



Notes of Meeting 8 September 2016

British Veterinary Association (BVA), 7 Mansfield Street, London W1G 9NQ

Present:

Dan O'Neill (DON), Sheila Crispin (SC), Chris Laurence (CL), Tania Ledger (TL), Carol Fowler (CF), Rowena Packer (RP), Lesley Field (LF), Vicki Betton (VB)

Apologies:

Clare Rusbridge, Charlotte Mackaness, David Grimsell, Natalie Plowman, Julia Charlton, Stephen Charlton, Fiona Cooke, Gudrun Ravetz, Margaret Carter

Guests:

Mike Radford (University Aberdeen, Animal Welfare Law)
Dr Angus Nurse (University of Middlesex, Criminology, Animal Welfare)
Dr Martin Whiting (RVC, Veterinary Ethics and Law)

1. **The Animal Welfare Act and the Protection of Offspring (Mike Radford, Animal Welfare Law, University of Aberdeen), Dr Angus Nurse, School of Law, Middlesex University)**

Mike Radford opened by saying that inherited health and welfare issues in dogs were the most serious and significant and should be addressed. Genetic issues can last for life or if addressed involve costly veterinary treatment. Even more significant is that these conditions can be passed on to future generations so they are of a completely different order to other welfare issues. Most definitely something needs to be done.

Should it involve some sort of state intervention? We are of the view that it does. Is it best addressed as a discrete topic or is it part of the wider issue of dog breeding generally? The Efra Sub-Committee has been looking at this and the Chairman has been sympathetic. Even if the Select Committee Report comes out strongly on the area of inherited health and welfare it would need the support of the new Secretary of State and Parliament.

APGAW will be the immediate vehicle to go through. CF said that in contact with MH it is proving difficult to set up the APGAW Dog-Sub Group. This is very regrettable. Members of DBRG very much hope that the Dog Sub Group can be resurrected. MR thought that the publication of the Efra Sub-committee Report would be an appropriate time to resurrect the Sub Group and/or after the CFSG Big Tent meeting on 22 November.

Many dog welfare issues come back to breeding and supply but current regulations are not effective and local authorities are not operating effectively or consistently. There needs to

be an overhaul of the breeding legislation and the issue of genetic health and welfare should be an important part of it. The *Advisory Council on the Welfare Issues of Dog Breeding (DAC)* came to the conclusion that what is required is greater transparency and greater accountability in the dog breeding industry.

Micro chipping has potentially missed the opportunity. It could have been focused on traceability as well as reuniting owners with lost dogs. However it does not appear to have been the Government's intention that compulsory microchipping should be about transparency, accountability or traceability. CF asked, doesn't the fact that the breeder is responsible for microchipping at eight weeks result in traceability?

LF understood that the current procedure for recording breeder information on databases, such as PetLog, meant that under Data Protection regulations, the information was not going to be made public. This restricts the possibility of tracing breeders in the case of poor breeding practices. It also prevents a breeder assisting in the case of the surrender or mistreatment of a dog. It appears that authorised microchip implanters have the breeder's details, but it is unclear whether the information could be used.

Microchipping should be about traceability. CL says the fact that the microchip regulations specifies 8 weeks makes it a traceability issue. MR said there may have to be some form of parliamentary consent – ie a new statute or regulations introduced under the authority of the AWA. Somehow we have got to get more traceability, more transparency. CF suggested that as the next meeting is our AGM we will look at our Objectives and possibly revise them to specifically include traceability back to the breeder.

Piecemeal legislation is a problem. In the past has been that dog breeding legislation has come in piecemeal as and when problems have arisen. It would be much better to go for a whole new package. All dogs bred in the UK should be given the same protection – not just the so called 'puppy farmed' dogs. If a dog has serious genetic health/welfare issues, it is not always relevant where it was born.

When should the law be applied? It must be before bitch and dog are mated. In law we have to look at causation. There needs to be the imposition of some sort of legal responsibility on the breeder prior to mating. This will not avoid all genetic problems of course. However the law can impose a responsibility to take all reasonable care to reduce the risk of genetic problems by means of health tests and taking into account genetic diversity. For example, if hip testing is not done, or account taken of how closely related the breeding dogs were, then the breeder might be judged to be at fault. AN said, if you know that the likely outcome of your breeding will result in inherited disease(s), given the knowledge of those risks, that becomes the offence. AN also thought that if breeders were expected to carry out the necessary tests, that might be attractive to the insurance companies.

Council of Europe Convention on the Protection of Pet Animals (CECPA) A precedent has been set in the CECPA (Note: Council of Europe is different from anything to do with the EU. It agrees Conventions and then it is up to individual governments whether they sign up or not). The Convention states:

Article 5 – Breeding 'Any person who selects a pet animal for breeding shall be responsible for having regard to the anatomical, physiological and behavioural characteristics which are likely to put at risk the health and welfare of either the offspring or female parent.'

The UK has not signed up to the Convention. It was argued at the time that the Animal Welfare Act would make it unnecessary but of course it did not. AN said there was an issue whether reform should be pursued under the CECPPA or AWA. It was felt that AWA was more appropriate. CL advised that you don't need new primary legislation. It could all be achieved under Section 12 of the AWA.

The timing of a prosecution. You would prosecute at the time that the problems manifested themselves because at that point unnecessary suffering is being caused. Could the AWA be amended so that you effectively introduced something around reckless breeding, ie, recklessly breeding an animal that is likely to have a genetic disease or conformation welfare problem? MR said there is an issue over the definition of reckless. It was the stated intention, when the AWA was being formulated, to improve the dog breeding legislation. So what should be pursued is a regulatory regime for breeders, which makes them accountable? The offence would be, **causing unnecessary suffering**. MR said the purpose of the legislation would be to impose a duty on a breeder to take steps before the mating and to be held to account.

Identification of breeders. It is essential that all breeders can be traced. Every breeder should be registered with, or licensed by, their local authority. Licences would be required for breeders who breed more than two litters a year. Registration would be a simple matter. A breeder would simply put their local authority on notice that they have a litter of puppies. The LA gives the breeder a number and if the puppies were advertised in any way it would be part of the legal requirement to include the registration number. This would give traceability back to the breeder. It would also indicate how many litters were being produced. All this information would have to be publicly available. Part of the number would indicate which local authority has registered a breeder. In turn this would flag up any large scale breeders or breeders of several breeds of dog. It could also indicate that puppies sold without the registration number were bred outside of the UK.

Enforcement. It would be pointless to expect local authorities to enforce this alone due to lack of resources. However, if you have a transparent system we, the public, and other welfare organisations can monitor and put the local authority on notice. In this way you would be focussing on those who were seen to be poor at what they were doing.

Changing the behaviour of puppy buyers. The rule must be - if breeder hasn't got a registration number, don't buy. CL suggested that if the online advertisers, when selling dogs, do not include a registration number, they could be open to prosecution as well. The law must apply not just to the breeder but to any agent acting on their behalf.

Prosecutions. The problem with prosecutions on causing unnecessary suffering is the degree of interpretation and evidence required. This is time consuming, costly and complex and should only be a last resort. CL would like to see **fixed penalty notices** being used which has been proved to be a simple and effective way of changing behaviour.

Banning certain types of dogs, ie dog breeds with exaggerated or unnatural conformations? MR advised that this would create political problems. The purpose would not be to ban any type of dogs whatsoever. What you would have to demonstrate is that you have taken active steps to breed out the problem. Then if you still have the problem that wouldn't be an offence because you will have taken reasonable steps. CL pointed out that it's about taking the right precautions to ensure that the puppies produced are not going to be affected.

CL asked where would an owner stand in a civil court if they hadn't asked the questions about health testing when seeking the pup? This would depend on what the legislation says. It could specify that the breeder was responsible for the health of the dog for the first two years of its life. CF said that Sweden has a simple Puppy Contract where if a dog gets an inherited problem within the first three years of its life, the breeder is responsible. MR suggested that the person taking on the responsibility for the puppy could be on notice that it may develop a problem. The breeder would have to inform the owner after having gone through the health schemes and taken veterinary advice. This would demonstrate that a breeder has taken all reasonable steps.

Efra Sub Committee Report MR thought that there is a way forward which potentially can address the obvious knee jerk political criticism. The starting point will be the Efra Sub Committee Report. If they come out with good recommendations there's the start. The evidence submitted did point in that direction.

CF asked if something could be put together and presented to Defra. MR suggested the best thing to do is to be ambitious and present a package. CF said it would be good if DBRG could include a position paper on what we would like to see happening.

LF asked what has happened to the Dog Advisory Council's recommendations and Final Report. Presumably they are archived for future reference although the impression is that they are simply forgotten or ignored.

Finding a political opportunity. MR pointed out the importance of finding a political opportunity. There would be no point in doing anything until the Efra Report is published. Then there should be a meeting or conference to discuss what they recommend. There needs to be a consensus on recommendations from welfare organisations. CF pointed out that because of our focus on breeding (rather than other dog welfare issues) we need to be very clear about what we want. MR said that although other welfare organisations have a wider agenda, the issue of dog breeding and supply is an issue of a different order and many of the other welfare issues turn on it. VB said that reform also needs to be driven by consumer demand. Also it was important that we feed into the CFSG. MR said that a dog may have several owners during its lifetime and it is vital that the microchip data bases are kept up to date when ownership changes. However a dog only has one breeder.

'Qualzucht' (cruelty breeding) CF commented that in Germany and in some other European countries, the word 'qualzucht' (cruelty breeding) is used as a legal term. Recently a breeder of flat-faced cats was prosecuted in Switzerland.

2. Meeting between CF and David Bowles, Communications and Public Affairs, RSPCA, 9 August 2016

Geoffrey Clifton-Brown, MP arranged this meeting at CF's request in an effort to renew the association between DBRG and RSPCA. We agreed that we share many concerns regarding dog breeding. DB also agreed that genetic welfare issues had lost some momentum in recent years. This is possibly because there are many other canine welfare issues as well as the welfare issues of other companion animals. It was agreed that genetic welfare is possibly the most difficult to tackle due to its complexity and powerful vested interests.

It was agreed that DBRG and RSPCA should stay in touch and possibly align over specific campaigns. DB confirmed that the RSPCA have no intention of pursuing the legal protection of offspring at the present time.

3. Update on Standard for Breeding Dogs (CL) and National Dog Breeding Inspection Scheme (NDBIS)

The updated Standard for Breeding Dogs (based on the Dog Advisory Council's Standard) has been circulated to the group. CL asked for any final comments to be made within the next seven days. When finalised, it will be uploaded on to the DBRG website. The next stage will be to convert that into an inspection process. Work has started on this but there is still some way to go. Another meeting of the working group will be set up before the next DBRG meeting (December 1). VB suggested that Mike Webb (Battersea and CFSG Puppy Group) would be interested in our work on a Standard for Breeding Dogs and Inspection Scheme. CF agreed to include this on the agenda of the meeting with Mike Webb on 13 September.

CF added DBRG's appreciation of the huge amount of work already done by The Standard for Breeding and Inspection Scheme working group.

4. BVA / KC Canine Health Schemes.

GR was unable to attend the meeting due to an incident on the train travelling to London. Gudrun later emailed that a CHS Working Group would be meeting at the end of September to look at the current schemes and potential for future ones.

Proposed Heart Scheme. GR had spoken to the Veterinary Cardiology Society (VCS) who said they were meeting to discuss a future Heart Scheme. The situation currently is that the VCS have a website to assist individual breeders. Otherwise breed clubs work with individual cardiologists and not as part of a structured scheme. For an organised scheme to come together for Cavaliers, as in Denmark, there needs to be a breed club initiative and support from the KC, combined with funding. A problem in the past has been that specialists were expected to work on a scheme without payment on top of very busy professional lives. GR said it was important that any scheme that is adopted is used. Unfortunately this is not the case with the CMSM Scheme. The BVA will be offering to facilitate a meeting with the KC and VCS to discuss adopting the Danish Scheme.

CF asked if this means starting from scratch with a BVA/KC Heart Scheme? Will there be buy-in from breed clubs, particularly from the CKCS breed clubs?

SC gave a summary of the existing CHS. The Eye Scheme has recently been overhauled and celebrates 50 years next year. It is important that older dogs are tested as this will give a clearer longitudinal database which is currently lacking. It was regrettable that eyelid problems were not part of the current scheme because they can cause serious problems for the dog. One question we should ask about all hereditary diseases is: does it matter to the dog?

SC said anyone who uses a dog for breeding should regard health as an important feature and that is not always the case. However, it is important that breeders have confidence in a health scheme and that depends on quality assurance. Communication between all parties (BVA, KC and breed clubs) perhaps needs to be better. Communication within the KC also needs to be improved. Information on the KC's website is not always accurate which does

not make it easy for breeders or dog owners. There needs to be a prescriptive form of data gathering within the KC to make it easier to do the data analysis and comparisons.

5. **KC identification of 'key priority breeds' for new health project, Breed Health and Conservation Plans.**

DBRG welcomes this Kennel Club initiative. The breeds identified for the project are: Basset Hound, Bloodhound, Bulldog, CKCS, Chow Chow, Clumber Spaniel, Dogue de Bordeaux, English Setter, French Bulldog, GSD, Mastiff, Neapolitan Mastiff, Otterhound, Pekingese, Pug, Shar-Pei, St Bernard. The KC hopes that 'breeding for health plans' will be developed for these breeds in 2017. Breed clubs and especially the Breed Health Co-ordinators will be central to the project. We understand that a Breed Health Co-ordinator Symposium will take place on 23 September 2016. LF will attend and feed back to DBRG.

6. **CFSG Update (MH)**

An update on the progress of CFSG was provided by MH via email.

Model Conditions for Dog Boarding is now completed and is now on the CIEH website. CFSG will soon sign off a new strategy looking at Model Licensing for a number of areas, which may include sale of puppies, dog walkers, home boarding, etc. These are still to be agreed. Work has been done on a new *Code of Practice for the Welfare of Dogs* but it has not yet been submitted to Defra, nor is it available to those outside CFSG. Defra wishes to concentrate on the farm welfare codes at present. Comment from CF: there are no plans to have a *Code of Practice for Dog Breeding* and perhaps we should consider adding this to our list of campaign Objectives?

It is hoped that the CFSG Puppy Working Group will re-start some time after the Efra Sub-Committee Report is published.

Currently CFSG is concentrating on Brexit and how it may provide opportunities to tackle the Puppy Trade.

The CFSG Working Strategy will be discussed at the **Big Tent Meeting on 22 November** to which we are invited. The Minister will attend as will representatives from AHWBE. VB suggested that DBRG should work on some proposals to feed into CFSG in advance of the November meeting. We will work on this via email concentrating on the welfare impact of breed-related issues.

6. **Fund raising**

We are delighted that Cavalier Matters has recently donated £350. Tania's intention is that sales from any generic dog items in the Cavalier Matters online shop will be given to DBRG. We also welcome a donation of £200 from PDSA. This may become an annual payment if we fulfil PDSA's criteria for contributing to dog welfare.

CL said that there should be a financial statement at every meeting and this was agreed. The current balance in the DBRG account is £1609.94.

7. **DBRG Policy/Position Papers**

There was no time to discuss this however CF has circulated a paper, **Dog Breeders and the Dog Breeding Industry**. Julia Carr has made detailed comments on this and CF would be

grateful for comments from other members as well. Getting the ball rolling on producing these policy statements is somewhat onerous. However if we can devise an agreed format or sample, we can make progress.

8. **Report on the Brachycephalic Conferences at the Kennel Club (DO, RP)**

The first conference was held in June at the Kennel Club. It was attended by representatives of the veterinary and welfare charities, the press, scientific experts on Brachycephaly, members of the Kennel Club and breed club health co-ordinators. The conference was streamed live by veterinary journalist, Pete Wedderburn (PW). It focused on the characteristics and effects of Brachycephalic Obstructive Airway Syndrome (BOAS) and its impact on dog health and welfare.

At the second meeting, held in July, the Chairman (representing the KC) advised that any proposals for action should not include changes to the KC breed standards. He advised that other options, such as identifying the genes responsible for BOAS, was the direction for future discussion. Members of the press were barred from this meeting.

Breed Standards. DBRG is of the view that the conformation issues and breed standards must not be ignored. There is already good scientific evidence that certain physical features, for example, short heads, short noses, large round forward facing eyes, wrinkled skin, pinched nostrils, can cause serious welfare issues for those brachycephalic breeds. The number of breeds is considerable and includes, Pug, Bulldog, French Bulldog, Boston Terrier, Shih Tzu, Pekingese, Japanese Chin. DBRG believes that amongst a range of critical steps that need to be taken in order to address the serious welfare issues posed by the physical characteristics of these dogs, the breed standards for conformation of each breed needs to be re-written. The lead should be taken by the KC, in conjunction with the breed clubs and research and welfare experts.

It was suggested at the DBRG meeting that there is a disconnect between the hierarchy at the KC and other groups who also want to help dogs.

We understand that a **Brachycephalic Working Group** has been set up and is due to report back to the Kennel Club in October 2016.

9. **Dog Health Workshop 2017**

It was agreed that DBRG should be represented at the next DHW in Paris, April 2017. CF, CM and TL would like to attend to represent DBRG. DO and RP will also be attending as scientists. LF hopes to attend as a Breed Health Co-ordinator.

10. **AOB**

CFSG Big Tent Meeting 22 November, 2.00 – 5.00pm at Atrium, DEFRA, Nobel House, 17 Smiths Square

Next DBRG meeting Thursday December 1

