this reality.

*Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

4. ACPO supports the extension of dangerous dog legislation to private places and considers that there would be operational benefits if the provisions of the Act were extended to any place where a dog has a right to be. The public and families affected by tragedy expect the Police to be able to take effective action. There are horrific and all too frequent examples of where the Police have limited or no means to take appropriate action. Victims and their families must have the ability to hold to account those responsible for attacks causing injury. Often where there are fatal attacks on private property (10 in the past seven years) the owners of the dogs are effectively immune from criminal prosecution, attempts to prosecute for manslaughter being unsuccessful.

4.1 However, the law should not seek to protect those on private land or dwellings with criminal intent. Neither should the law give owners of dogs unlimited protection in circumstances where a child, for example enters a garden to retrieve a ball and is attacked. The framing of the legislation should be proportionate, graduated and reasonable to the vast majority of law abiding members of the public and dog owners alike.

4.2 The extension to private places, including dwellings should:

- Provide protection to children within their own home or the home of acquaintances or extended family, or where they are visiting with consent of the homeowner, this should also include child minders.
- Provide protection to professionals working on private property, especially within owner's homes. (Postal workers are especially vulnerable to attacks in the curtilage of dwellings).
- Other professionals such as midwives, social workers and utility professionals are also vulnerable and currently unprotected by legislation.

*Are Defra's proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?*

5. ACPO believes that education at all levels is crucial if we are to witness the amelioration of societies' approach towards responsible dog ownership, and with it a reduction in dog attacks. It is widely considered that the DEFRA proposals do not go far enough with regards to educating the wider community and that a more thorough approach, such as including animal welfare to the national curriculum, is required.

*Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?*

6. ACPO considers the current arrangements to be appropriate. Stray dogs are an environmental health consideration due to issues such as their scavenging and faeces. Section 68 of the Clean Neighbourhoods and Environment Act 2005 (Commencement No.5) Order 2008, recognises this fact and terminates police responsibility for stray dogs.

6.1 Where a stray dog behaves in such a way that it is deemed dangerously out of control,<sup>18</sup> it is likely that the investigation would then be dealt with by the local police. Some local authorities will choose to deal with matter involving dangerous dogs, as some police services will deal with stray dogs if their presence, near a busy road for example, causes concerns with regards to public safety. It may be impracticable to attempt to become prescriptive in this regard.

6.2 An area where the charitable sector continues to be of great assistance is the education of the wider public, with regards to the welfare consideration for dogs that do stray. Dog that stray are far more likely to be involved in road traffic incidents, have health issues and be involved in the unwanted breeding of dogs. Government support to welfare charities to offer education to address this area would be beneficial.

**DOG WELFARE**

In respect to concerns expressed in Professor Bateson's report over poor welfare that has arisen in the course of breeding dogs:

- Has the response by dog breeders and the veterinary profession been effective?
- What actions should Government take to address these issues?
- Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?

<sup>18</sup> s3 Dangerous Dogs Act 1991—Keeping dogs under proper control.

(1) If a dog is dangerously out of control in a public place—(a) the owner; and (b) if different, the person for the time being in charge of the dog, is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.

7. ACPO supports any reasonable measures, recommended by Prof Bateson's report or otherwise, that will improve the welfare of dogs, especially in this instance relating to the breeding of dogs. ACPO does however; recognise the level of expertise of other organisations known to be responding to this inquiry, and as such will not expand further on the issue, other than to state that the irresponsible (back street) breeding of dogs, especially Bull Breeds, is a significant aggravating factor in tackling irresponsible dog ownership within our communities.

July 2012

#### **Supplementary written evidence submitted by Association of Chief Police Officers (ACPO)**

ACPO support the retention of Breed Specific Legislation (BSL) at this time, and feel that any repeal in the near future would have a direct and significant detrimental effect on public safety. The overwhelming breed/type of dog of concern is that of the Pit Bull Terrier.

ACPO wish to retain BSL at this time for the following reasons:

1. The PBT through many years of selective breeding has the ability to reach an extreme state of arousal, reach this state of arousal extremely quickly and maintain it for great periods of time. This behaviour has stood them in good stead for many years of fighting in the pits.
2. They are an extremely powerful dog for their size.
3. Their strength combined with their physical conformation enables them to inflict disproportionately more severe injuries than any dog of comparable size or weight.
4. Through selective breeding they have lost the bite inhibition that has been bred into dogs over the last 10,000—15,000 years of domestication. This is due to the "Bite/Kill" behaviour of the predatory motor pattern (Orient—Eye—Stalk—Chase—Bite/Inhibited—Bite/Kill—Dissect—Consume), becoming hypertrophied through selective breeding. This is evident in footage of dog fights where PBTs can be seen to be continuing to bite and shake its opponent long after the opponent is dead.

A secondary aggravating factor with regards to their state of arousal when biting, is the fact that this behaviour is rewarding in itself. When a behaviour is rewarding to an animal, it reinforces the behaviour, and by definition any behaviour that is reinforced is more likely to be performed by the animal again in the future. This is often seen with dogs worrying/killing sheep.

5. Again through selective breeding, the PBT has lost much of the distance increasing behaviours that one expects to see in dogs (raised hackles, baring of teeth etc). The PBT will often fail to display these behaviours as, especially if they have experience of biting either a dog or person, they want the fight, and fail to display the aforementioned distance increasing behaviours that dogs rely upon to avoid confrontation, avoid injury, and survive to pass on their genes.
6. It is claimed by some that the PBT is only popular with certain groups within our communities because it is prohibited. ACPO strongly believe this not to be the case, and that they are popular within these groups not because they are prohibited, but for the same reasons that they are prohibited.
7. The PBT remains the breed of choice for a wide range of irresponsible and criminally minded individuals.
  - Organised dog fighting.
  - Chain fighting or rolling.
  - Status dogs.
  - Weapon dogs.
  - Protection of drugs, stolen goods, property etc.
8. The PBT is far from the most aggressive breed of dog, but for the aforementioned reasons, when a PBT does display human aggression either directly, or mistakenly when attacking another dog or animal, the injuries that they are capable of inflicting are disproportionately great. It is likely that PBTs account for less than 1% of the dogs within the United Kingdom (there are of course no figures to confirm this), yet three of the eleven deaths within the United Kingdom in the past seven years have been as a result of attacks by PBTs, the same as that attributed to Rottweilers, a far more popular and larger breed of dog.

ACPO is of the opinion that BSL could be repealed when, through robust legislation, education, and commitment by all agencies including those in the charitable sector, society's approach to responsible dog ownership is significantly improved, so that the unrestricted ownership of the Pit Bull Terrier would not pose a disproportionately high danger to public safety.

July 2012

### Further supplementary written evidence submitted by Association of Chief Police Officers (ACPO)

When ACPO attended the EFRA Select Committee, the issue of dog bite incidents on private property was raised. The ACPO Dangerous Dogs Working Group has undertaken a good deal of work on this specific issue and at the request of the Chair of the Select Committee we enclose a paper prepared by a member of the working group, Mr James Clarke, Legal Advisor to Merseyside Police for the Committee's consideration.

Secondly we noted that in a further Select Committee meeting there was debate concerning the usefulness of the Dogs (Prevention of Livestock) Act 1953. I would be grateful if our concern regarding the limitations of this Act are brought to the attention of the Committee and the attached paper includes a summary of our concerns.

#### DOG BITE INCIDENTS ON PRIVATE PROPERTY

Dog bite incidents on private property and the subsequent proposed change in legislation have been the subject of much debate amongst practitioners and enforcers. Whilst the overwhelming majority are in favour of such changes, there remain some concerns that home/land owners may find themselves subject to prosecution should their dog bite a trespasser or person entering the property with unlawful intent.

The Association of Chief Police Officers (ACPO) response to the DEFRA consultation included annex A, a précis of the current legislation available, and suggested drafting of future legislation covering the extension of dangerously out of control to private property.

This was drafted by Mr James Clarke, Legal Advisor to Merseyside Police and representative of the ACPO Dangerous Dogs Working Group.

An extract of this work proposing an alternative is as follows;

Extract from Annex A, ACPO response to DEFRA consultation on promoting more responsible dog ownership, June 2012

The proposed redraft in the bill being considered (draft 14a) reads as follows:

"If a dog is dangerously out of control in any private place the person(s) responsible for the dog shall be guilty of an offence, or if the dog while so out of control injures any person an aggravated offence under this subsection"

For the purposes of this Act a dog shall be regarded as dangerously out of control on any occasion where there are grounds for reasonable apprehension that it will injure any person or protected animal whether or not it actually does so.

Existing legislation uses the same definition as dangerously out of control but excludes dogs being used for a lawful purpose by a constable or servant of the Crown. A redraft in this form would ensure the possibility of prosecution of any owner or person responsible for a dog that caused injury if the evidence were available. Any question over the merit or public interest in doing so would be for the CPS.

Other options might include consideration of public and private places but would raise different issues. We have lived with public place responsibility for a long time and it is unlikely that this would need to be changed. The question of responsibility for private places might be better dealt with in a separate clause to any redrafted bill.

The controversies are over the extension of the criminal offence to include private places at all and more specifically the question of prosecution of owners for injuries caused by dog attacks certain categories of person.

Therefore, there could be a benefit in limiting the scope of liability to balance the rights of both the occupier and the acceptable visitor. It is difficult to propose a short general description that provides clarity as well as answering competing concerns.

Most people would agree that a visitor who is entitled to be on the property should enjoy a degree of protection. Other visitors may be unexpected but not unwelcome. Yet, the scope of any new legislation is not easily defined by requiring lawfulness of the presence or the permission of the occupier. Even seeking to imply permission does not cover all situations where the victim of an attack might expect to be protected to include for example:

- A Police officer executing a search warrant would be a lawful visitor but may well be very unwelcome by the occupier.
- A child collecting a football from the garden may be a trespasser but one who the occupier might tolerate in the circumstances.
- A bogus official thief may be on premises with the consent of a duped occupier but for a clandestine unlawful purpose. Is consent negated by the deception as it would be in the case for a burglary charge?
- A violent partner or ex partner may be lawfully on premises but for less than lawful reasons.

New legislation might also consider whether the criminal liability should attach to the owner on private premises to the same degree that it does in a public place. Should an owner on private premises be criminally liable in the event only of injury to another, or liable for the dog causing fear on the part of another or simply for any dangerous behaviour in the presence of another regardless of whether neither injury or fear results?

Consider this proposed re-draft, which begins to illustrate the difficulty in defining an acceptable guest by way of a range of examples.

1. If a dog in any private place while dangerously out of control injures any person (B) (to which this section applies), the person or persons responsible (A) for the dog shall be guilty of an aggravated offence under this subsection

2. If a dog in any private place while dangerously out of control causes any person (B) (to which this section applies) to fear that it will injure them or any other person, the person or persons responsible (A) for the dog shall be guilty of an offence under this subsection

3. If a dog is dangerously out of control in any private place the person or persons responsible for the dog (A) shall be guilty of an offence under this subsection

4. For the purposes of this part a dog shall be regarded as dangerously out of control on any occasion where there are grounds for reasonable apprehension that it will injure any person (B) or protected animal whether or not it actually does so.

5. For the purposes of being identified as a person within category (B) this section shall include:

- (a) A resident family member of person (A) or other person normally resident at the premises.
- (b) An invited guest (of (A)).
- (c) An invited guest notwithstanding that they have wandered beyond the area into which they can reasonably be expected to remain.
- (d) Any child under the age of ...
- (e) A person on the property at the invitation, express or implied, of the occupier (postman, milkman, tradesman, canvasser).
- (f) A police officer exercising a lawful power of entry.
- (g) An intentional trespasser for other than unlawful purpose (child collecting football).
- (h) An unintentional trespasser (drunk who gets the wrong house).

Or

6. For the purposes of being identified as a person within category (B) this section shall not include:

- (a) A trespasser for an unlawful purpose (theft, assault or damage).
- (b) Any person threatening unlawful violence against (A).

The introduction of the (A) and (B) labelling system found favour in some recent legislation and allows the consideration of a variety of categories of person and the application of the statute to situations in a methodical way. The “protected list” could be expanded to or reduced following debate of the need to protect categories of person with the implication that people who choose to enter properties for an unlawful purpose would do so at their own risk.

Proving in which category the injured person belonged would normally be for the prosecution. Hence there are different issues in having a protected list (CPS to show that the injured party was entitled to protection with the owner being able to challenge that on an evidential basis) and an excluded list (placing an additional burden upon the CPS to rebut a claim that there had been an unlawful entry).

So, who is covered? In other words, if the category of person in the left column were injured as a result of the dog being dangerously out of control, could the owner of the dog be liable?

	<i>DDA 1991</i>	<i>DA 1871</i>	<i>Redraft 14a</i>	<i>New model</i>
A resident family member of person or other person normally resident at the premises	no	no	Yes, unless person responsible for the dog	Yes
An invited guest	no	no	Yes	Yes
An invited guest notwithstanding that they have wandered beyond the area into which they can reasonably be expected to remain	no	no	Yes	Yes
Children	no	no	Yes	Yes
A person on the property at the invitation, express or implied, of the occupier (postman, milkman, tradesman, canvasser)	no	no	Yes	Yes
Police officer exercising a lawful power of entry	no	no	Yes	Yes



	<i>DDA 1991</i>	<i>DA 1871</i>	<i>Redraft 14a</i>	<i>New model</i>
Intentional trespasser for other than unlawful purpose (child collecting football)	no	no	Yes	Yes
Unintentional trespasser (eg drunk who gets the wrong house)	No	No	Yes	Yes
A trespasser for unlawful purpose (theft, assault or damage)	No	No	Yes	Yes
Any person threatening unlawful violence against the occupier	No	No	Yes	No

Meanwhile, the question of whether a dog is dangerously out of control is a matter of fact for a court to determine. It is a relatively high standard and the current legislations DDA 1991 and DA 1871 have different definitions.

The latter accepts that a dog would be classed as dangerous if it was a threat to another animal (although possible not a small animal that a dog would normally be expected to chase and kill by its nature). Thus this legislation is a tool of choice for law enforcement agencies in seeking to impose controls upon dogs before they injure a human. Any new legislation that did not encompass private places but which repealed the Dogs Act 1871 would in fact reduce the range of current policing powers.

Should the definition of dangerously out of control consider the fact of whether the dog is protecting the owner or the property? How could we determine the animal's motivation? Should the standards be different?

For many people, even a list of protected categories of visitor would not be enough to guarantee protection. In the light of the current drive towards responsible ownership, should the criminal legislation mirror the civil and make it an offence not to take reasonable steps to ensure the safety of anyone who enters onto premises by ensuring that a dog is adequately separated or secured?

This would mirror the current law in relation to guard dogs.

## CONCLUSIONS

It is apparent that the issue of extending the criminal law into private premises is likely to be a controversial question for the legislature.

There is also difficulty in trying to “please all of the people” in that there are competing interests over the protection of life and limb of people, the method best used to motivate owners to take responsibility for their animals and the rights of citizens to enjoy their own property and possessions without undue interference from the state. There is the fact that this issue crosses into the question of how far individuals should be able to protect themselves and their property.

This appendix does not provide a clear answer. However, it will hopefully highlight some of the factors to be considered in the debate in deciding whether and how an extension to the existing legislation could be achieved.

If anything, it perhaps shows that the “all or nothing” approach is unworkable and that a considered approach to a range of situations may be required.

It is the belief of ACPO that the above approach would allow for;

7. Peace of mind of responsible dog owners within their own home, that they would not face criminal charges should their dog attack and defend them and their property against persons on their property with unlawful intent.

8. Individuals lawfully on private property may enjoy an element of protection.

9. Clear guidance to both prosecutors and the courts.

10. Children and vulnerable people are afforded a degree of protection even when entering the property as a trespasser with no unlawful intent.

With regards to point 4 above, it should be noted that even though the legislation exists to prosecute a homeowner for an attack on such a trespasser, the individual case must still pass the test of being in the public interest to prosecute.

A person who has placed signs on their fence warning of the presence of a dog, and taken all steps to secure their dog and their property, and yet a drunk scales his garden fence believing it to be his house receiving minor injuries from the resident dog, is unlikely to face prosecution as it would not be in the public interest.

A person residing next to a school or play area who is fully aware that the dog in his back garden is unsociable, but has minimal fencing and nothing to deter children from recovering a football, may find themselves subject to a prosecution under this section.

A further area that appears to have been the subject of much debate during the EFRA Inquiry, has been that of farm land and farm buildings. Although ACPO is sympathetic to the predicament that many farm owners find themselves in, being victims of crime such as theft in secluded areas, they too, as with homeowners for example, have a duty of care over lawful visitors to their property.

Should a property remain open to allow people access to the frontage of a farm house for example, then the owner of the property has a duty to ensure the safety of any visitor to the property, such as postal workers. Should they wish not to have people approaching the property for security reasons, then adequate security measures and signage should be in place, along with an alternative mail box for example.

#### THE DOGS (PREVENTION OF LIVESTOCK) ACT 1953 (PLA)

The PLA is widely accepted amongst practitioners as being an outdated and ineffective piece of legislation. Farming and livestock have changed dramatically in the past 60 years, so too has the threat to animals and the public as a result of irresponsible dog ownership. This change does not just affect our inner cities, but all of our communities, including those in rural areas.

Areas of the PLA that are now outdated and frustrating to enforcers are;

1. Definition of livestock. There are now animals routinely being farmed in the United Kingdom that are not included within the definition of the PLA. Dog attacks on Lamas have already been raised as an issue, with DEFRA seeking advice from ACPO as to how they might advise on future incidents.

2. The requirement of a Chief Officer to consent to proceeding being taken against a person suspected of an offence is unnecessarily bureaucratic at a time when police time and resources is at a premium.

3. Once the owner of a dog is identified, there is no power of retention for the dog in question. Should this dog be continually chasing livestock in a field adjacent to a busy road there are serious public safety issues.

4. There are no powers for the courts to apply control measures onto the dog. A requirement to keep an offending dog on a lead is a simple but greatly effective way of reducing the danger to livestock and the livelihood of those who depend on it.

5. There are no powers for the court to order the dog's destruction under the PLA. This is a necessary element of any dog related legislation aimed, especially legislation implemented to deal with one of the most hardwired or behaviour patterns, the chase, and consequently one of the most difficult behaviours to successfully modify.

A thorough change is required on the value we place on the welfare of animals that are regularly subjected to attacks by dogs that are either allowed, or encouraged, to behave in an aggressive manner. This change should then be supported by legislation that is fit for purpose to allow enforcers to deal with incidents effectively, yet proportionately, and restore public confidence in this area.

November 2012

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#### Written evidence submitted by The Kennel Club

##### DOG CONTROL

*1. Are the approaches proposed by Defra in its announcement on "Tackling Irresponsible Dog Ownership" on 23 April 2012 sufficient to ensure that there is a reduction in the number of attacks by dogs on people and animals?*

The Kennel Club has been lobbying for the introduction of Dog Control Notices as genuine preventative action which would allow authorities to take action against irresponsible dog owners at the first signs of their dogs displaying aggression. These pre-emptive measures would mean that "problem dogs" and indeed, problem owners, can be addressed before a serious incident occurs. The Kennel Club is therefore somewhat disappointed that Defra's package of measures does not do more to hold irresponsible owners to account for their actions.

The Kennel Club firmly believes that pre-emptive measures are a more effective solution than the current legislation which ties up police resources in seizing specific breeds deemed to be dangerous regardless of the behaviour of the individual dog, rather than focusing resources on dogs of any breed, or type, that have actually displayed aggressive behaviour.

*2. Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

Yes. The Kennel Club outlined its suggested changes through the construction of the Dog Control Bill, a Private Members Bill taken forward by Lord Rupert Redesdale in the House of Lords and Caroline Nokes MP in the House of Commons.

*3. Is sufficient action being taken on pets raised as status dogs to ensure their welfare and reduce their impact on communities?*

Under the Animal Welfare Act 2006 police and local authorities already have a range of powers to prosecute anyone compromising a dog's welfare and causing an animal to suffer. Under the duty of care clause contained in the Act all owners and keepers of pets are legally required to provide for the basic needs of their animals.

The enforcement of this legislation is shared by the police, local authorities and the State Veterinary Service. If the welfare of some animals is being compromised the Kennel Club would suggest this is not due to a lack of powers or legal vires but rather due to failure to strategically focus resources on the problem in a co-ordinated manner.

With regard to anti-social behaviour and/or dangerous dogs the Animal Welfare Act provides a range of offences related to animal fighting, preventing owners from using their animals in this manner or training them for fighting purposes.

Whilst the Kennel Club is actively campaigning for reform of the Dangerous Dogs legislation it does not see a dog licence scheme as a panacea for these issues. Instead we would like to see delivery reforms such as giving police more preventative powers to deal with the behaviour or any dog.

*4. Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners? Should a dog licensing scheme also be considered?*

The UK's dog licensing scheme was abandoned in 1987 with less than 50% of the dog owning population holding a licence. Government figures estimated the cost of merely administering such a scheme at £22 million as long ago as 1998<sup>19</sup>—likely to be far higher today. A dog licensing scheme would either:

- Divert resources away from front line services such as dog wardens and inspectors—funding the Kennel Club believes would be far better spent on recruitment and training of officers to be able to respond to reports of neglect or abuse in animals.
- Or, if funded by a licensing fee, unnecessarily burden the responsible majority of the dog owners in England with a financial penalty to deliver a scheme that would have minimal impact on dog welfare or the numbers of dog attacks.

Under a dog licence scheme those dog owners who already behave irresponsibly would have no incentive for change and could easily continue to evade the law, whilst responsible dog owners would be penalised financially for behaving responsibly.

Furthermore, those on fixed incomes such as pensioners and/or those in receipt of benefits, whilst being able to afford day to day up keep may be unable to pay annual or one off lump sums for a dog licence. Dog ownership can provide an inexpensive and effective means of exercise and companionship for those on low incomes and thus has positive impacts on both physical and mental health which should not be dismissed. Such cases of hardship would generate calls for exemptions and thus increase the bureaucratic complexity of a licensing scheme and add further to the burden placed upon those who can afford the license fees.

*5. Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

The Kennel Club believes that it is not acceptable for an owner to allow their dog to behave aggressively either in the home or in a public place and therefore cautiously supports the extension of the Dangerous Dogs Act 1991 to make it an offence to allow a dog to be dangerously out of control in all places.

The Kennel Club would stress however that the application of law to include private property must include exemptions to cover circumstances such as a bite as a result of provocation by another animal, on a person whilst that person is committing an offence or as a result of provocation. It will be imperative to ensure that the only owners and dogs to be penalised are those acting irresponsibly and not just as a result of other people's irresponsible or criminal actions.

Postal workers, health care assistants, social workers, utility inspectors etc regularly visit private properties without necessarily being known to the dog or landowner, and should be able to do so safely. Nevertheless, we do not wish to extend such protection to anyone involved in criminal activity. It is important that the emphasis is on the owners' responsibility to avoid injury to anybody carrying out their lawful activities.

Furthermore dog owners should not be subjected to prosecution where they have adequately warned third parties not to enter specific areas of their property without first alerting the dog owner.

*6. Are Defra's proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?*

Whilst the Kennel Club welcomes local authority and community projects to promote responsible dog ownership and the government's commitment to invest in such measures, it does not feel that £50,000 will make any impact in improving the current situation. The Kennel Club's Charitable Trust has made several

<sup>19</sup> 'Dogs' House of Commons Research Paper 98/6, Patsy Hughes, 2 January 1998

grants for such schemes, with individual projects alone costing in the region of £10,000. £50,000 shared throughout the UK is therefore unlikely to even provide local authorities with sufficient “pump-priming” resources towards improving measures to prevent dog bite incidents and protect the public from aggressive dogs and their owners.

*7. Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?*

Yes, the Kennel Club believes the roles held by local authorities, the police and animal welfare charities are effective when undertaken correctly. However, the introduction of compulsory microchipping would help with the management of stray and lost dogs considerably.

## DOG WELFARE

*8. In respect to concerns expressed in Professor Bateson’s report over poor welfare that has arisen in the course of breeding dogs, has the response by dog breeders and the veterinary profession been effective?*

The Kennel Club believes that significant and effective steps have been taken, both before and after Professor Bateson’s report.

Although there are irresponsible breeders who operate outside the Kennel Club’s sphere of control, it is still the largest organisation in the UK for dog owners and this puts the Kennel Club in a strong position to influence, help and work with breed clubs, breeders, puppy buyers, the government, vets and charitable organisations for the benefit of all dogs. The Kennel Club is ready to assist in developing proportionate processes and standards that will produce an improvement in breeding standards embracing all forms of dog breeding.

Breeders that register with the Kennel Club are obliged to follow its rules. As such, the Club has put in place a number of initiatives that have had a positive impact on pedigree dog breeders and continues to invest in initiatives to help improve dog health in the future. These include:

- *Assured Breeder Scheme (ABS)*—formed in 2004, members of the scheme agree to follow specific standards of care that will give their puppies the best possible chance of leading healthy, happy lives. Examples include subjecting their dogs to required health tests, socialising their puppies prior to sale and giving Kennel Club ABS Inspectors access to their premises.

The Kennel Club Assured Breeder Scheme has been identified as the best example of a welfare scheme for breeders that exists in the UK, by Professor Bateson’s Independent Inquiry into Dog Breeding which came out in January 2010. The report also recommended that the scheme sought UKAS accreditation in order to be independently and externally verified, something which the Kennel Club has been undertaking and hopes to achieve in the near future.

The Club would like to see the welfare charities and veterinary surgeons pointing prospective puppy owners towards Assured Breeders as a positive action to ensure people do not unwittingly fall into the hands of less reputable dog breeders.

- *Litter restrictions*—The Kennel Club refuses to register puppies from a bitch that has had more than four litters except in extenuating circumstances. Puppy farmers breed from bitches repeatedly, the current legal limit of litters a bitch can have is six but the Kennel Club feels this is too high and thus has imposed this reduced litter number on pedigree breeders.
- *Caesarean Sections*—The Kennel Club refuses to register litters of puppies born to a bitch that has previously had two caesarean sections, as this could indicate an underlying health problem that means they should not be bred from again.
- *Breeding licence checks*—Those who breed five or more litters a year usually require a breeding licence from their local authority. To register with the Kennel Club, those breeding five or more litters a year must have been inspected by the Kennel Club or provide a local authority breeder’s licence.
- *Health tests*—The Kennel Club encourages all breeders to health test so that we can help to eliminate inherited dog diseases, and Kennel Club Assured Breeders must give their dogs the required tests before they can register their litters.

The Kennel Club runs clinical health screening schemes in conjunction with the British Veterinary Association and also invests in the development of DNA tests that identify dogs with significant inherited defects. Puppy buyers are able to find the health test results of every Kennel Club registered dog online, before they make a buying decision.

- *Ban on close matings*—it is vital that the genetic diversity of all breeds remains at a healthy level and in January 2009, the Kennel Club announced that it would put a stop to the practice of mating very close relatives carried out by a small number of breeders.

- *Breeding away from exaggerations*—the Kennel Club has reviewed every one of the pedigree breed standards to ensure that they contain no wording that could be interpreted as encouraging exaggeration that might lead to health concerns and to make it absolutely clear that health must always come first. Breed standards are regularly reviewed by the Kennel Club, in conjunction with the veterinary profession and other experts.

The Kennel Club remains concerned that many breeders outside of its remit do not take adequate care to ensure the health and welfare of their dogs as there is little legal obligation for them to do so. The Club is therefore taking many steps to try to ensure that dog welfare is at the top of breeders' agendas, including:

- *Kennel Club Charitable Trust and the Kennel Club Genetics Centre*—In March 2009, the Kennel Club created a Genetics Centre at the Animal Health Trust. Over its first five years, the Centre aims to investigate 25 inherited diseases. It has and will continue to develop, where possible, screening tests to determine affected and carrier dogs with the aim of reducing or eradicating these conditions.
- *Estimated effective population sizes*—The Kennel Club and the Animal Health Trust have conducted ground breaking research to show how many genetically different dogs are effectively contributing to their breed; this is termed the estimated effective population size. This will enable the Kennel Club to work with breeders to find solutions that will ensure healthy population sizes in the future.
- *Outcrossing programmes*—The Kennel Club works with breed clubs to look at suitable outcrossing programmes (where two breeds are crossed together and their great-great grandchildren registered as purebreds) and at importing dogs from outside the UK, to widen the gene pool. This will ensure that owners benefit from the predictability of pedigree dogs (which includes their exercise, grooming and health needs) and at the same time ensure the decline of genetic diversity in the future is prevented.
- *Education*—the Kennel Club is working to educate people about the importance of going to a responsible breeder to encourage market demand for responsible breeders to act as a driver for improvement. The Kennel Club holds a national Puppy Awareness Week each September to highlight this issue, and responsible breeding and puppy buying are at the heart of its two annual events—Discover Dogs and Crufts Dog Show.

#### 9. What actions should Government take to address these issues?

As well as the need for greater awareness amongst the puppy buying public, the Kennel Club considers change to legislation as the best way forward as well as more effective enforcement of existing legislation. The Breeding of Dogs Act 1973 (as amended by the Breeding and Sale of Dogs (Welfare) Act 1999) seeks to prohibit the worst aspects of puppy farming. However, the extent to which this is being enforced varies significantly regionally. The Kennel Club is lobbying to end the sale of puppies from pet shops through the introduction of secondary regulation on pet vending under the Animal Welfare Act. The Kennel Club would like to see tighter regulations to more effectively govern the way people breed and sell dogs and will continue to campaign for an end to the cruel puppy farming trade.

#### 10. Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?

The Kennel Club would like to see principles and standards similar to those followed by members of the Kennel Club Assured Breeder Scheme made mandatory for anyone breeding dogs, as many dog breeders are currently inadequately regulated.

July 2012

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#### Written evidence submitted by the Department for Environment Food And Rural Affairs (Defra)

The Government welcomes the Environment, Food and Rural Affairs Select Committee's decision to launch a wide ranging inquiry into dog control and welfare that will cover matters ranging from tackling irresponsible dog ownership to the need to promote breed standards that take account of the welfare of dogs.

The Committee is aware that there are three documents in the public domain which explain what the Government is currently doing: Defra's consultation on proposals to tackle irresponsible dog ownership; the Sentencing Council Guidelines to the Courts when dealing with dog related cases; and the Home Office White Paper on tackling anti-social behaviour.

Firstly, on Defra's consultation on irresponsible dog ownership, the proposals set out for consultation were drawn up following discussions with frontline organisations including the police, local authorities and dog rehoming charities amongst others.

The focus of the measures we are considering is public protection and ensuring dog owners take their responsibilities more seriously. In drawing up these proposals we have been careful to strike the right balance

between better public protection and not placing unreasonable burdens and restrictions on responsible dog owners, who form the vast majority of the dog owning population.

Defra has received in excess of 23,000 responses to the consultation. These are currently being analysed by officials and we anticipate publishing the findings and our response in the autumn.

Secondly, the Sentencing Council has recently announced new guidance to the courts concerning dog related cases. The guidance is a response to public concerns that the courts have been imposing sentences that fail to adequately reflect the trauma suffered by victims of dog attack.

Thirdly, Defra has worked closely with the Home Office in the preparation of the White Paper: *“Putting victims first: more effective responses to anti social behaviour”*—which sets out the Government’s approach to tackling anti-social behaviour, including dog-related anti-social behaviour.

The White Paper notes that there is strong evidence to show that over the past few years there has been a sharp rise in the problems associated with irresponsible dog ownership. For example, information from the Ministry of Justice shows that the total number of adults sentenced for offences relating to dangerous dogs has increased by 39%, from 855 in 2009 to 1192 in 2010.

Getting dog owners to take responsibility for their pets is key to tackling the growing problem caused to the public by dogs that are out of control. Irresponsible dog ownership can cause anti-social behaviour (as well as sometimes leading to violent attacks), and a number of dog charities responded to the Home Office’s 2011 consultation, including Battersea Dogs and Cats Home, the Blue Cross, the Dogs Trust, the Kennel Club and the RSPCA. They have all emphasised the importance of animal welfare and of focusing on supporting dog owners to look after their dogs responsibly as one of the ways of dealing with dog-related anti-social behaviour.

For owners who fail to take responsibility for their dogs, the proposals for tackling anti-social behaviour will give agencies the flexibility to deal with a range of problems to protect victims:

- Informal interventions such as Acceptable Behaviour Contracts can be used to nip emerging issues in the bud, where the owner recognises the impact their behaviour is having on the community, and understands that continuing will trigger more formal consequences.
- Where a more formal response is required on the spot, the Community Protection Notice will allow professionals to require an owner to stop behaviour they judge is affecting the community’s quality of life. That could include, for example, requiring an owner to repair inadequate fencing if their dog regularly escapes and attacks other dogs.
- The new Directions Power will allow the police to move an owner on if, for example, their aggressive dogs was frightening parents and children outside a school.
- In the most serious cases, an irresponsible dog owner could be given a Crime Prevention Injunction very quickly which could prevent them taking their dog to certain locations at certain times, require them to muzzle their dog in public and require them to attend dog training classes.
- If an individual is convicted of having a dangerous dog, they could be given a Criminal Behaviour Order preventing them from owning a dog again in the future.

The Government will continue to work closely with the Association of Chief Police Officers and a range of groups representing the interests of dogs and their owners to ensure the legislation is of maximum benefit in dealing with dog-related anti-social behaviour.

In addition to these three initiatives, to help encourage responsible dog ownership, there are a number of local community-based projects in England and Wales operating in areas with high levels of dog-related problems. These typically involve the local authority working with the police and dog welfare charities to engage with dog owners through a range of events, including workshops and activities in estates, youth clubs and schools. Often, free micro-chipping and neutering is offered to dog owners.

Proactive action of this kind often prevents dogs either becoming a nuisance or danger to the community or owners having to be prosecuted for dog welfare offences. Defra is working with key welfare organisations to look at evaluation processes and ensure a more joined up approach between local initiatives, including the sharing of good practice.

With regards to welfare and dog breeding, Defra has agreed to carefully consider any recommendations from the Advisory Council on the Welfare Issues of Dog Breeding, which was set up in 2010 following the inquiry held by Sir Patrick Bateson.

## Supplementary written evidence submitted by Department for Environment, Food and Rural Affairs and Home Office

### QUESTIONS FROM 31.10.2012 LORD DE MAULEY'S APPEARANCE

*Q1. What will the penalties be for non-compliance with the proposed requirement to microchip puppies prior to first sale? How will this be enforced?*

This has not yet been finally decided. The requirement for microchipping dogs would be in a set of Regulations made under the Animal Welfare Act 2006. The level would be set taking account of the severity of the offence.

*Q2. What is Defra's view on the suggestion that the threshold for requiring a dog breeder to obtain a breeding licence should be reduced to three (ie not more than two) litters?*

There are no proposals to amend the existing law on the regulation of dog breeding. The change to licensing requirements for breeders only changed from two litters to five litters in 1999. Anyone who breeds dogs, whether they are licensed or not, needs to comply with the Animal Welfare Act 2006 by providing for the welfare needs of their animals. Anyone who has concerns about the welfare of animals at a dog breeding establishment can report them to the local authority that have powers under both the dog breeding legislation and the Animal Welfare Act, or to the RSPCA.

*Q3. What is Defra's response to the Advisory Council on the Welfare Issues of Dog Breeding's proposed Breeding Standard sent to Ministers in August? Does Defra propose to incorporate this into any regulatory framework for dog breeding?*

We welcome the work of the Advisory Council and encourage people to follow the best practices that they have advised. My initial reaction is that a lot of the proposals can be achieved by the industry working with veterinary and animal welfare organisations, rather than through legislative changes, but I do wish to hear what Professor Sheila Crispin has to say when I meet with her.

*Q4. What is Defra's view on the suggestion that the Advisory Council should be given a regulatory function over the breeding of dogs? If it does not propose this, how can the Council be given more teeth?*

The Dog Advisory Council was set up following recommendations in the Bateson Report for an independent advisory council. We are not minded to change the power of the Council, but we do welcome the work that is being done to raise standards. Where the Council feels it necessary to have greater powers as a regulatory body, we feel this could be met by greater coordination between the Council, animal welfare charities, breed groups, and organisations such as the Kennel Club, with Defra certainly playing a role. Again though, I will be better placed to answer this following my meeting with Professor Crispin.

*Q5. What influence can Defra have on the pedigree breeding community, including the Kennel Club and Breed Clubs, to help improve the health and welfare of pedigree dogs?*

Along with animal welfare charities and other organisations including the Select Committee, Defra can encourage the industry to create and meet its own standards with regard to pedigree dog breeding, which is then supported by the work of animal welfare charities and breed clubs. Similarly, in educating the general public, as well as those who are active in the dog breeding community, Defra has been able to work in conjunction with key stakeholders on what a healthy puppy should look like, and what features are detrimental to the welfare of certain breeds.

*Q6. Under what circumstances would you consider introducing regulation to tackle genetic and conformation problems in pedigree dogs caused by inbreeding and breed standards?*

At present we are taking an approach that involves working with industry and charities to improve not only standards, but also general education, about breeding practices that have perverse outcomes. I do not consider regulation is necessary given the co-operative work and efforts of stakeholders.

*Q7. Could you explain the reasons why Defra decided not to propose that dog owners should be required to take out third party insurance against their dog causing damage or injury?*

This was considered by the previous Government in the first consultation on promoting responsible dog ownership in 2010. The results showed that the insurance industry were not supportive of the proposals. Nor am I convinced that requiring every dog owner to have third-party insurance for their dog is entirely proportionate or appropriate.

In the unfortunate case of a dog not being kept under control, there are other avenues of redress available to victims. For instance, convicted offenders of dangerous dog offences that injure or cause distress to a victim can be required to pay compensation. Courts can impose a compensation order for any dangerous dog offences where the victim is caused personal loss, damage or injury. The power is contained under s.130 of the Powers of Criminal Courts (Sentencing) Act 2000.

Recently published sentencing guidelines on dog offences advises Courts that in all cases where a dog is out of control and causes injury, or where it is simply out of control the Court should consider whether to make a compensation order and/or other ancillary orders. The Court should also consider compensation orders in all cases where personal injury, loss or damage has resulted from the offence. The Court must give reasons if it decides not to award compensation in such cases. In addition to this, the victim can pursue civil damages. It should be pointed out that whilst the purchasing of third-party insurance is not compulsory, we do encourage it, and owners can and some do have cover anyway.

It should be noted that owners with a banned type must have third party insurance as part of the requirements for the dog to be placed on the Index of Exempted Dogs.

*Q8. What is Defra's view of the suggestion by some witnesses that an attack on an assistance dog be considered to be an aggravated attack which should be made prosecutable under the Dangerous Dog Act 1991?*

I recognise the very serious concern that is behind this question, and the tragedy of attacks on guide dogs is fully understood. These attacks, though, are already covered by existing legislation:

- An offence may be committed under the Animal Welfare Act 2006 if a person's negligence has caused unnecessary suffering to another animal (if the attack is not provoked by the owner).
- If a dog is purposely being used as a weapon to attack a guide dog because of the victim's sight problems, and this is made clear, this falls into the realm of hate crime.
- Under the Dangerous Dogs Act 1991, a dog is regarded as dangerously out of control if a person is in fear of being attacked, whether or not it actually does so. This is demonstrated by the prosecution of offenders in some attacks on guide dogs.
- The Animals Act 1971 could also be used in guide dog attacks.

Clearly, it would depend on the individual circumstances of each case as to which legislation could be applied, but this does go some-way to demonstrating that the legislation is already in place.

The Sentencing Guidelines released in August 2012 allow for an attack under the 1991 Act to be punishable by the Magistrates' Court by a maximum of six months imprisonment. The aggravated version of the offence which is indictable carries a heavier penalty of two years imprisonment and requires that a person be injured or fear injury, which is arguably the case in an attack on a guide dog, which is a form of attack on the owner of the guide dog.

Where prosecution has not occurred, it is attributed to difficulties in enforcement and evidence-gathering, rather than a lack of an offence.

#### QUESTIONS FROM 24.10.12 JEREMY BROWNE (MP) APPEARANCE

*Q1. What is the assessment of the effectiveness of the use of Dog Control Notices in Scotland?*

Defra has not conducted an assessment of Scotland's Dog Control Notices. We believe that Scotland intends to do this itself, but DCNs have only been in place since 26 February 2011. We do know that between 26 February 2011 and 5 March 2012, there were 1,114 DCN investigations, resulting in 92 DCNs being issued from 165 authorised officers.

*Q2. What use is being made by the police of the powers available to them under the Dogs (Protection of Livestock) Act 1953? What assessment has been made as to the impact of the increase in penalty applicable to those convicted under this Act?*

Defra has not conducted an assessment of the effect of the increase in penalties. However, the latest figures from the Ministry of Justice show that in 2011, 83% of prosecutions were successful, which is the highest ratio in the last ten years.

*Q3. Will authorities be able to require the neutering of a dog being used for criminal or antisocial behaviour as a remedy available under any part of the Putting Victims First framework?*

The proposals set out in "Putting Victims First" were focussed on improving the powers available to the police and others to protect victims and communities from anti-social behaviour, as opposed to dealing with crimes committed under the Dangerous Dogs Act or other legislation. The new powers are intended to be sufficiently flexible to allow practitioners to deal with a wide range of issues, and we do not propose to set out in detail when and how particular powers could or should be used.

There are, however, scenarios in which it is conceivable that an unneutered dog could be central to a particular anti-social behaviour problem, and where practitioners could require that the owner neutered the animal to prevent problems occurring in the future. This could be on a voluntary basis, as part of an Acceptable Behaviour Contract. Alternatively, neutering could potentially be part of a Community Protection Notice (where an unneutered dog was at the heart of a persistent problem affecting the wider community), or required by the



court as part of a Crime Prevention Injunction or Criminal Behaviour Order (again, where neutering was felt to be essential to preventing future anti-social behaviour).

In each case, there would need to be a clear link between the requirement to neuter, and preventing anti-social behaviour.

Courts can already impose conditions, including neutering, on offenders who are in contravention of the Animal Welfare Act 2006, where an offence is causing unnecessary suffering to an animal, through negligence or otherwise. This covers those involved in poor breeding practices that have a detrimental effect upon the animals. It should also be noted that all banned types with a court approved exemption must also be neutered, or they are liable for destruction.

November 2012

## Written evidence submitted by Battersea Dogs & Cats Home

### I. INTRODUCTION

1.1 Founded in 1860, Battersea Dogs & Cats Home is one of the oldest and best-known animal welfare organisations in the world. Our expertise has been developed for over 150 years due to our work on the front line of animal welfare and our non-selective animal intake policy.

1.2 The Home aims never to turn away a dog or cat in need of our help. Our intake policy means that we take in dogs regardless of their age, breed, medical condition or temperament. Battersea reunites lost dogs and cats with their owners and if the Home is unable to locate an owner, no time limit is placed on an animal's time at the charity until a new home can be found.

1.3 Battersea engages Government and politicians to help develop solutions to irresponsible dog ownership problems. Our main concern is ineffective legislation which does not help support these solutions. This makes it much harder to advocate responsible ownership with the public and local communities when it is not backed up effectively with legislation.

1.4 Following the previous 2010 dangerous dogs consultation, we had the expectation of a White Paper to suggest a way forward. Battersea was very disappointed that the Government decided instead to undertake a second consultation when the announcement was made on 23 April 2012.

1.5 Battersea supports the Environment, Food and Rural Affairs (EFRA) Parliamentary Select Committee's timely decision to hold this inquiry on dog control, legislation and welfare issues. We believe this inquiry will make a significant contribution to the debate to find solutions to dog control problems. We look forward to EFRA's report and conclusions in due course.

### 2. BATTERSEA'S RESPONSE TO THE EFRA COMMITTEE'S INQUIRY QUESTIONS

#### DOG CONTROL

*Q: Are the approaches proposed by Defra in its announcement on "Tackling Irresponsible Dog Ownership" on 23 April 2012 sufficient to ensure that there is a reduction in the number of attacks by dogs on people and animals?*

2.1 No. Battersea believes that Defra's proposals do not go far enough to reduce the number of attacks by dogs on people and animals. Furthermore, Defra's proposals are also partly reliant on the success of the newly created Community Protection Notices and Crime Prevention Injunctions to be enacted by the Home Office.

2.2 Defra has consulted on four new proposals; microchipping, extending legislation to private property, allowing Section 1 dogs to remain with their owner during a court process and increasing the fee to add dogs to the Index of Exempted Dogs.

2.3 In March 2010, Defra consulted on seven different options for tackling dangerous dog problems. Defra released the conclusions of the previous consultation in November 2010, key headlines that Battersea welcomed:—

- 88% believing breed specific legislation is ineffective.
- 71% wanting breed specific legislation repealed.
- 68% believing Dog Control Notices are an effective preventative measure.
- 84% supporting microchipping of all dogs.
- 78% supporting consolidated legislation.

2.4 Since November 2010, Battersea and other sector charities have been trying to predict what measures the Government would bring forward and when and how they would be announced. We understand the Government indicated, up until the 23 April 2012, 6 announcement deadlines but did not manage to achieve any of them.

2.5 Battersea did not expect another consultation which gives no clear direction on when proposals will be enacted, particularly compulsory microchipping and an extension of legislation to private property, which we

feel are particularly urgent. We hope the Government will give clear timelines when it reaches a decision after the consultation responses have been analysed.

2.6 Only one indication is given in the consultation when microchipping could be introduced, which is from 1 April 2014. We remain very concerned about this long timeframe and the number of potential serious dog control incidents that could happen between now and then.

*Q: Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

3.1 Yes. Following the General Election the Coalition Government set out its “Programme for Government” where it stated that it will “...promote responsible pet ownership....and will ensure that enforcement agencies target irresponsible owners of dangerous dogs”<sup>20</sup> We believe the Coalition Government must update and consolidate dog control laws to make them fit for enforcement agencies to use, if they wish to deliver on this commitment.

3.2 The earliest enforceable dog legislation dates from 1839 and there are around 18 dog control laws, often found within other Acts of Parliament. They are almost wholly reactive in nature and often a dog attack must take place before a law can be applied.

3.3 Given that central Government has not run any communication campaigns to make the public aware of their legal responsibilities with dogs, we believe there is a lack of public awareness of dog laws.

3.4 At present, enforcers have to wait for an incident to occur before they can step in and deal with the animal and its owner, which can be costly and does not protect public safety or animal welfare. There should be a similar approach to that contained in the Animal Welfare Act (2006) whereby authorities can take much earlier action, often only having to work with the owner rather than prosecute.

3.5 In 2010–11 there were 6,120 hospital admissions due to dog-related injuries. This represents a 5% increase from the previous year. This figure represents approximately half the 12,410 animal-related injuries during the 12-month period, which is up 1.8% compared to the last year.<sup>21</sup>

3.6 Between the closure of the first consultation on 1 June 2010 and the closure of the second consultation on 15 June 2012; Battersea has seen:—

- 350 Section 1 dogs brought into the Home, despite their ban in 1991.
- 5,943 strays, but only 1,564 were claimed by their owners.

*Q: Is sufficient action being taken on pets raised as status dogs to ensure their welfare and reduce their impact on communities?*

4.1 No, we do not feel sufficient action is being taken and Battersea has experienced the full effects of using bull breeds as the status dog of choice.

4.2 In 2011, bull breeds, such as Mastiffs and Staffordshire Bull Terriers (SBTs), made up 47% of Battersea’s intake. 61% of all SBTs arriving at the Home were stray dogs, with only 22% of these dogs reunited with their owners. Bull breeds are effective dogs for use by irresponsible owners who want to use them as status dogs, due to their obedient and loyal tendencies.

4.3 Battersea is also now experiencing new trends in status dogs. Since 2010, there has been a 35% increase in the numbers of Huskies and Malamutes being brought into the Home.

4.4 Some of these dogs are unsocialised when they come into contact with humans and other animals. As a result, Battersea is forced to make very difficult decisions and 29% of the dogs that arrive are not suitable to be rehomed and have to be put to sleep. They present real risks to public safety, or have been so cruelly treated that they have significant behavioural and medical problems.

#### ACTION BEING TAKEN

4.5 Apart from the work of the Metropolitan Police status dogs unit, in Battersea’s experience limited preventative work is being undertaken by Local Authorities to reduce the use of certain breeds of dog as status symbols.

4.6 Battersea has advised Government that it must get to the source of the problem and to where these dogs are being bred. For example, the Government has no knowledge nor has undertaken any assessment of the numbers of Section 1 dogs that there are in the country. There is also a major loophole in the Dangerous Dogs Act (1991) as there is no power to prevent the importation of a Section 1 dog into the United Kingdom. This issue is potentially further exacerbated with the January 2012 relaxation of the UK pet passport scheme.<sup>22</sup>

<sup>20</sup> [http://www.cabinetoffice.gov.uk/media/409088/pfg\\_coalition.pdf](http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf)

<sup>21</sup> NHS Information Centre <http://www.ic.nhs.uk/news-and-events/news/hospital-admissions-caused-by-dogs-on-the-rise-say-provisional-figures-which-highlight-seasonal-and-regional-patterns>

<sup>22</sup> Hansard—4 November 2009 <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091104/text/91104w0013.htm#091104117001635>

4.7 Internet websites have informed Battersea that they do not intend to stop selling dogs online, with one website displaying 13,000 adverts for dogs. As a solution, we are providing advice to these websites on how to recognise a potential Section 1 dogs being sold, preventing dogs being sold for fighting and baiting, and reducing the numbers of bull breeds being sold for £1. With our partners on the Pet Advertising Advisory Group, we are urging these websites to introduce self-regulation and adopt codes of practice to improve standards of dog sales.

4.8 Battersea is also advising Local Authorities on the breeding and welfare of dogs within the Local Authority council housing stock. We have worked closely with Lambeth Council, to encourage them to insert clauses into their tenancies to help prevent breeding and the sale of dogs from their properties and identification of legitimately owned dogs.

4.9 Whilst this is a small step, there is a vast section of private rented accommodation that Local Authorities do not control, which could have indiscriminate dog breeding and selling taking place. Local Authorities inform us that this is a huge issue, fuelled by the internet, but they do not have the resources to assess the scale of the problem, nor the resources or powers to enforce penalties.

*Q: Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners? Should a dog licensing scheme also be considered?*

5.1 Battersea supports the compulsory microchipping of all dogs, not just puppies. Although not a catch-all solution in its own right and one that will not prevent dog attacks, we believe that microchipping will help provide an essential framework for creating a culture of responsible ownership of dogs. But, even this would not be an enduring solution by itself.

5.2 In 2011, only 28% of the dogs arriving at Battersea were identifiable by a microchip, but one third of these dogs had incorrect information on the registered keeper. Where there are cases of incorrect information, over 90% of registered owners inform us that they have sold or passed the dog on and are not interested in reclaiming their previously owned dog. No enforcement action can be taken against these irresponsible owners and Battersea has to pick up the pieces and find a new home.

5.3 Identification of dogs in public places is already a legal requirement, but is unenforced. At present, basic legal requirements of identification are not being adhered to under the Dog Control Order (1992) which states that dogs must wear collar and tag identification in public at all times. In 2011, only 2% of the dogs arriving at Battersea had this legally required identification. This is existing legislation which could easily feature as part of Defra's future new package of measures for irresponsible dog ownership.

5.4 The Government's proposal to microchip just puppies will not tackle dog welfare or effectively identify stray dogs. Those people that are guilty of backstreet breeding puppies will continue to do so without any enforcement.

5.5 Without enforcement, we believe that the current proposals will only lead to a small section of dogs being microchipped in England and those irresponsible owners will avoid their dogs being microchipped.

5.6 Battersea believes that the system of dog licensing which was withdrawn in the 1980s should not be reintroduced. Microchipping is a modern method of identification and we believe that the element of compulsion should be enforced. A microchip stays with a dog, whereas a dog licence does not.

*Q: Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

6.1 Yes, this is one of the urgent matters that we believe the Government should address as soon as possible.

6.2 Battersea believes that Section 3 of the Dangerous Dogs Act (1991) must be extended to all places including where the dog has a right to be (inside and outside of a home).

6.3 According to the Communications Workers Union, 70% of attacks take place on private property, where a dog is permitted to be.<sup>23</sup> NHS statistics show that the age group 0–9 years are at significant risk of being attacked, injured or killed within domestic premises, more than any other age group.<sup>24</sup>

6.4 It is important to note that extending the legislation in this way will not prevent dog attacks from taking place on private property, as the law will apply after the event has taken place. Battersea would prefer any legislation be extended and include Dog Control Notices, which may mean that a suspected dangerous dog will need to be controlled in a private place as well as public places.

*Q: Are Defra's proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?*

7.1 No. Battersea believes that Government needs to provide better guidance on where the Government's role in responsible dog ownership work ends and where the sector's work realistically starts.

<sup>23</sup> CWU—<http://www.cwu.org/dangerous-dogs-bite-back.html>

<sup>24</sup> NHS Information Centre—<http://www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937&categoryID=864>

7.2 Battersea's community engagement team works across London and target areas that have a significant operational impact on the Home, by the number of bull breeds received, high numbers of stray dogs, high numbers of Section 1 dogs and a working partnership commitment on community engagement from a Local Authority.

7.3 The Home is very proactive in promoting responsible ownership initiatives and in 2011 engaged with 12,000 young people across London, conducting workshops on safety around dogs, prevention of anti-social behaviour with dogs, raising awareness on the impact that buying a bull breed has on Battersea, and sought to help change perceptions that bull breeds are only a status breed.

7.4 The Home welcomed Defra's £20,000 grant support for our community engagement work in Lambeth and Lewisham, which aims to engage 600 young people in target schools where there are dog control problems. We also plan to permanently identify through collar and tag or microchipping 500 dogs in these communities by March 2013.

7.5 Battersea understands that Defra's grant for community engagement work will not be continued. However in reality we fear, £20k will not help achieve any long-term behavioural change, only limited awareness raising. We hope that this initiative can be re-visited by Defra as a policy priority.

7.6 We have expressed the need for Defra to do more to help promote responsible ownership of dogs by supporting on-going long term projects with sustainable funding. This could be achieved by improving its own website to remove messaging that supports a negative perception of dogs, and introducing more regular public endorsements of responsible ownership.

*Q: Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?*

8.1 Battersea believes that the Clean Neighbourhoods & Environment Act (2005) did create workable structures for stray dogs. However, in practice the legislation is too weak to separate the lines of responsibility and lacks proper resource. Stray dogs are still received daily by Battersea, directly from members of the public or the police, without any Local Authority involvement.

8.2 Section 68 of the Clean Neighbourhoods & Environment Act came into force on Monday 7 April 2008, which removed responsibility for stray dogs from the police to Local Authorities.

8.3 Battersea believes that the stark reality of the workings of Clean Neighbourhoods & Environment Act for stray dog services has created inconsistent funding for stray dog services. Central Government provided in the region of £4m this equates to approximately £12,000 per Local Authority (although the money was distributed proportionately) but it was not ring-fenced.

8.4 From an animal welfare perspective, the poor funding was met with weak guidance, issued by Defra in October 2007. It explained that: "...in short the minimum requirement of the extended duty is that where practicable Local Authorities provide a place to which dogs can be taken outside normal office hours."<sup>25</sup>

8.5 Battersea believes the phrase "where practicable" has created a situation where in some areas the service post-April 2008, no longer provided an out of hours service, with Local Authorities stating that it was not "practicable" to provide any kind of services beyond the normal office hours.

8.6 Battersea's experience is that there is no appetite in Government to change this situation. However we understand from a Parliamentary Question that a review of stray dogs services, under Section 68 of Clean Neighbourhoods & Environment Act, is underway. At present, it is not clear as to the parameters of the review and when findings will be made public.<sup>26</sup>

#### IMPACT OF THE LEGISLATION

8.7 The impact of this legislation on Battersea was immediate. In 2008, when the new powers came into effect, the Home saw a large increase in stray dog numbers, resulting in over 1,100 more strays arriving at Battersea in 2008 than in 2007. This caused the charity to exceed its operational capacity in terms of its kennelling facilities.

8.8 In 2011, 54% of the dogs arriving at Battersea were strays. Battersea continues to accept stray dogs, from Local Authorities and members of the public 24 hours a day, even though we are not legally obliged to do so. This policy continues to assist Local Authorities with their statutory responsibilities, sometimes free of charge.

8.9 In London the level and quality of dog control service provision varies dramatically. It is now four years since full responsibility for local dog warden services was passed from the Metropolitan Police to Local Authorities under the Clean Neighbourhoods & Environment Act. However, there are still London boroughs that are failing to provide an effective and sustainable local service, resulting in Battersea taking in strays directly from members of the public, not through the dog warden.

<sup>25</sup> Defra Guidance <http://archive.defra.gov.uk/environment/quality/local/dogs/strays.htm>

<sup>26</sup> Hansard 9 February 2012 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120209/text/120209w0002.htm#12020963001385>

8.10 Battersea believes that Local Authorities should be responsible for dog control. However, better resource should be given from central Government for those Authorities that are continuing to struggle with their legal responsibilities, and rely on Battersea to pick up their lack of service provision.

#### DOG WELFARE

*Q: Has the response by dog breeders and the veterinary profession been effective?*

9.1 Serious welfare concerns regarding dog breeding were raised by a BBC television programme in 2008 and we understand the EFRA Select Committee is referring to the Bateson Report following health and welfare issues surrounding pedigree dogs.

9.2 It should be noted that in late 2009 and early 2010 three separate reports were published recommending the creation of an independent Advisory Council to provide advice regarding the welfare issues relating to dog breeding. The Bateson report in particular advocates developing breeding strategies, addressing issues of inherited disease, extreme conformation and inbreeding.

9.3 Battersea supported the setting up of the Advisory Council on the Welfare Issues of Dog Breeding and we understand from the Council that they will be making recommendations shortly. We support the fact that a key team of experts should look at these issues seriously and make the necessary recommendations to Government for action.

*Q: What actions should Government take to address these issues?*

10.1 Battersea believes there are two aspects of breeding that need to be addressed. Firstly, welfare issues which are enforced by the breeding of dogs legislation, and secondly, tackling the overbreeding that is taking place within domestic properties to provide a cash-based income, often concerning bull breed dogs.

10.2 Battersea understands that Defra views current breeding of dogs' legislation as sufficient to deal with welfare concerns relating to breeding and the requirement for Local Authorities to licence commercial breeding in breeding establishments.

10.3 We understand that any recommendations from the Advisory Council will be considered by the Government. Battersea would like these recommendations to be acted upon by Defra, with the potential to introduce new legislation to tackle overbreeding of dogs in commercial premises and their sale.<sup>27</sup>

10.4 Battersea has made representations to Defra regarding dog breeding, particularly the inability of Local Authorities to be able to tackle overbreeding of dogs in their communities. However, in a response to the Home, Defra informed us that it believed current legislation is sufficient to tackle overbreeding of dogs.

10.5 The Breeding and Sales of Dogs (Welfare) Act (1999) regulates breeding (and the intention to breed), more than five litters per year and sell dogs as a business which must be licensed. Battersea firmly believes that this legislation is unenforced and contains many loop-holes that allow overbreeding within local communities.<sup>28</sup>

10.6 Local Authority partners have informed Battersea of their inability to tackle overbreeding in domestic properties as they do not have sufficient trained officers and they lack legislative powers to do so. Defra have informed us that they believe the best way forward is the non-governmental self-regulatory controls and better education, not legislation for backstreet breeding.

10.7 As a result, and instead of tackling the breeding, we have advised Local Authority partners to study the example of Dundee Council, which was able to reduce the numbers of unwanted dogs in its communities by neutering strays. Up until 1988, every year around 2,400 stray dogs were taken into a local shelter and about a third of them were put to sleep.

10.8 Dundee Council started a neutering programme for dogs that were to be re-homed from the pound and also for privately owned productive bitches. Within 5 years the number of stray dogs collected fell 50% and the number of puppies collected also fell dramatically (1988: 447, 1993: 73, 1998: 1).<sup>29</sup>

10.9 On a pan-London level we have encouraged the Mayor of London and his Greater London Authority officials to support dog neutering schemes in local communities, to offer free or reduced neutering for dogs. The case of Dundee may be different in terms of the breeds of dogs that were being dealt with, however we believe this is a real potential solution to some of the significant unwanted dog problems in the capital and throughout England.

<sup>27</sup> Hansard 1 May 2012 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120501/text/120501w0001.htm#12050228000452>

<sup>28</sup> Hansard 31 January 2011 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110131/text/110131w0003.htm#11013131001644>

<sup>29</sup> Dogs, Zoonoses and Public Health, (CAB International 2000)

*Q: Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?*

11.1 Yes. Battersea believes that Defra must consider updating new legislation, once they receive recommendations from the Advisory Council.

11.2 Battersea is very concerned about welfare issues at puppy farms and in particular that bitches are often kept in small pens without natural daylight or contact with other dogs and are overbred from, then discarded when no longer required.

11.3 We would recommend EFRA examines the proposals of the Welsh Government on the breeding of dogs, given Wales' considerable problems over the years with puppy farming and importation of puppies from Irish puppy farms through Welsh ports.

11.4 In England, given the lack of priority to tackle these issues, we have as a short-term awareness-raising exercise, recently worked with the Government website [www.direct.gov.uk](http://www.direct.gov.uk) to improve the section on "buying a dog".

11.5 We believe Defra should make improvements to its own website to ensure there is more information on responsible dog ownership and the buying and selling of pets, with appropriate guidance on the potential "puppy farmed" or backstreet bred origins of dogs bought from pet shops or internet websites.

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### **Written evidence submitted by The National Farmers Union (NFU)**

The NFU represents more than 55,000 farming members in England and Wales. In addition we have some 40,000 countryside members with an interest in farming and the country. The NFU welcomes the opportunity to make a submission to the EFRA Committee inquiry on Dog Control and Welfare

#### **INTRODUCTORY COMMENTS**

1. The issue of dog control around livestock is a particular concern for farmers. Thousands of sheep and cattle are injured every year by dogs, causing distress to farmers and adversely impacting on farm businesses, not to mention stress to the dog owners and potential financial and criminal sanctions. If a dog worries livestock, the owner or person responsible could be guilty of an offence under the Dogs (Protection of Livestock) Act 1953 (DPLA 1953), and may be sued for compensation by the farmer under the Animals Act 1971 (AA 1971). Farmers are also legally entitled to shoot dogs that attack their animals under that legislation—although this rarely happens. The NFU Mutual estimates that livestock worrying costs the UK farming industry more than £1m per year, and a recent investigation by the Farmers Guardian found that there were nearly 700 reported cases of sheep worrying by dogs in 2011. We believe that there are many more instances each year that go unreported.

2. However, farmers are often also dog owners, and in many instances these will include working dogs which play an important part in the running of a farm business. Furthermore, we acknowledge that a majority of dog owners manage their pets responsibly, and enjoyment of the open spaces which the countryside affords them and their pets is something to be valued and which farmers should be proud to share. It is therefore essential that the law governing dog ownership balances the need to protect the safety and well-being of people and other animals, with the avoidance of over-burdening owners with unnecessary and excessive regulation.

3. With this in mind, we are not persuaded of the need for a wide-ranging overhaul of the law in relation to dog control, although we do believe the law relating to dogs and livestock needs to be significantly strengthened. We also advocate greater communication with the public about the potential risks inherent in dog ownership, particularly when dogs come into contact with livestock, and are keen to encourage more effective enforcement against owners of dangerous dogs.

#### **RESPONSE TO SPECIFIC QUESTIONS (WHERE RELEVANT)**

*Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

4. The NFU regularly hears reports from its members about attacks on livestock by dogs, and our experience suggests that the problem is increasing. Exact data is not easy to come by as it is clear that many attacks go unreported. We believe more should be done to tackle this problem, both by encouraging dog owners to do more to keep their dogs under control, and by ensuring greater sanctions, controls and restrictions are used on those whose dogs cause problems with livestock.

5. Dog owners are required to be kept under close control on rights of way and access land. Dogs straying from the defined paths of rights of way may mean their owners are liable for trespass. In statute, DPLA 1953 makes it an offence for a dog to attack or worry livestock, or to be at large in a field or enclosure in which there are sheep. Also, under the Countryside and Rights of Way Act 2000 (CROW) a dog must be kept on a

short lead at all times in the vicinity of livestock, as well as at all times between 1 March and 31 July, in order to minimise disturbance to ground nesting birds.

6. Nevertheless, despite these requirements, livestock continue to be worried, injured and killed by dogs. The increase in public access to large areas of the countryside, in particular under CROW, appears also to have led to an increase in harmful encounters between dogs and livestock. Dog owners appear more liable to see the countryside as a large exercise area for their pets, and often this means that, while owners may have their dogs on leads for some of a walk, they let their dogs off the lead when they erroneously see no potential dangers or risks. Problems are also caused by aggressive breeds of dogs which are not kept under suitable restraint by their owners, sometimes escaping onto neighbouring farmland causing damage and death to livestock.

7. The penalties under DPLA 1953 for an owner whose dog worries livestock are woefully inadequate, remaining at a £10 fine on summary conviction, and a maximum of £50 for repeat offenders. It is clear that, if DPLA 1953 is to act as an effective deterrent, these fines must be increased significantly. There should also be consideration as to whether an offence under DPLA 1953 should allow the court to order control measures or destruction in some instances.

8. Elsewhere, we are concerned that the definition of livestock under section 3 of DPLA 1953 is out of date. It should be amended to include more exotic breeds which we know have been subjected to dog attacks, such as alpacas and other cameloids. We also have concerns with section 1(4) of DPLA 1953, which absolves absent owners from liability, and we know of a specific case where an absent owner's dogs have repeatedly worried livestock, but no action has been taken by the police. This should be amended to ensure absent owners are liable for the behaviour of their animals. T

9. Civil remedies are available to livestock owners under the AA 1971, but this often involves costly and time-consuming litigation. We are also concerned that law enforcement agencies do not seem to take livestock worrying or killing seriously in all cases, and are often unwilling or unable to assist farmers in pursuing actions when an offence has been committed. We do believe that livestock worrying needs to be taken more seriously by the police, and that they should be willing to take action against irresponsible owners, particularly repeat offenders, when problems occur.

10. We acknowledge that a key element of tackling the issue is prevention, and we believe effort needs to be made to make the public aware of the potential hazard dogs pose to livestock. The NFU welcomed the recent re-launch of the Countryside Code by Natural England, which includes advice on responsible dog control, and hopes that this will have a positive impact on reducing instances of livestock worrying and attack by dogs. We also encourage our members to ensure signage is available and visible to walkers advising dogs to be kept on leads where livestock are present, and regularly remind the public through the media to be aware of livestock when walking dogs in the countryside.

11. We believe that the current law needs to be effective in dealing with the owners of dangerous and aggressive dogs. While this is a serious concern in terms of human welfare, and is often more a problem in urban and built-up areas, there is clearly a benefit from enforcing dangerous dog legislation as a deterrent to owners allowing out-of-control dogs to worry and kill livestock. The NFU feel other organisations are better placed to apply their expertise on how best to tackle ownership of dangerous dogs, and to judge the extent to which current legislation is fit for purpose, but in general we would support measures that discourage: the ownership of breeds known to be aggressive; the breeding and rearing of any dogs with the intention of nurturing and encouraging violent behaviour; and irresponsible ownership where dogs are not able to be controlled effectively or wilfully encouraged to display aggression.

12. We would note that the Dangerous Dogs Act 1991 (DDA) is primarily aimed at protecting people rather than animals. In the event the government takes steps to amend the DDA or to replace it, we would welcome detailed discussion of the merits of introducing measures to protect livestock as well as people. In the meantime, we believe measures to increase penalties under DPLA 1953, both in relation to first time and repeat offenders, are necessary.

*Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners?*

13. The NFU believes that microchipping offers a number of benefits to owners, and that responsible owners may well consider microchipping their dogs as a matter of course. However, we do not believe that microchipping should be compulsory. The benefits of microchipping accrue primarily to the owner, as a mechanism to ensure identity and return of lost or stolen dogs. The benefits of microchipping to third-parties, for instance as an effective control on dangerous dogs, are far less obvious. Dogs are already required to have identification tags or collars, so in most instances owners who have potentially broken the law are identifiable. Irresponsible owners are as likely to have failed to use a compulsory microchip as a tag or collar—in fact more so if it is more expensive. The main way in which microchips are superior to tags or collars is that they are harder to remove—ie by a thief in the instance that they have been stolen or accidentally by a dog that has become lost. The benefit to the owner of microchipping in such cases is clear—the benefit to the wider public is not.

14. Therefore, the decision whether or not a dog be microchipped should remain with the owner. It remains the case that many of our members will microchip their dogs as a reflection of the personal and financial value of both working and pet animals, but we do not believe they should be compelled to do so.

*Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

15. As far as farmers and farm businesses are concerned, we do not believe such a measure would be of any benefit. In tackling the specific problems of dogs worrying or killing livestock, this measure is unlikely to tackle the current problem of dogs on private land without permission, an area already covered by the law.

16. We do acknowledge that there are instances where dogs on private property with permission (normally dogs on their owner's property) can cause harm to visitors, postmen being an obvious example, and that such instances justify consideration of an extension of the law. However, as farms are often individual premises, away from other dwellings and sometimes quite isolated, farmers can rely on pets or working dogs to warn of potential intruders. Furthermore, dogs are, understandably, often protective of their owners and can attack hostile impostors if they perceive them to be posing a physical threat. We would be very concerned that, in the case of a farm dog repelling an intruder (for instance a burglar), the farmer could be open to prosecution under the law. It is vital that the important extra level of security that dogs provide on farms is not undermined, particularly when rates of rural crime continue to rise. We are also concerned that members of the public or visitors seeing working dogs out of doors and off-lead, a more common occurrence on farms than in many other private premises, may be concerned that those dogs are dangerous, and could report farmers to the police when no offence has been committed and no danger exists, wasting both police and the farmer's time.

17. We would therefore be reluctant to advocate a change in the law. However, should there be a strong case to extend the current law to cover dogs on their owner's private property, safeguards must be put in to ensure that innocent owners and dogs that pose no threat to either the public or legitimate visitors are protected.

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#### **Written evidence submitted by the Advisory Council on the Welfare Issues of Dog Breeding**

*Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

Yes. The Advisory Council is undertaking a fundamental review of the legislation governing the advertising, sale and supply of dogs and will be providing advice to Ministers before the end of the year.

*Is sufficient action being taken on pets raised as status dogs to ensure their welfare and reduce their impact on communities?*

No. The Council is of the view both that the enforcement of the existing legislation requires improvement and that more effective statutory and non statutory measures are required.

*Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners?*

Yes, microchipping will contribute to improved dog welfare provided that the databases are linked, are consistently managed to an appropriate Code of Practice and the puppies are microchipped before they leave the breeder, as it is essential that all puppies can be traced back to the breeder. It is also essential that the legislation includes a requirement for the owner to keep their contact details up to date to ensure continuing traceability in the event of the dog straying or being out of control. It would help if it was made clear that the duty of care in the Animal Welfare Act applied to the person whose name was on the database.

However, although identification of dogs is one important element in reducing dog attacks, a more comprehensive programme is required to reduce the problems of human-directed aggression in dogs. Although status dogs are an important issue they represent a relatively small proportion of bite injuries in the UK—many more dog bites occur by owned dogs within the home. This issue needs addressing with appropriate education about dogs, such as a focus on dog owners receiving appropriate advice on the responsibilities of dog owning, and appropriate controls over those giving advice on dog training and behaviour.

*Should a dog licensing scheme also be considered?*

No. The combination of a registration/licensing system for breeders and effective permanent identification by means of a microchip will be sufficient.

*Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

Yes. Most importantly the Government should take the opportunity to identify problems associated with the deed, rather than the breed. The current DDA is not fit for purpose and never has been. As mentioned above,



many dog bites occur within families and prevention should focus on understanding why such injuries happen and ensuring appropriate education of those owning dogs and giving advice about dogs.

*Are Defra's proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?*

No. The Council is of the view that there needs to be a high profile publicity campaign that involves all the bodies with dog welfare concerns, including Defra. Education must start with primary school children with animal welfare/responsible pet ownership as a topic that is formally included in the school curriculum. Publicity must be maintained once the high profile campaign is over. At very least it will help ensure that the various bodies involved in dog welfare put aside their differences and work together on the same issues in the same way. Dog owners need to be provided with consistent information about the responsibilities of ownership, and understand where to go for up-to-date and welfare-compatible advice.

*Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?*

In general the distribution of roles and responsibilities is appropriate, but for a variety of reasons the system does not work effectively, mainly because of insufficient resources and/or insufficient or inadequate training of the personnel involved.

Regarding dog welfare in relation to breeding practices, the committee is inviting comments on the following questions:

- Has the response by dog breeders and the veterinary profession been effective?
- What actions should government take to address these issues?
- Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?
  - (i) Has the response by dog breeders and the veterinary profession been effective?

*Breeders:* It is unlikely that the concerns expressed have had any impact on irresponsible breeders, in part through ignorance, but also because some aim to make as much money as possible without any proper consideration for animal welfare. Responsible breeders will have paid attention to the concerns and begun to address them where necessary. There needs to be an accurate way for both enforcement officers and potential purchasers to identify those breeders who do a good job. The Council has defined what it regards as the standard which dog breeders should meet, regardless of what type of dog is being bred. The irresponsible breeding of dogs for commercial gain has huge welfare implications and requires a co-ordinated input from all those who seek to put animal welfare at the heart of the agenda.

*Veterinary Profession:* The veterinary profession is somewhat ambivalent. Whilst there are many who care passionately about dog welfare, there are others who may be concerned, but do not have sufficient resource or incentive to take action. Education about behavioural needs and welfare issues should be included in the core veterinary curriculum, must start early in the veterinary course and continue post-qualification; the profession must become more pro-active in this area.

The veterinary profession has a major role to play in enabling good surveillance of inherited defects. Only with good data on incidence can disease be tackled effectively by identifying those individual dogs who are affected or may be genetic carriers, allowing the defect to be bred out. The Vet Compass project co-ordinated by the Royal Veterinary College and the recently announced collaboration between the British Small Animal Veterinary Association (BSAVA) and Liverpool University on the Small Animal Veterinary Surveillance (SAVSNET) project are to be welcomed.

The Kennel Club encourages veterinary surgeons to report any surgical modification of a registered dog to them. However, reporting levels are low because of the inevitable conflicts in relation to client confidentiality that this may cause in a practice. The Council believes that the Royal College of Veterinary Surgeons should take steps to ensure that reporting is mandatory by including the requirement in their Code of Professional Conduct

- (ii) What actions should Government take to address these issues?

Government should be ready to update the legislation controlling the advertising, sale and supply of dogs. These areas are already regulated, and the issue is not one of imposing additional regulation but rather of replacing old and outdated legislation with controls which are both effective and resource efficient.

Government should also consider providing some financial support to the Advisory Council on the Welfare Issues of Dog Breeding for a specified period. The Council is currently wholly funded by charitable donations. A period of guaranteed financial support through a matched funding arrangement would enable the Council to work more closely with Government and to undertake more complex research and projects with confidence.

- (iii) Are further controls required on dog breeders, including puppy farms, and those selling or importing dogs to ensure the welfare of bitches and puppies?

Yes. See comments above with respect to the Council's review of legislation. The present situation makes it easy for people to breed large numbers of puppies, both in this UK and abroad, in appalling conditions. Both

the legislation and its enforcement require improvement. Border controls must also be more effective since the ending of the rabies derogation has increased the risk of importing infected dogs.

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**Supplementary written evidence submitted by the Advisory council on the Welfare issues of Dog Breeding**

**COMPULSORY PERMANENT IDENTIFICATION OF DOGS (ENGLAND)**

**PREAMBLE**

In Defra's Consultation on Dangerous dogs (Defra 2010) 84% of respondents (1,875 responses) answered "yes" to the question: *Do you think that all dogs should be microchipped?* This provides an effective mandate for government to introduce PI and, if irresponsible and illegal activities are to be managed effectively, it must be compulsory;

The changes to the pet passport scheme bring a certain urgency to this debate as there is greater potential for fake documentation than previously [examples include dogs with fraudulent documents being imported from abroad 'after hours' and sold close to points of entry from the back of vans];

Insertion of a microchip is the most reliable form of permanent identification (PI) currently available and should therefore be regarded as the default position, but it is important to ensure that future research and development does not preclude the use of other forms of PI as new technologies emerge;

The insertion of a microchip has been shown to be a robust means of identification in a number of animal species [it is probably the most tamper-proof system available, although this is not 100% reliable—some 'criminals' will remove them 'surgically' for example];

The reliability of the database that records the unique identifiers is crucial, as is its ease of interrogation [room for improvement here; there is probably no appetite in Defra for a central database that they would administer, but it would be sensible to ensure that all the existing databases can share information, ideally that a well respected organisation or organisations has/have 'ownership' of the database that any potential privacy issues are resolved. In addition, there must be 24 hour access to the database, this is not so at present];

Good publicity and free, or reasonably priced, microchipping will be important aspects of encouraging uptake, especially initially;

A lead in period of at least 12 months with an amnesty arrangement for unidentified dogs would be desirable.

**AIMS**

Traceability, linking the dog with the original breeder and subsequent owner(s) [this is a key element of tackling irresponsible breeding, including the worst aspects of puppy farming. Anyone who decides to produce a litter of puppies from their dog is a breeder. Whether it is one accidental litter, one planned litter from a much loved family pet, or an established kennel breeding, all these people are breeders and so must be included];

Puppies to be microchipped by eight weeks of age and before they leave their dam—all paperwork to be in place before point of sale [Important to ensure that puppies do not leave their mother prematurely, so suggest that puppies remain with their mother until at least eight weeks of age and this also makes it much less likely that potential owners will not then see the mother];

It is much more difficult to breed irresponsibly and to fail in the duty of care required by the Animal Welfare Act if PI is universally adopted;

Comprehensive database assists the reuniting of owners and dogs if the dog is lost or stolen [provides owners with a certain peace of mind];

The fact that there is a comprehensive database assists those involved in tackling irresponsible breeding by ensuring that all puppies produced by breeders are recorded via a unique identification number [as are cattle, sheep, pedigree rabbits, most horses and some cats];

The cost of microchipping is borne by the breeder, so is self-funding with no cost to government [ideally it should apply to large breeders and single breeders of all dogs whether pedigree, crossbred, mongrel, registered or non-registered];

PI aids identification of those involved in breeding illegally, eg dangerous dogs—ensures that unidentified dangerous dogs can be removed from the population. There are considerable costs (physical, mental and economic) attached to the damage inflicted by various types 'dangerous' dog. For example, the number of hospital admissions (ie those requiring an overnight stay) for dog bites continues to increase; NHS records for England show that there were 2915 hospital admissions in 1997–1998 and 4699 in 2007–2008 and the costs exceeded £2 million per year;

Reducing the stray dog population. Dogs Trust has been researching the stray dog problem for the last 10 years, carrying out a survey with Local Authorities. Taking the number of stray instances, the numbers that are put to sleep, the number of nights that the Local Authorities have to board dogs, the savings, at a minimum would be £2.9 million per year. RSPCA estimated costs were similar at about £2.8 million per year;

It makes it much more difficult for people to falsify the results of health screening tests, including DNA sampling [note that PI is compulsory under existing Canine Health Schemes in the UK];

Improves individual identification and disease surveillance [it would seem illogical to regard PI as an essential feature of disease tracing and control in farm animals and not to extend the same logic to dogs];

Future developments will increase the capacity of microchips to hold a considerable amount of information which is linked to the individual animal and much less susceptible to tampering than paper records.

#### SUMMARY OF BENEFITS

Identification, traceability, accountability and transparency;

The benefits should exceed the costs—available data in support require collation;

Irresponsible breeding can be tackled at source. Puppies are individually identified and linked with the breeder;

All dogs would be identifiable and if a unique identifier is part of each microchip, it is easier to ensure that the breeder is accountable;

Dog welfare would be improved;

The stray dog population would decrease;

Dangerous dogs would be linked with the breeder/owner;

In the event of a disease outbreak, such as rabies, reliable PI will be absolutely crucial.

#### OTHER QUESTIONS TO CONSIDER (ASSUMING THAT NOT ALL WILL AGREE WITH THE SUMMARY OF BENEFITS)

- Will this be cost effective?
- Will this be sufficiently robust (microchip failure, human error, database problems etc)?
- Will this reduce irresponsible breeding and make breeders truly accountable?
- Will crime rates be reduced?
- Will the number of weapon dogs/dangerous dogs/attacks by dogs etc, be reduced?
- Will this increase or decrease owner responsibility?
- Will it make it easier to trace and control exotic notifiable diseases?
- Why not a licence/other system—or simply retain the status quo?

#### THE ADVISORY COUNCIL'S PROPOSED BREEDING STANDARD

#### EFRA COMMITTEE POSSIBLE QUESTIONS FOR THE MINISTER

The Advisory Council is waiting for a response from Defra with regard to meeting the new Minister to discuss, inter alia, the Standard for Breeding Dogs (hereafter the Standard).

Chris Laurence and I have both had informal contact with Rebecca Garcia at DEFRA to clarify minor points about the Breeding Standard.

For Chris: That the Standard is good practice not legal minimum.

For me: That the Standard is a document to be used as the basis for further discussion with the specific aim of producing a single document and standard for all types of dog. The covering letter to Lord Taylor, the then minister, said that the AC Standard would be used as a basis for a unified approach. Prof Bateson will chair a working party charged with producing a common Standard.

Other specific issues related to the Standard which Defra needs to address are as follows:

Permanent Identification: If permanent identification is considered so crucial for farm animals, should this approach not also be extended to dogs where more can be achieved, not least the potential for restoring lost and stolen dogs to their owners?

Would permanent identification of individual dogs (linked to a central 24 hour database) and registration of individual breeders using, in simplest form, a breeder registration number be the best way of making a start on the issues of irresponsible breeding?

Whether the minister considers a parallel to the Racing Greyhounds (England) Regulations whereby allowing a breeder to be inspected by a UKAS accredited body would exempt them from local authority inspection and licensing? And if so, does he consider the Standard would be appropriate for such an accredited body?

[For information: The Welfare of Racing Greyhounds (England) Regulations 2010 introduced under the Animal Welfare Act 2006 set out the legal minimum requirements to protect racing greyhounds' welfare. In doing so the Regulation requires an annual inspection of the racetrack by the local authority similar to that required by local authorities for premises under the Breeding and Sale of Dogs (Welfare) Act 1999. However a significant section of the greyhound racing industry is already regulated by the Greyhound Board of Great Britain (GBGB). Their primary role is to ensure the integrity of racing to support the gambling industry and the welfare of the dogs is secondary. The Regulation accepts that dual regulation is unnecessary as long as the GBGB regulates to a standard approved by the United Kingdom Accreditation Service (UKAS). The Regulations therefore exempt greyhound tracks from local authority inspection if they are regulated by GBGB. There is the potential for an analogous situation with dog breeding, if there was a body accredited by UKAS that was inspecting to a standard approved by government. The Advisory Council Standard could form the basis of such a process if government accepted it as complying with all current legislation.]

It is likely that the existing breeding legislation would need to be repealed and replaced with a new Regulation under the Animal Welfare Act similar to the greyhound legislation.

October 2012

### Written evidence submitted by Communication Workers Union (CWU)

#### OVERVIEW AND THE CWU "BITE-BACK" CAMPAIGN

CWU through our "Bite-Back" Campaign has been leading the campaign to change the Dangerous Dogs Legislation along with a number of other organisations and we launched our "bite Back" campaign in 2008 because 23,000 postmen and women have been attacked by dogs in the last four years in the UK with two of Postmen nearly losing their lives. 12 Postal Workers are attacked by Dogs every day. Eight Postmen and Women have had fingers bitten off whilst delivering mail through letter boxes in the last year—this is becoming more common.

The EFRA Inquiry will be another opportunity to discuss this important issue. The 1991 Dangerous Dogs Act is totally ineffective and the law needs to be changed.

Dangerous Dogs are now a huge problem in our society and has reached a point where dog control is "out of control;" in the UK and therefore needs urgent action from government.

The CWU is not anti-dog because most dogs do not pose a problem to anyone and are good pets and companions to their owners.

#### BITE—BACK CAMPAIGN OBJECTIVES

The CWU calls upon the Government to Revise, consolidate and modernise existing Dangerous Dogs Laws, introducing changes that will:

- Extend the Criminal Law to include Private Property (Applying the Law everywhere).
- Introduce Dog Control Notices (DCNs). (Preventative Measures—As in Scotland, Northern Ireland).
- Introduce Compulsory Microchipping for ALL dogs (Ownership Traceability).
- Introduce tougher punishments and increased court Penalties.
- Ensure effective enforcement and resources for Police and Dog Wardens.
- Introduce new more wide ranging powers of seizure (all types) and discretion to leave dog with the owner by Police and Dog Wardens.
- Improve victim compensation arrangements—Third Party Insurance Cover, Criminal Compensation Orders, Criminal Injuries Compensation Scheme.
- Base the new law on the "Deed not the Breed".
- Support the above with a national programme of public awareness, owner education and training and local community projects which promote responsible dog ownership
- More funding to support the training of Dog Legislation Police Officers, so each of the UK's 53 Territorial Police Forces has dog expertise.

#### SUPPORTING ORGANISATIONS

Some of the organisations on record supporting these changes:—Communication Workers' Union (CWU); Association of Chief Police Officers (ACPO); Police Federation; Metropolitan Police; West Midlands Police; National Dog Warden Association (NDWA); Royal College of Nursing (RCN); Royal Society for Prevention

for Cruelty to Animals (RSPCA); Dogs Trust; Battersea Dogs & Cats Home; Blue Cross; British Veterinary Association (BVA); British Small Animal Veterinary Association (BSAVA); Royal College of Veterinary Surgeons (RCVS); Camden Community & Police Consultative Group (CC&PCG); Dangerous Dogs Act Study Group (DDASG); Greater London Authority (GLA); National Animal Welfare Trust (NAWT); PDSA (People's Dispensary for Sick Animals); The Kennel Club; Wood Green Animal Shelters (Wood Green); Trades Union Congress (TUC); Unite; UNISON; GMB; Prospect; Tonbridge & Malling Council; Tendring Council; Wandsworth Council; Wakefield Council; Wokingham Council; Haringey Council; Kensington Council; Lambeth Council; Lewisham Council; Manchester City Council.

#### **“DEED NOT THE BREED” & RESPONSIBLE OWNERSHIP**

There needs to be a shift from concentration on the breed of dogs to responsible ownership. It is generally recognised that the Dangerous Dogs Act 1991 has proved to be a bad piece of legislation, perhaps one of the worst pieces of legislation ever to be put on the statute books. Since it was introduced, there has been an increase in general irresponsible dog ownership, in dog attacks and bites and street dog fighting, and a big increase in stray dogs. Despite banning four breeds, it has not reduced the number of pit bull terriers in this country and, in fact, the number has grown. Demonising certain breeds has the danger of making them attractive to the wrong people.

A dog is only as good as its owner, and any dog has the potential to be dangerous. It is essential that dogs receive training, socialisation and exercise, and the emphasis in any new law must be on the responsibility of owners and the prevention of the horrific attacks that we know about and are experiencing. We must look on dog ownership as a great benefit to society, but we also know that it brings dangers. We must protect young vulnerable children, Postal Workers and other workers visiting homes and commercial premises and the public at large from these ever more common attacks.

The CWU has for many years been calling for the Westminster Government to introduce a Bill to tackle these issues. There must be genuine prevention. Concentrating on breeds is not effective—it is the “deed, not the breed”, as all the key stakeholder organisations agree. The police spend money and resources on enforcement of the Dangerous Dogs Act, seizing dogs because of their breed and type, but it would be much better to concentrate on all dogs that show unprovoked aggression combined with irresponsible owners. We need the Minister and Government to stop the shilly-shally and introduce a new bill, repeal half a dozen useless dogs laws and look at the new laws introduced in Scotland, and Northern Ireland.

#### **PRIVATE LAND**

The key issues in a new Bill must be that it covers all places, including private property. Postmen and women have no defence in Law when attacks take place on private property. 70% of the attacks on postal workers occur on private property where the law does not apply. This is an issue being pressed strongly by the Communication Workers Union.

#### **DOG CONTROL NOTICES**

There must be prevention through new Dog Control Notices. The police and dog wardens presently have no proactive powers to deal with aggressive, dangerous dogs and bad owners before an attack takes place and the introduction of new statutory dog control notices (DCNs) would resolve that problem.

#### **COMPULSORY MICROCHIPPING**

A permanent means of identification is needed by way of compulsory microchipping of all dogs. This is an easy procedure to carry out, it is a safe and painless way to permanently identify pets. This not only assists in the reuniting of lost dogs with their owners, it will resolve ownership disputes, reinforce the responsibilities of the owners and have the additional advantage of linking offending dogs to their owners in order to establish responsibility. Many countries have already introduced compulsory microchipping including European countries, as well as Canada, Australia, Hong Kong, Japan, Israel and others. EU Countries report a high compliance rate of between 70% to 95%.

There also needs to be:

- Tougher enforcement and punishments via increased court penalties. (A sentencing Council Consultation has just closed).
- Effectively resourced enforcement by Police and Dog Wardens should be put in place.
- Compensation arrangements for severely injured dog attack victims left with debilitating and disfiguring injuries as many owners are uninsured.
- Better Dog Ownership Information, Education and Training.
- Public Awareness Raising of the serious problem.

A large number of back bench MPs from across the house of commons have given wide support to the CWU campaign for change and high levels of support and consensus exists on all sides, all parties, in the campaign to replace the ineffective Dangerous Dogs Act.

From a public, postal workers and other worker safety perspective the current situation is unsustainable. This issue cannot be put off any longer and the Government needs to take action now. It is long overdue. I trust this information will be of assistance to you during the forthcoming debate. Please do not hesitate to contact me if you need further information.

SOME FACTS:—

1. There are around 9–10 million dogs in the UK.
2. Around a quarter of a million people are bitten or attacked by dogs each year. No records are kept of those treated in A&Es, Minor Injury Clinics or GP Surgeries.
3. There are fewer than 1200 successful Dangerous Dogs Act convictions annually.
4. New dangerous dogs legislation has been introduced in Scotland on 26 February 2011.
5. New dangerous dogs legislation has been introduced in and Northern Ireland on 8 March 2011.
6. New dangerous dogs legislation will be consulted on later this year with a Bill introduced in early 2013.
7. The cost to the NHS of Dog Attacks is a huge £9.5 million a year.
8. The Metropolitan Police Service has an annual budget for kennelling of seized dogs of £2.5 million a year. 1,000-plus dogs are seized by the Metropolitan police every year. West Midlands Police spent £500,000 on kennelling in 2010. Merseyside Police spent £300,000 on kennelling in a year.
9. The total estimated costs to the taxpayer per annum for irresponsible dog ownership is now over £80 million pa. (RSPCA Report: £14 million pa for road traffic accidents caused by dogs, £9.5 million from attacks by dogs on humans, £3 million for attacks by dogs on farm livestock, £42 million pa for stray dog services).
10. There are 5,000–6,000 Dog Attacks on Postal Workers every year plus 400 on British Telecom Engineers. Colleagues in other Trade Union report a whole number of workers are also attacked and bitten eg Police Officers, Gas, Water, Electricity workers, Meter Readers, Refuge Collectors, Street Cleaners, Gardeners, District Nurses, Home Helps, Meals On Wheels, Council Officials and Workers, Leafleters, Newspaper Delivery staff etc.
11. 70% of the Dog Attacks on Postal Workers occur on Private Land (private land, roads, drives, car parks, lanes, paths, gardens, farms, commercial premises, unadopted land etc). Where the Law doesn't apply and irresponsible owners are immune from prosecution!
12. The injuries to postal workers range from small nips and minor bites to serious bites and puncture wounds, arms nearly severed, fingers bitten completely off, severe facial injuries, testicles bitten off, legs, arms, trunk bites, loss of flesh and tissue, severe psychological injury etc, through to two Postal workers nearly killed (Sheffield 2007, Cambridge 2008),
13. Sick Absence due to Dog Attacks costs Royal Mail around £500,000. With indirect costs of covering the absence plus individuals losses, the figure doubles to a million pounds a year.
14. 88% of the public who responded to the 2010 Defra public consultation on dog control legislation indicated that they believed the legislation and its enforcement was not effective in protecting public safety.
15. In response to the Defra Consultation 97% of the key organisations supported extending the law to cover private land (as in the new Scottish and Northern Irish Acts).

Find attached for your information a number documents, correspondence for your information prior to the forthcoming debate at Westminster on Wednesday:

- Letter from Prime Minister David Cameron to Dave Joyce dated 30 April 2010 promising to change the law to protect children and postal workers.
- CWU Case File Photos and Reports of Children injured and killed in Dog Attacks plus adults killed in Dog Attacks.
- CWU Press Release—New laws backs Postal Workers in their daily dog fight, detailing the New Dangerous Dogs Laws introduced in Scotland and Northern Ireland.
- CWU response to Defra Dangerous Dogs Consultation.
- CWU Response to Sentencing Council Dangerous Dogs Offences Consultation.
- Letters to James Paice Minister, Lord Henley Parliamentary Under Secretary of State and Lord Taylor Parliamentary Under Secretary of State.
- 'Joint Briefing Paper signed by: Communications Workers Union, Battersea Dogs & Cats Home, Guide Dogs for the Blind, Royal College of Veterinary Surgeons.
- Blue Cross, Kennel Club, RSPCA, British Small Animals Veterinary Association, Mayhew Animal Home, UNISON, British Veterinary Association, National Dog Wardens Association, USDAW, Police Federation, Unite, Dogs Trust, Prospect, Wood Green Animal Shelters, GMB, Royal College of Nursing.

**BACKGROUND**

The Communication Workers Union (CWU) is one of the UK's largest Trade Unions, representing 220,000 workers including those employed by Royal Mail Group and British Telecom Group. Of those workers—70,000 Royal Mail and Parcelforce Worldwide delivery workers and 30,000 BT Engineers are vulnerable and are exposed to the risk of Dog Attacks on a daily basis. In 2008–6,500 Postal workers and 400 BT workers are attacked by Dogs bringing about the launch of the CWU's high profile "Bite-Back" Campaign with the objective of modernising, updating and strengthening the Dangerous Dogs Laws in the UK, improving enforcement, calling for harsher penalties, introducing preventative measures and improving compensation for those injured.

Last year around 4,000 Postal workers are attacked by dogs in the UK whilst delivering the Mail, packets and parcels as well as around 100 British Telecom Engineers. Many require hospital treatment and many receive serious disabling injuries and disfigurement. Some are forced to give up their job. Two Postal workers (one in 2007 and one in 2008) were nearly killed in savage attacks. Around 50 Postal Workers have lost fingers or parts of fingers in dog attacks through letter boxes over the last four years and there was a total of 23,000 Postal Workers attacked and bitten.

In the majority of cases, irresponsible dog owners are not held to account and are immune from criminal prosecution. Additionally many owners are immune from civil litigation and workers receive no compensation for what in many cases are severe injuries and losses.

It has been apparent for many years that the existing Dangerous Dogs Acts of 1989, 1991 1997, the 1871 Dogs Act, the Guard Dogs Act 1975 etc are totally ineffective in controlling dangerous dogs and dealing with irresponsible owners leaving many victims with no remedy in criminal or civil law. The law urgently needs revising to help protect the general public, workers and children, rebalancing the law in favour of the victims as well as improving dog welfare. The CWU has been lobbying the UK Governments of England, Wales, Scotland and Northern Ireland for these changes through the CWU "Bite-Back" Campaign and has succeeded in getting the Law changed in Scotland and Northern Ireland. Following continued campaigning, lobbying and meetings, the Welsh Government have just last month announced the intention to introduce a "Dog Control (Wales) Bill".

The CWU firmly believes that the Government must take prompt action to tackle dangerous dogs, which includes making changes to the current dangerous dog legislation. The current legislation is outdated and ineffective in combating the growing problem of dangerous dogs. The CWU calls upon government to introduce tougher punishments for owning a dog which is dangerously out of control and causing injury and calls upon government to extend the Dangerous Dogs Act to private land plus introduce new Dog Control Notices (DCNs), giving Police and Dog Wardens extended, proactive enforcement powers to enable them to take action against careless, irresponsible owners of aggressive dogs before they kill, cause injury and damage.

The scope of the Dangerous Dogs Act 1991 must be extended to cover private property where dogs are permitted to be. 70% of the thousands of Dog Attacks on Postal workers every year occur on private property (private land, roads, drives, lanes, paths, gardens, car parks, farms, commercial premises, unadopted land etc) amounting to over 4000 of those attacks in which the owners are immune from prosecution because the Dangerous Dogs Act 1991 doesn't apply on private property. There is a very large gap in the Dangerous Dogs Act 1991 where there is a lack of protection against attacks on private property. This means that Postmen and Women, or any worker visiting the dog's home can be attacked, without criminal charges being brought against the owner. A new Law needs to visibly close that loophole with the result that if a Postal worker, Telecom worker or any worker is attacked by a dog on private property, the owner should be able to be prosecuted and held legally responsible and so provide the victims with a remedy in criminal law.

**PREVENTATIVE MEASURES**

*Q. Are the approaches proposed by Defra in its announcement on "Tackling Irresponsible Dog Ownership" on 23 April 2012 sufficient to ensure that there is a reduction in the number of attacks by dogs on people and animals?*

The CWU has been campaigning and lobbying for the introduction of "Dog Control Notices" as genuine preventative action which would allow authorities to take swift action against irresponsible dog owners at the first signs of their dogs displaying aggression. These pre-emptive measures would mean that "problem dogs" and indeed, problem owners, could be addressed before a serious incident occurs. Dog Control Notices (DCNs) have been introduced in Scotland and Northern Ireland. The Welsh Government also intend to introduce DCNs. The CWU and many other organisations are dismayed and disappointed that Defra's proposed package of measures does not do more in the area of prevention to hold irresponsible owners to account for their actions.

The CWU believes that pre-emptive measures are a more effective solution than the current legislation which ties up police resources in seizing specific breeds deemed to be dangerous regardless of the behaviour of the individual dog, rather than focusing resources on dogs of any breed, or type, that have actually displayed aggressive behaviour.

There is a need to give the Police and Dog Wardens more preventative powers to deal with the behaviour or any dog. Instead the government to date have rejected and “specific measures” and instead are relying on the Home Offices’ reform of Anti-Social Behaviour proposals.

It has been suggested to the CWU by Defra Ministers that the changes proposed by the Home Office may be sufficient in themselves to tackle the growing and out of control problem of Dangerous Dogs and irresponsible owners. The Communication Workers Union (CWU) however does not believe that Crime Prevention Injunctions, Criminal Behaviour Orders and Community Protection Orders are the solution to dealing with the problem of Dangerous Dogs and the unacceptable number of Dog Attacks in the UK other than possibly assisting with the “Status-Dog” aspect along with Dog Barking Noise nuisance and Dog Fouling.

The proposals for example suggest that in respect of Dangerous Dogs a Community Protection Order (Level 2) would be the order selected from the revised list of various Orders which could be invoked, so enabling a local authority or the police the power to place controls on an Irresponsible Dog Owners. However this is the same Order that would be used to close down a property linked with persistent anti-social behaviour (eg Crack House Closure Orders, Premises Closure Orders, Brothel Closure Orders). Such measures are hardly suitable to use against an irresponsible dog owner who has an aggressive dog that he or she is failing to control and is clearly a menacing animal that could a child, another animal or attack and seriously injure a Postman whilst delivering the Mail on a private front garden path or the drive of a residential or commercial premises!

Where as a “Dog Control Notice” is simply filled out by an authorised, trained Enforcement Officer, ie Council Dog Warden or Police Officer, the requirements, time, cost and resources required to get a Community Protection Order (Level 2) issued is a far more complex and costly process. A Dog Warden or Police Officer would need to place evidence before a senior officer of the rank of superintendent or above, or the appropriate person at the local authority before being able to take action would not be appropriate for example in the immediate aftermath of a vicious dog attack where immediate, prompt action is necessary. In cases of more serious or persistent disorder, evidence is provided by the police or the local authority to the Magistrates’ Court to request an order.

The CWU does not believe that the proposal is appropriate or that it will be effective.

Another worrying aspect of this is the fact that senior police officers have been questioning the effectiveness of the ASBOs for some time and that to simply “re-badge” them as Crime Prevention Injunctions, Criminal Behaviour Orders and Community Protection Orders is may be more of a political stunt than an effective tool.

The new orders will not deal with the dangerous dogs law deficiencies. To offer this up as a solution to the deficient Dangerous Dogs Act is nothing more than a “cop-out” for necessary changes in dangerous dogs legislation and it will be a missed opportunity and grave mistake.

*Q. Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

Yes. What is needed is new modernised, comprehensive Dangerous Dogs Legislation (eg the Bill produced by RSPCA/ACPO/NDWA) which has been submitted to Defra, replacing a number of current ineffective pieces of legislation (Eg DDA, Dogs Act, Guard Dogs Act and several others listed in the CWU’s Defra Dangerous Dogs Consultation response). The “Private Members” Dog Control Bill introduced by Lord Rupert Redesdale in the House of Lords and Caroline Nokes MP in the House of Commons offers another alternative.

A number of Acts and sections of Acts could be considered for consolidation such as:—

- The Dogs Act 1871.
- Animals Act 1971.
- Guard Dogs Act 1975.
- The Dangerous Dogs Act 1989.
- The Dangerous Dogs Act 1991.
- Control of Dogs Order 1992.
- The Dangerous Dogs (Amendment) Act 1997.
- Animal Welfare Act 2006.
- Clean Neighbourhoods and Environment Act 2005.
- Litter (Animal Droppings) Order 1991 of the Environmental Protection Act (1990).
- Metropolitan Police Act 1839.
- Town Police Clauses Act 1847.
- Offences Against the Person Act 1861.
- Environmental Protection Act 1990.

The government however propose to amend the Dangerous Dogs Act 1991 which is a flawed Act. An example of which is the following case:



*Dangerous Dogs Act 1991—R v Stewart and Stewart [Near Fatal Attack by the Stewarts two Rottweiler Dogs on Postman Keith Davies December 2008]*

The above case which demonstrates a serious weakness in the current Dangerous Dogs Act 1991 and I promised to write to you with the summary details of the case.

THE KEITH DAVIES DOG ATTACK

In December 2008 Postman Keith Davies was delivering mail to the Stewart family residence in Cambridge. The property has a solid wood perimeter fence and gates. The Mail Box is secured to the Fence by the property's Main entrance Gates. The two Rottweiler's escaped when a door in the fence near the main gates broke open. The dogs launched a vicious and sustained attack on Keith Davies, dragging him along the private road and on to a neighbours property where he was severely injured and nearly killed. He was fortunate not to lose an arm.

Two of the Stewart family, the owner Mr Stewart and the person in control at the time his daughter were prosecuted for DDA 1991 offences as the owners and keepers of the two Rottweiler Dogs which attacked and badly injured Keith.

Although the Road was a Private Road it had no gates and had unrestricted Public access. Richard Crowley Chief Crown Prosecutor explained to me that initially consideration was given to a prosecution under the DDA 1991 Section 3 Sub-Section 1 (If a dog is dangerously out of control in a public place and injures a person) but the problem was that it was very clear that the scene of the attack wasn't a public place and the act doesn't apply on private land. There were signs up, clearly displaying the fact that it was a "private road". There was the evidence of other residents that it was a private road. There was the deeds confirming it was private. Community surveys confirmed that the road was not adopted by the local authority and was private. Photographs of the premises also showed it was private land and property. The CPS, after consideration, did not believe they could convince the Court that it was a public place against the weight of evidence and no doubt felt they could not satisfy the definition of a public place as established in *R v Bogdal*[00].

Richard Crowley said it was therefore decided to prosecute under Section 3 Sub-Section 3 (if a dog enters a place which is not a public place but where it is not permitted to be and it injures any person ie a neighbours property).

Richard Crowley said the problem was the (*technical*) difference between S 3 (1) which states "and/or" and S 3 (3) which states "if/or". Under S3(1) the CPS can prosecute the Owner and/or person in charge of dog/s. However, under S3(3) the CPS can only prosecute the Owner or/if different the person in charge) and by prosecuting both the owner and person in charge in this case, the defence lawyers challenged this and subsequently the judge dismissed the case.

Richard Crowley added the Stewarts displayed a lack of co-operation throughout the enquiry in respect of confirming who was in charge of the Dogs. Mr Stewart would only confirm he was the dog's owner and no more. He wouldn't say who was in charge. *Clearly the defence lawyers were advising the Stewarts to be vague and they were exploiting the loopholes in the DDA 1991.*

Richard Crowley said the Police and CPS concluded that in spite of Mr Stewart being out of the country at the time of the attack, he had a duty of care and so he was prosecuted on that basis.

Richard Crowley added that in respect of the daughter Ms Stewart, she was in residence at the home at the time of the attack and eventually came out of the house and took control of the situation. She therefore must be presumed to be in charge of the dogs at the time and was therefore prosecuted also, on that basis.

Richard Crowley said the decision to prosecute both of the Stewarts—the Father and Daughter became the problem as detailed above. The DDA 1991 is a very complicated Law which is not clear. The CPS prosecuting Counsel thought it was correct and that the CPS/Police could prosecute both and that it should be put to a Jury to decide. The Crown Court Judge however did not accept this and found that S 3 (3) only allows one person to be prosecuted and bringing a prosecution against two people was an "abuse of process".

Richard Crowley explained that the CPS were in a "catch 22" situation. If they elected to go against Mr Stewart alone, he would claim that he was out of the country and wasn't in charge. If they elected to go against Ms Stewart alone, she would claim that she wasn't the owner and neither had she been left in charge. The wife Mrs Stewart who was in the house claimed she was neither the owner or in charge. The Son and a second daughter were in the same situation, claiming the same as Mrs Stewart, as did the Housekeeper/Cleaner who was present on the day of the attack also. So it could only be Mr Stewart or the daughter to be considered for prosecution.

Richard Crowley said the Judge's conclusion was that the CPS had overstepped the mark by prosecuting both and because the CPS couldn't decide which one to prosecute, it was an "abuse of process" and a criminal court has the power to stop a prosecution when there is an abuse of the process of the court to secure fair treatment for those accused of crime. The Judge therefore dismissed the case against both defendants.

Richard Crowley Chief Crown Prosecutor concluded that this was a "terminating ruling" with no appeal or way back in. The CPS isn't allowed two bites at the Cherry because they got it wrong in the first place.

This failed prosecution exposes yet another major flaw in the Dangerous Dogs Act 1991 which allows more than one person to be prosecuted under Section 3(1) but only allows one person to be prosecuted under Section 3(3) which is ludicrous as in the *R v Stewart and Stewart* case. This needs to be remedied with a new consolidated, improved and modernised bill.

#### Dangerous Dogs Act 1991

##### Section 3—Keeping dogs under proper control

(1) If a dog is dangerously out of control in a public place:

- (a) the owner; and
- (b) if different, the person for the time being in charge of the dog, is guilty of an offence, or, if the dog while so out of control injures any person, an aggravated offence, under this subsection.

(2) In proceedings for an offence under subsection (1) above against a person who is the owner of a dog but was not at the material time in charge of it, it shall be a defence for the accused to prove that the dog was at the material time in the charge of a person whom he reasonably believed to be a fit and proper person to be in charge of it.

(1) If the owner or, if different, the person for the time being in charge of a dog allows it to enter a place which is not a public place but where it is not permitted to be and while it is there:

- (a) it injures any person; or
- (b) there are grounds for reasonable apprehension that it will do so, he is guilty of an offence, or, if the dog injures any person, an aggravated offence, under this subsection.

*Q. Will compulsory microchipping of puppies improve dog welfare and help prevent dog attacks at an affordable cost to dog owners? Should a dog licensing scheme also be considered?*

The CWU supports the benefits of the introduction of a requirement for compulsory microchipping of all dogs and as part of the “Microchipping Alliance” we collectively support the proposal that permanent identification should form part of any new dog control legislation. CWU strongly supports compulsory microchipping of dogs as a means of improving dogs’ welfare and improving owner responsibility in relation to dogs dangerously out of control. That improvement would be brought about by the rapid return of stray dogs to their owners, the ability to trace a dog to the breeder, and the ability to identify an owner who fails to comply with the Animal Welfare Act 2006 or the Dangerous Dogs Act (1991) and its subsequent replacement Dog Control legislation. In itself compulsory microchipping will not have any direct effect on the prevention of dog attacks but because the ability to identify a dog and its owner, it is our belief that it will assist in making dog owners more responsible and will make them accountable should they fail to control their dog and it carries out an attack.

Microchipping is now recognised as the most effective and secure way of permanently identifying a pet and owner. A unique identification number is registered to the animal and the owner’s details are placed on a national database. In many dog attack cases, identifying ownership becomes an issue as individuals attempt to avoid prosecution and civil litigation and a registration scheme would certainly assist in such cases, as well as reinforcing the responsibilities of the owner under Animal Welfare Legislation as well as allowing stray dogs to be quickly returned to their owners.

The CWU would also support the RSPCA’s call for the reintroduction of a national dog license and believes that both measures could be introduced in tandem as has been implemented by the Northern Ireland Government who have backed up the requirement with a simple enforcement regime of “fixed-penalties” for those caught without a Licensed, Micro chipped Dog and Prosecution for those failing to pay the fixed penalty, as with other fixed-penalty offences (Parking, Smoking, Public Order offences etc).

Microchipping is a cheap and effective means of registration and identification of a dog involving a small one-off fee. This is likely to be publicly more acceptable than Dog Licensing alone although both Dogs Trust and RSPCA commissioned Public Opinion Surveys which both returned high levels of public support amongst those surveyed.

- The survey conducted by Dogs Trust showed that 88% of dog owners would be in favour of a law including compulsory microchipping; and
- The survey commissioned by RSPCA found that 76% of people asked said that a dog license should be introduced and enforced.

However Microchipping will not generate ongoing funding for enforcement whereas the Dog License, which involves an annual fee would generate enforcement funding and forms the basis of enforcement and administrative costs in Northern Ireland with the annual dog licence fee set at £12.50p.

CWU is of the view that registration alone is not “the solution to all the problems” but CWU does support permanent identification for dogs. CWU is also of the view that without effective enforcement no scheme will be effective. Additionally, these measures taken alone however will not deal with the preventative or

educational Law changes required to deal with the unacceptable number of cases of irresponsible owners or dogs who attack, injure and even kill workers, children and people in general.

We have noted that some argue against a dog registration scheme on the same basis as the argument against compulsory third party insurance. The CWU believes that a false dichotomy between freedom and necessity is being presented when in fact the majority of the public and workers represented by Trade Unions support the changes which can both protect the interests of dogs, dog owners and the victims of irresponsible dog owners and aggressive dogs.

Microchipping is a physically robust method of identification. The process should only need to be done once in the lifetime of a dog. In our view the benefits of microchipping should be considered as an important component in relation to a package of necessary new Legislative measures in any new legislation for the control of dogs.

The key benefit of compulsory microchipping of all dogs is improved animal welfare, the encouragement of better owner responsibility and owners to take greater responsibility for their dogs' behaviour and welfare, including the provision of better traceability of owners and owner identification following dog attacks and for disease control purposes.

The introduction of Compulsory Microchipping would:

- Enable the Police to more easily trace and identify an owner, linking owner with dog when an investigation is underway and prosecution is being considered following a dog attack.
- Enable lost or straying dogs to be reunited promptly with their owners—meaningless dogs will be put to sleep at council pounds.
- Permanently identify a dog in such a way that is virtually impossible to alter or remove—a clear advantage for dogs that are stolen.
- Enable clear identification of the dog's owner when prosecution is being considered for dog thieves and antisocial behaviour.
- Significantly decrease the workload of all those dealing with stray dogs.
- Costs to local authorities would be reduced as returning strays rapidly incurs less kennel costs and, in many instances, the local authority officer will spend less time with the dog.
- Allow puppies bred illegally or inappropriately on puppy farms to be traced to their source.
- Abandoned dogs' owners could be identified and pursued for costs.

There are around 10 million dogs owned in the UK. Many dogs have responsible and caring owners who control and care for their dogs which are in turn good natured and sociable. However, there are an increasing number of dogs of all shapes and sizes being acquired by irresponsible owners which become aggressive, are in turn not properly controlled and pose a serious threat to the safety of Postal workers, other workers, children and members of the public as well as other dogs including guide dogs (seven guide dogs are attacked each month).

Many of the abandoned animals do already have microchips, but inadequate and out of date records mean owners are unreachable or can simply claim that they "gave the dog away years ago. The RSPCA have continued to call for the reintroduction of a mandatory dog registration scheme to run alongside compulsory microchipping, as is the case in Northern Ireland where the Dog License was retained and remains in force having been reinforced in the new Dog Control Laws introduced in 2011. The CWU would support the RSPCA suggestion and very much supported the Northern Ireland Dog Control Legislation, which the CWU played a great part in its introduction. It is vital that owners details be centrally held in an up to date Government run database if compulsory microchipping is to be effective. Compulsory Microchipping and Dog registration would go a huge way to improving the lives of millions of dogs and holding the irresponsible owners to account for dog attacks and for acts of cruelty or neglect against the animal. We believe that microchipping will encourage responsible dog ownership and will help prevent owners of dangerous dogs from simply denying responsibility if a dog carries out an attack.

One option that has is to microchip new puppies and dogs only when they transfer ownership. Under this option, it would take 10–12 years for all dogs to be microchipped, which is far too long. Simply micro-chipping new puppies and other dogs on a transfer of ownership would be difficult if not impossible to enforce.

Royal Mail and Parcelforce Worldwide delivery workers visit the UK's 29 million addresses six days per week, 52 weeks a year and as such are vulnerable and are exposed to the risk of Dog Attacks on a daily basis. Around 5000 Postal workers and 100 BT workers are attacked by dogs every year in the UK.

Attacks on guide dogs by other dogs is an issue that Guide Dogs For The Blind is increasingly concerned about and the CWU shares their concern. These attacks are growing in number and are deeply distressing for our guide dogs owners. If a guide dog is attacked by another dog, their owner will be left relying on friends and family to do the everyday things that the rest of us take for granted. If a guide dog has to be retired after an attack, the guide dog owner can be left unable to get out and about independently. With guide dogs costing around £50,000 to breed, train and look after through their working life, it's also costly for the Charity that relies on the generosity of the public.

The CWU firmly believes that the Government must take prompt action to tackle dangerous dogs, which includes making changes to the current dangerous dog legislation as a whole. Compulsory Microchipping is a step in the right direction but the current legislation is outdated and ineffective in combating the growing problem of dangerous dogs.

*Q5. Should the Dangerous Dogs Act 1991 be extended to include offences committed on private property?*

On average 12 postal workers would be attacked every day in the UK, 23,000 attacks in the last five years with the majority having no protection in law as 70% of attacks took place on private property where the owners were immune from Criminal prosecution. Thousands of postal workers and telecom engineers—along with other workers who go on to private property and parents of small children—desperately need the private property loophole closing so that they have legal protection and irresponsible owners are made accountable for their dogs. Government action is well overdue and thousands of people have suffered debilitating injuries while government have dragged their feet. Not all dog owners take full responsibility for the impacts their dogs have on society. A considerable number of dog attacks occur on private property belonging to the owner, many of which result in serious injury or even death. Whilst the law makes it an offence to allow a dog to be dangerously out of control in a public place (or a private place where it has no right to be), with a maximum penalty of a fine and/or two years imprisonment, it is not a criminal offence if the incident takes place on the private property belonging to the owner of the dog. Existing law in this area is totally inadequate and Civil Law is of little help. The 1871 Dogs Act has failed because, there are no criminal sanctions, there is no power of seizure, If an owner transfers the dog to someone else prior to a Court hearing, they may be able to avoid the proceedings, and the Court has no power to require the owner to pay compensation or issue a dog ownership ban.

*Q. Are Defra's proposals for wider community and educational approaches to support responsible dog ownership sufficiently ambitious?*

Whilst the CWU welcomes local authority and wider community educational and training projects and initiatives to promote responsible dog ownership and the government's commitment to invest in such measures. However £50,000 will make little impact in improving the current scale of the problem which continues to grow.. Dog Charities have put up more than that (Dogs Trust, The Kennel Club, RSPCA etc). £50,000 shared throughout the UK's 420 LAs is therefore unlikely to provide local authorities with sufficient resources towards improving measures to prevent dog bite incidents and protect the public from aggressive dogs and their owners.

*Q. Is there a need for a more fundamental overhaul of dog legislation, and its enforcement, including that relating to dog attacks on people, livestock and pets?*

Dog attacks are of great concern to the Guide Dogs Charity and to guide dog owners. The number of guide dog owners who are reporting dog attacks on their dogs is increasing. Latest research shows the number of reported attacks on guide dogs has risen from three a month to over eight dog attacks a month within a 24 month period from June 2010 to May 2012. In most cases the cause of the attack was unprovoked, and the aggressor dog was uncontrolled and off the lead. Dog attacks can have a devastating impact on both the people and dogs involved. Three guide dogs have been permanently withdrawn, and two others are currently being assessed to see if they are able to continue working. The other major impact is that blind and partially sighted people are left without a guide dog, their mobility aid, and become housebound until they can be matched with a suitable dog. Some guide dog owners have been left too frightened to go out as a result of an attack. One guide dog owner wanted to move house due to the response of the owners of the attacking dog, who in some cases used verbal abuse against blind and partially sighted people. Some appeared to be under the influence of drink or drugs, and in one case, the owner of an aggressive dog laughed at a guide dog owner during an attack on his guide dog. The Law must be amended to make these attacks an offence.

*Q Do local authorities, the police and animal welfare charities have the right roles in managing stray dogs under the current legislative regime?*

Police and Dog Wardens Powers should be extended and strengthened as outlined elsewhere in relation to DCNs and changes to seizure rules giving Enforcement Officers more discretion. Status dogs are a growing issue in terms of numbers and animal welfare particularly in deprived areas. RSPCA, Dogs Trust and other Charities should continue their work with Local Authorities and the Police supported by Government to continue research and projects to organise events, gain an accurate understanding of the attitudes and perceptions of the owners of such dogs and develop interventions to promote animal welfare, better training and increasing levels of neutering, working directly with young dog owners in particular.

#### FOOTNOTE

#### CICS PAYMENTS FOR DOG ATTACK VICTIMS

To our surprise and shock, the Coalition Government via the Ministry of Justice launched a Public Consultation on "The Reform the Criminal Injuries Compensation Scheme (CICS)" Consultation Document CP3/2012, and hidden away, buried in Paragraph 186 it stated that the Minister intends to exclude in future

claims “from applicants attacked by dangerous dogs not kept under proper control.” The CWU responded clearly that is we are totally opposed to this proposal for very important reasons and strongly requested that the Minister reviewed and withdrew the proposal. The government response entitled “Compensation for victims of violent crime in Great Britain” was published last week on Pages 40 and 41, paragraphs 156 and 160 state as follows:-

As an aside and to our surprise, the Ministry of Justice launched a Public Consultation “Reform the Criminal Injuries Compensation Scheme (CICS)” Consultation Document entitled Getting It Right For Victims & Witnesses” Ministry Of Justice Consultation Paper CP3/2012, issued January 2012.

In Paragraph 186 of the Consultation Document, it listed the things that the Minister proposes or intends to exclude in future. The 6th bullet point states:

*“Where a person has been the victim of an animal attack, unless the animal itself was used deliberately to inflict an injury on that person. This is a tightening of current policy under which claims have in some cases been considered from applicants attacked by dangerous dogs not kept under proper control.”* The CWU is totally opposed to this proposal for very important reasons and strongly requested that the Minister reviewed and withdrew the proposal. Sadly he refused to do so.

*23,000 Postal Workers have been attacked By Dogs in the last five Years.* 12 Postal workers on average are attacked by dogs every day, amounting to around 5,000 injured every year in dog attacks. Many are never able to return to their job due to the physical and psychological effects of the attack.

Many are scarred and receive facial disfigurement for life. Many have lost fingers through dog bite amputations and many others have sustained dog bite injuries leading to painful lacerations and puncture wounds, nerve, ligament, tendon damage, fractures, serious infections, disability, and disablement.

This group of workers who suffer the disproportionate majority of violent dog attacks now need the support of the Law, the Enforcing Authorities the Judges and Courts in dealing with the problem as well as the support of the *Criminal Injuries Compensation Scheme (CICS)* which in many cases is the only remaining avenue for obtaining Personal Injury Compensation for many Postal and BT workers who have suffered personal injury through violent Dangerous Dogs Act crimes, caused by irresponsible, reckless and negligent Dog Owners who are both uninsured and are individuals who do not have the financial means to pay any compensation and cannot therefore be obligated in law to do so. This is known as the doctrine of the “Man of Straw”. The injuries to Postal workers may be physical or mental, or both and in some cases have resulted in near-death.

Despite calls from the CWU and other organisations, the Government has repeatedly rejected the introduction of *Compulsory Third Party Insurance for Dog owners* to protect themselves as defendant’s in such circumstances where personal injury compensation is appropriate to be paid to a victim (plaintiff). Until such time as Dog Owners are obliged to own a suitable policy of insurance to protect themselves in such Dog Attack injury circumstances the Criminal Injuries Compensation Scheme must in our view remain open to claims from victims in circumstances where an offence is caused by irresponsible ownership and leads to a dog attacking and injuring an innocent individual worker going about their job or an innocent child or member of the public.

At a time when the UK Dog Population has reached nine to 10 Million and continues to rise, along with the significant increase in Dog Attacks, (around 250,000 a year in the UK) it would be totally wrong of the Government to close the door in the face of Dog Attack victims. The proposal, if not withdrawn will totally eliminate the last avenue for dog attack victim’s injury compensation claims.

Although the Criminal Courts have the ability to issue *Compensation Orders* to the value of thousands of pounds, they are rarely ever awarded at this level and in most cases if Compensation Orders are made, they are small amounts at most reaching several hundreds of pounds. The Ministry of Justice’s view is that Compensation Orders should be linked to the ability to pay. The combined effect of the Government and its Ministers decisions is therefore that a Dog Attack victims ability to obtain compensation will be determined by the Owner’s substance which is grossly unfair.

This can and regularly does result in cases where an irresponsible dog owner’s vicious aggressive and uncontrolled dog severely injures a Postal Worker who receives no compensation at all.

In the government response to the Ministry of Justice consultation CP3/2012 entitled “Compensation for victims of violent crime in Great Britain—The scope of the Scheme” on Pages 40 and 41, paragraphs 156 and 160 states as follows:

*A small number of respondents expressed concern about the proposal to expressly exclude injuries resulting from an animal attack (unless the animal was intentionally used with intent to cause injury). Those respondents argued that the circumstances in which victims (such as postal workers) who sustain injuries from an attack by an animal are compensated should be broader, not narrower. We have considered all of the responses and acknowledge the complexity of defining a crime of violence. We believe that eligibility should be tightly defined and should not allow for payments to be made outside the core purpose of the Scheme, which is to make awards to those who suffer serious physical or mental injury as the direct result of deliberate violent crime. We have considered again injuries resulting from a trespass on the railway, those injured or killed in road accidents and those injured*

*as a result of an animal attack (unless the animal was used with intent to cause injury), but we believe that these cases involve injuries sustained in incidents outside the core purpose of the Scheme and that the proper redress in these circumstances would be found elsewhere—through an insurance claim, a compensation order as a result of criminal proceedings or a civil claim.*

This response from the Ministry of Justice is flawed for the following reasons:

- If the owner has no Third Party Insurance—no compensation is recoverable through an Insurance Claim.
- If the owner has no Insurance, no money in the bank, no possessions of value—no compensation is recoverable via a civil litigation claim.
- If the owner is sent for trial at a criminal court but has no ability to pay a criminal compensation order (which are based on the ability to pay)—little or no compensation will be recovered there either.
- At the moment in such circumstances, the victim would go finally to the Criminal Injuries Compensation Scheme as a last resort but the proposals before parliament will result in no compensation being recovered here either if the Government/Ministry of Justice's proposals are not changed.

It is also worth noting that Pay-outs from the Criminal Injuries Compensation Scheme contrast starkly with the amounts awarded by the civil courts, which often run into five or six figures. Many people who have suffered physical and psychological harm as victims of dog attacks receive substantially reduced compensation payments in comparison with compensation paid by Insured Dog Owners.

*The proposed 2012 Criminal Injuries Compensation Scheme changes will restrict access to a form of justice for those who have been injured in dog attacks through no fault of their own. Most victims of serious dog attacks suffer financially with sick pay often much less than their normal rate of pay and again these proposals will penalise those unfortunate victims.*

*The public would not welcome the proposal to stop CICS claims for Dog Attack victims and the government should instead be introducing changes that rebalance the law in favour of the victim not in favour of the offenders which is what is being proposed.*

We had hoped that our response to the Criminal Injuries Compensation Scheme consultation document would have been taken into account and the proposed exclusion of Dog Attack Victims Claims from the CICS Scheme withdrawn.

The government therefore intends to go ahead and implement their proposals. *As stated above the government has consistently opposed "compulsory third party insurance" for dog owners but this response states that victims should get redress "through an insurance claim" it also suggests that other avenues would be a civil claim or a criminal compensation order when they ought to know that these options offer no recompense .*

As stated previously, Civil Claims only succeed if you are suing a person with money or an Insurance Policy and likewise criminal compensation orders are based on the ability to pay and therefore if the owner of a dog that has injured a victim has no money and no insurance then the compensation order will be nothing or at best a pittance.

Therefore the government are facing both ways and are in a complete mess. As a result dog attack victims who have to settle for CICS payments (which are far lower than Insurance payments) are now facing losing the last available avenue for personal injury compensation.

A further suggestion made by the Ministry of Justice is that postmen and women injured in dog attacks could sue their employer Royal Mail and hold them to account for failing in their duty of care. This suggestion is however, preposterous as Royal Mail can demonstrate that they have worked closely with CWU in discharging their duty of care to reduce the risks so far as so reasonably practicable by way of information, instruction, training, supervision and provision of personal protective equipment (PPE) and it is therefore highly unlikely that a Court would hold Royal Mail responsible or the irresponsible actions of a blasé dog owner.

Additionally, it is virtually impossible to secure personal injury compensation from an employer in a civil court in respect of criminal injury with employers liability insurers resisting such claims vigorously and the courts when tested holding that the employers are not liable.

It should also be noted that CICS claimants cannot receive recompense from any other source. The CICS already only makes awards to those who cannot receive compensation from any other source in respect of dog attacks, eg from (a) The Dog Owner, (b) An Insurer, (c) An employer.

The draft scheme has been laid before Parliament under section 11(1) of the Criminal Injuries Compensation Act 1995 for approval by resolution of each House of Parliament.

The CWU calls upon the House of Commons to amend the “Draft” Criminal Injuries Compensation Scheme 2012 as currently proposed and to continue include the victims of Dog Attacks as well as maintaining the present level of payments to such victims as a minimum.

September 2012

### Written evidence submitted by the Dachshund Breed Council

1. The Dachshund Breed Council was formed in 2008 and represents 18 Dachshund Breed Clubs. It acts as a coordinating body to promote Dachshund health and welfare, through education and research.

2. In 2011, 5225 Dachshund puppies were registered with the Kennel Club (35% of Hound Group registrations; 2% of all KC registrations). It is estimated that the UK Dachshund population is around 60,000.

3. UK Dachshund Clubs have a long history of co-operating on health matters; firstly within the UK Dachshund Clubs’ Forum—an annual meeting of Dachshund Club Secretaries—where, in 2002, the member Clubs agreed that health matters should appear as an item on all future meeting agendas. Around that time (2000–2003) the proposed European Convention was quite topical and featured in our meetings as Dachshunds were “threatened” by potential EU legislation because of their supposed “extreme” conformation. We have made a number of amendments to our Breed Standard to emphasise the need to avoid exaggeration and this is a key message in our educational events.

4. The Forum provided a firm foundation for the Breed Council to build upon and had a good track record of identifying and dealing with health issues affecting Dachshunds. The implementation of the cord1-PRA DNA screening programme for Mini Longs in 2005 is a good example.

5. One of the Council’s first initiatives was to recommend changes to the Breed Standard in order to ensure health and welfare was adequately reflected in the wording. We clarified the requirements in relation to length/height ratio in order to avoid exaggeration and made it clear that “Double Dapple” was an unacceptable colour because of the health risks in such a mating. The KC accepted our recommendations and subsequently agreed not to register any puppies from litters where both parents were Dapples (merle).

6. We held our first Breed Conference in 2009 with speakers covering our main health topics and we used that event to carry out a quick, informal, Health Survey which provided the basis for our on-line survey which was launched at the end of 2009. Our second Breed Conference, again focusing on health matters, took place in April 2012 and we have a further Health Seminar planned for October 2012.

7. In April 2011 the KarltonIndex (<http://www.thekarltonindex.com>) presented its initial scoring of the health improvement progress being made by UK Breeds. 20 breeds scored zero; in other words, nothing of substance could be found on health. Dachshunds were highlighted as the “Pack Leaders” and were described as “*setting a benchmark with regard to tackling health problems.*” In October 2011 the KarltonIndex stated: “*Their approach is by far the most advanced in the UK, and rightly, the Kennel Club now links its Dachshund information pages to the DBC, thus giving prospective dachshund owners direct access to this invaluable source of information. They can do this in confidence that the information is credible, current and comprehensive. The work done by the DBC team is nothing short of outstanding.*”

8. Our Health Improvement Strategy comprises the following elements:

- A Health and Welfare Sub-committee, chaired by a veterinary surgeon, with two non-showing pet owners as representatives of the non-showing/non-breeding community.
- A Health Fund to enable us to direct resources at research and education.
- A Health Report and Plan which is published annually.
- An ongoing on-line Breed Health and cause of death survey which we use to identify priority issues.
- A wide range of communications channels (on-line and off-line) aimed at breeders, owners and potential owners.
- A programme of educational events for judges, breeders and owners; these are supported by freely available on-line resources such as presentations and papers prepared for us by geneticists and veterinary specialists.
- A dedicated Health website providing one-stop access to the most up-to-date advice on the Breed’s health and advice for owners/buyers.
- Working in partnership with veterinary and genetics experts to identify and implement specific health improvements.
- A set of performance indicators, defined by our Plan, to track progress and achievements.

9. Just because health tests are available in a breed doesn’t necessarily mean a puppy you buy is going to be healthy. Health testing is not the same as breed health.

10. For example, in Dachshunds the main health risk is back disease, but there is currently no UK screening test to help breeders produce puppies with a lower risk of problems. We are currently working with the Animal Health Trust to attempt to develop a DNA test that will help breeders improve the chances of breeding Dachshunds with fewer back problems. In contrast, we have a DNA screening test for an eye condition (cord1 PRA) that affects Miniature Dachshunds. Buying a puppy from health-tested parents isn't necessarily going to be the answer, as you might still find health issues due to some other factor for which there is no test.

11. Any Breed Club community that is serious about improving health will be carrying out health surveys to determine longevity and disease prevalence. Our Dachs-Life 2012 Health Survey had over 1,500 responses and we can confidently say that Dachshunds generally live to around 12 years old. The oldest one in our recent survey died at nearly 22! We can also tell that the main causes of death are back disease (dogs euthanised aged four to seven) and heart disease (dogs over the age of 10).

12. The biggest challenge we have in relation to health and welfare is that of communication. Members of Breed Clubs are generally the best informed about health issues; it's hard for them to avoid being aware of our plans and recommendations given the wealth of information in Club Newsletters, websites and issued via the Breed Council. Where we struggle, is in getting to the potential Dachshund puppy buyers among the general public. However, more people are finding out how to recognise a responsible breeder by talking to Club Secretaries and via our websites. The Kennel Club's Discover Dogs events, twice a year, are important opportunities for us to get the message across to the public.

13. We still hear stories of puppies bought from puppy farms and commercial/volume breeders that are unhealthy, untested and not typical examples of the breed. We have attempted to persuade some of the commercial puppy sales websites to make our health information available to their site visitors, but sadly this has not been very successful. Somehow, we have to make Club and Council websites the first port of call for anyone interested in buying a Dachshund or thinking of breeding from their Dachshund.

*Other matters related to canine health and welfare with respect to concerns expressed in Professor Bateson's report:*

#### *Puppy Farming and Breeding Standards*

1. One of the biggest problems here is that there is at present no universally accepted definition of a "puppy farmer". A suggested definition might be:

*One who breeds puppies mainly as a business to produce a profit, with little regard for the welfare of the puppies or their parents.*

This definition may be general, but guidance to interpretation could be worded to *exclude*:

- pet owners who just want to breed one litter;
- breeders who are producing puppies to show/work/compete, and thus to improve the breed;
- It would be expected that a "puppy farmer" would be:
  - producing multiple litters in a year;
  - breeding on consecutive seasons from each bitch;
  - possibly breeding/selling a number of different breeds;
  - placing regular "puppies for sale" adverts in the press or on the internet;
  - and would probably not be participating with their dogs in shows/obedience/agility etc, or be a member of a Breed Club.

All this is, of course, open to interpretation—and thus will require inspectors to exercise their judgement when looking at individual breeders.

2. More action is needed to shut down Puppy Farms and to enforce the available animal welfare legislation. Currently, "the industry" ie Puppy Farmers, is inadequately regulated and it appears the efforts of local authorities, the RSPCA and other animal welfare organisations have been completely ineffective.

3. Any proposed minimum set of breeding standards that the Government might recommend (eg the principles of the Kennel Club's Assured Breeder Scheme), should be made compulsory so that *all* breeders of pedigree *and* non-pedigree puppies would be required to comply.

4. On breeding generally, the DEFRA Code of Practice for the Welfare of Dogs advises that those who decide to breed their dog should consult their vet for advice, but it would be useful here also to point people in the direction of the Breed Club for their breed if the dog is pure-bred. Advice from people who know the particular breed could prove invaluable.

5. The Government should make it illegal for dogs to be sold from retail premises. There is no need for dogs to be sold in Pet Shops, it is incompatible with good canine welfare and banning this would close down a major route to market for puppy farmers.



*Kennel Club Breed Standards and Dog Showing*

6. Kennel Club Breed Standards include a requirement for breeders and judges to make health, welfare and temperament their top priority. The Dachshund Breed Clubs regularly run seminars to help breeders/judges/exhibitors understand the Breed Standard and to be aware of the health aspects of what makes a “good” Dachshund. The Kennel Club’s phrase “Fit for Function, Fit for Life” is at the heart of these educational events.

7. The Show community (exhibitors and judges) is fully aware of the importance of health and welfare in our Dachshunds. This cannot be said to be true for some Dachshund breeders who are not Breed Club members and are not involved in showing, or in other KC licensed activities.

8. From an analysis of two years of KC Litter Registrations in Miniature Smooth-haired Dachshunds we identified only 16% of litters that were bred by people involved in showing their dogs and only 12% of Miniature Smooth-haired puppies registered by the KC in that period were bred by exhibitors. Therefore, any argument that the Dog Showing breeder community is responsible for the ill-health of pedigree dogs has *no basis in fact* for Dachshunds.

9. Despite criticism of “show breeders” from some quarters, there is a very strong message for potential puppy buyers that the majority of Breed Clubs and their members, many of whom show or work their dogs, are leading the way in striving for canine health improvement. If there were no dog shows or other organised canine events, there would be no need for Breed Clubs. And, without Breed Clubs there would be no way of identifying potential health issues, or to generate the funds to enable health screening and testing programmes to be put in place.

10. For some other breeds, conformation and its impact on health is still a contentious issue where there perhaps needs to be more willingness to open up a discussion on where the “tipping point” lies between “acceptable” and “unacceptable”.

*Permanent Identification (Micro-chipping)*

11. The compulsory permanent identification of all dogs, for example by micro-chipping, is something we would support. We believe the value would lie in being able to re-unite lost dogs with their owners and in being able to trace a dog’s breeder, should that be necessary.

12. We doubt if permanent identification will have any effect on reducing the incidence of dog attacks as irresponsible owners will be highly unlikely to have their dogs identified. It seems to us that responsible owners would comply with the requirements and would bear the costs, while irresponsible owners would continue to ignore the legislation, safe in the knowledge that the system was being poorly enforced.

*Progress since the Bateson Report*

10. In our experience, much was being done in the world of pedigree dogs to address health and welfare issues prior to the Bateson Report. However, it and the two subsequent reports provided a focal point for the various stakeholder groups to review progress and re-direct priorities.

11. The formation of the Independent Advisory Council on the welfare issues of dog breeding has provided a further forum for bringing stakeholders together.

12. The problems to be solved are complex, interrelated and involve multiple stakeholders. Individual stakeholders, working on their own (or worse, working on their own agendas), will not solve the problems and may make them worse through duplication of efforts and confusion of the dog-owning/buying public.

13. In the business world, this would be categorised as a “wicked” problem and, as such, would be recognised as something which can only be addressed through a whole-system approach. The Independent Advisory Council would be well-placed to facilitate the adoption of a systems-thinking approach.

*October 2012*

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**Supplementary written evidence submitted by Ian J Seath, Chairman of the Dachshund Breed Council<sup>30</sup>**

It was a privilege and a pleasure to have the opportunity to attend as a witness to your enquiry into the welfare issues of dog breeding on 17 October. I have followed the sessions attended by the other witnesses, with interest.

I wish to make some comments to follow-up the responses made by the BVA and BSAVA witnesses. Professor Dean had responded to a question about why “unhealthy dogs” were allowed to be registered. He said “if it is an affected dog and it is a recessive gene, they could breed to a clear dog and produce healthy dogs”.

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<sup>30</sup> Prepared with the support of: Archie Bryden (Staffordshire Bull Terriers), Sheila Atter (Cesky Terriers), Judith Ashworth (Otterhounds), Val Jones (Flatcoated Retrievers)

Peter Jones (BVA) said, on 24<sup>th</sup> October: “I think it was disingenuous when he gave the example that if you have a dog with a recessive gene and you cross it with a normal dog, then you might produce a normal puppy, and therefore there is no problem. You perpetuate the problem by doing that. I would say the way to stop this perpetuation of the problem is not to register those dogs if there is a problem.”

I have some major concerns about this comment. We have DNA tests that can identify Affected, Carrier and Clear dogs with Recessive inherited conditions. This enables breeders, depending on circumstances, to mate Affected dogs to Clear dogs and produce puppies that *will not be Affected*, with absolute certainty. A screening programme, as is typically required within the KC’s Assured Breeder Scheme, enables health problems caused by recessive genes to be eliminated in a controlled way, without adversely affecting the genetic diversity of the breed.

Removing Affected dogs (with a Recessive mutation) from the Registration database and the breeding pool risks decimating the existing level of genetic diversity (which may already be rather low in some breeds). There is no single, right, breeding strategy for dealing with identified health conditions. The chosen strategy is dependent on factors such as current levels of genetic diversity in a breed, the prevalence of the particular mutation, the prevalence of any other mutations (which may not yet be known, or have tests) and the severity/impact of these conditions. Breed Clubs regularly seek advice from the KC and geneticists to help them select the best approach.

You may be aware that each Kennel Club breed has its own Breed Health Coordinator (BHC) who acts as a central point of contact and expertise on health matters. These BHCs also work together to share knowledge and good practices across their different breeds. There has been much discussion among the BHCs who have been following the EFRA Committee proceedings and we are all agreed that it is both naive and dangerous to accept the proposition that “affected” dogs should not be registered. Were the KC to reject such registrations, it is possible that irresponsible owners might breed such dogs outside the KC’s registration system and sphere of influence.

I’m sure BHCs would be pleased to meet with you if you wished to find out more about how we are using DNA testing and clinical screening programmes to improve the health of our breeds without adversely affecting their genetic diversity, or introducing additional problems.

November 2012

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### **Further supplementary written evidence submitted by Department for Environment, Food and Rural Affairs**

#### **DOG CONTROL & WELFARE**

At my recent appearance before the Select Committee, I promised to write following my proposed meeting with Professor Sheila Crispin, Chairman of the Advisory Council on Welfare Issues of Dog Breeding. That meeting has now been held and we have discussed some of the issues that arose at the evidence session.

##### **1. BREED SPECIFIC LEGISLATION**

Prof. Crispin has reservations about breed specific legislation, as do some animal welfare organisations. I understand these concerns, but on the other side of the argument, I have also met recently with the family of a young dog-attack victim who put forward strong arguments to extend the scope of breed specific legislation. ACPO also consider that Section 1 of the Dangerous Dogs Act 1991 is important in terms of safeguarding the public. In the light of this, I believe that the Government has struck the right balance in protecting the public from specific types of dog and applying penalties on out of control dogs. Given sections one and three of the DDA, this is what I would call a Deed and Breed policy.

##### **2. STRAY DOGS AND MICROCHIPPING**

Both Prof. Crispin and the Government are in agreement that microchipping is a good idea with clear welfare and societal benefits. The debate now centres on how microchipping is implemented. We shall be announcing a way forward on that shortly. In response to concerns raised by the Committee on microchipping databases, this was also discussed with Prof. Crispin and by officials with various organisations. The databases can be accessed 24 a day hours online. A further positive development is that a web portal is being considered that will function as a one-stop shop for those proper authorities seeking owner details of a stray dog. This will of course comply strictly with data protection laws.

##### **3. ADDRESSING POOR BREEDING PRACTICES**

Following the points raised by the Committee, poor breeding practices were discussed with Prof. Crispin. I am pleased that Professor Bateson has been appointed Chair of a sub-committee to look at developing a unified breeding standard taking account of the Kennel Club’s Assured Breeder Scheme, the DAC’s own Breeding Standard and the model conditions being developed for local authorities. I consider this a positive move forward using extremely well-qualified experts to draft guidance which can be disseminated to vets, breeders and the

wider dog-owning community. This seems to be the best approach as I think experts such as these have a much better chance of convincing those operating in the dog world of the need for such standards.

#### 4. STATUS OF THE DOG ADVISORY COUNCIL

There were a number of questions at the committee session on the Dog Advisory Council's status. Having discussed this with Prof. Crispin, I can clarify my views on this. Many of the arguments for the DAC to become a statutory body are linked to the view that as an advisory council, its advice is not heeded. That is not the case. All reports and advice from the council are seriously considered and used in policy making decisions.

Similarly the regular contact between DAC and the department, and the encouragement by the department to key stakeholders to engage with DAC is further evidence of the importance we attach to DAC's role. I sympathise with DAC's desire to secure a more stable footing, particularly as regards funding. I think we are all very appreciative of the voluntary time and effort that Prof. Crispin and the DAC members put into the organisation to make it such a success. However, given the pressures on departmental budgets, I am not able to promise financial support for the DAC. I think that one of the advantages of the DAC is that it works through consensus and agreement, and its recommendations carry consequent weight and influence.

#### 5. PUPPY FARMS/ILLEGAL BREEDERS

I am aware of concerns about commercial breeders not obtaining licenses and the difficulty for local authorities in ascertaining whether a breeder is commercial or not given the number of litters that define a commercial breeder. Regardless of whether a breeder is licensed or not, everyone must comply with the Animal Welfare Act 2006 (AWA). In fact, one local authority has confirmed with officials that their breeder license conditions are taken from the Animal Welfare Act, underlining the cross over and the importance of the AWA. The difficulty here is that as local authorities have powers, rather than duties, under the Animal Welfare Act, it may be that not all of them are enforcing the requirements rigorously. Officials are currently working on developing a more comprehensive picture of what is happening on the ground. I think it is helpful to point out that regardless of whether a local authority has authorised its officers under the AWA, breeders must still comply with it, and anyone can investigate under the Act and bring a prosecution case, as the RSPCA frequently do.

If anyone suspects that a commercial breeder is unlicensed, I would urge them to contact their local authority who can investigate using this information, and if necessary obtain a warrant to search the premises for evidence and the number of bitches held.

#### 6. PUPPY IMPORTS

The concerns over illegal puppy imports are noted. I assure the committee that we are aware of the problem and officials are working to gather hard evidence of the scale of the problem, before moving on to how this can be tackled.

#### 7. ADVERTISING

Two particular problems with the online advertising of dogs have been brought to our attention by a number of welfare organisations. The first is the advertising of Section 1 dogs, which is illegal. The second is the advertising of dogs from breeders with poor welfare conditions, who will sell puppies before eight weeks old, or use dubious animal welfare related threats to secure a sale. I have praised the good work of the Pet Advertising Advisory Group (PAAG) on this front which has been leading talks with online classified ad sites. My officials are in regular contact with PAAG and are monitoring progress. PAAG are currently working on a code of practice for internet sites to use and subject to its contents, I hope we will be able to give this some form of endorsement. PAAG have also had varying degrees of success with sites on implementing controls such as key word filters and inserting useful advice for consumers between adverts. Where sites are reluctant to introduce sensible measures, this may be an area where my Department could exert some influence in order to encourage internet companies to work together to voluntarily monitor this. We encourage the DAC to liaise with this group as this overlaps with some of the concerns they are addressing and I hope that your Committee could see its way to endorse this approach.

#### 8. INSURANCE COMPANY DATA

The question was raised about insurance companies releasing data on health problems of dogs in order for comprehensive datasets to be compiled. I can see the logic in doing so but I am mindful of the data protection controls. Prof. Crispin promised to consider this further and ascertain what might be possible.

I look forward to the Committee's report.

*Lord De Mauley*  
Parliamentary Under Secretary

*December 2012*