



Animal Welfare Team
Area 5B
Nobel House
17 Smith Square, London
SW1P 3JR

20 February 2017

Response to DEFRA review of animal establishments licensing in England: Next steps

The response of the Dog Breeding Reform Group (DBRG) is focused on the breeding and sale of dogs.

1 Consultation

1.1 The first point we would like to make concerns DEFRA's intention to consult stakeholders through the Sector Groups on the Licensing Review proposals. There are many smaller organisations which focus on specific areas of welfare, and we urge that these be consulted as well. The smaller organisations will often have specialist and detailed expertise in their area, rather than the potentially more generalised views of the larger organisations. The Dog Breeding Reform Group (DBRG), as its name suggests, has expertise in aspects relating specifically to the breeding, rearing and sale of dogs in the United Kingdom. Of its 17 members and 4 expert advisors, many will be known to you.

2 Animal Establishment Licenses

2.1 Demand and supply

2.1.1 There is indeed a *'strong public expectation that animal welfare standards will be robustly enforced by local authorities'* (or someone), but a realisation that in practice this is often not the case. In relation to the recommendation for a single licence for animal activities, the DEFRA Review recommends *'lifting the regulatory burdens on businesses to support growth'*. We are concerned that the emphasis and intention is on business development, rather than animal welfare. Streamlining the regulatory system has the potential to lead to lower rather than higher standards of animal welfare. Animal welfare considerations must guide relevant legislation.

2.1.2 Dog breeding is an activity which requires specialist knowledge about the needs of dogs used for breeding and the role dogs have in society in the 21st century. In our view it is currently too easy for anyone to set themselves up as a dog breeder. The proposals appear to be seeking to make it even easier. The argument that the apparent current demand for dogs should be met is not one that DBRG supports. A change in the nature of demand should be encouraged which emphasises planning, research and reflection when considering obtaining a dog, rather than one which might encourage ill-prepared or impulsive purchase.

2.2 Generic Licences

2.2.1 DBRG has considerable anxieties about how a 'generic animal activity license' framework may work in practice, in particular in terms of the messages that may be sent to members of the public as consumers, and in its potential to encourage abuse by those licensed. Each of the activities referred to by DEFRA (dog breeding, dog/ cat boarding, selling pets and hiring out horses for riding) has very different requirements. A licensing regime would clearly need to have highly specific licensing requirements for each activity. Were a licensee to meet the standards for one activity they would not necessarily automatically meet the standards for any of the others.

2.2.2 In relation to this, if a generic scheme is followed, it is important that licences awarded are clearly distinguished by type and that any licensee when publicising details of their licence be required to make clear which set of standards they meet. There are particular risks in relation to, for example, ‘hybrid breeders’. These are operations which both breed dogs and buy puppies in to sell on. Such operations have often been found to mislead the public by seeking to imply that bought-in dogs have been ‘home bred’. Potential ambiguities as to what a business is licensed for may have the effect of encouraging third-party puppy sales, and encourage certain licensees to misrepresent the nature of their licence.

3 Model Conditions

3.1 DBRG fully supports enshrining Model Licensing Conditions (MLCs) in law. However, MLCs needs to be further developed to fully incorporate the 2006 Animal Welfare Act criteria. The MLCs need to be comprehensive and reflect high standards of welfare. For dog breeders they need to include areas previously inadequately covered in licensing regulations including: the protection of the genetic health of offspring, full veterinary care, adequate socialisation of puppies, comprehensive enrichment activities, and re-homing requirements for ex-breeding dogs.

3.2 It is important also that any revised MLC for licensing of dog breeding retains or improves the current requirements for breeding under the Breeding of Dogs Act, 1973. While reference is made in the Review to the continued requirement for a bitch to have no more than one litter in a 12-month period, there should also be appropriate requirements for the minimum age at which a bitch is bred from. The current blanket ‘minimum of 12 months’ will not always be appropriate because different types/breeds of dogs mature at different ages. A higher minimum age is needed for certain breeds to protect health and welfare. The current Regulations also specify that any bitch kept by a breeder should not have any more than 6 litters. There is an opportunity to revise this to a more appropriate 4 litters in a breeding ‘lifetime’ (as is currently required for Kennel Club Registration).

3.3 While DBRG endorses incorporation into law of MLCs in relevant animal activity licensing, we do not support the use of MLCs with respect to the sale of

puppies through third parties. The entire process of sale via third-parties will compromise puppy welfare. Standards applying on-site, even if they were to be properly enforced, which they are often not under current regulations, cannot mitigate this.

4 Breeding and Sale of Dogs

4.1 DBRG welcomes the proposal to ban the sale of dogs below the age of eight weeks. We hope that incorporation of MLCs into law (e.g. in dog breeding licence conditions and relevant Codes of Practice) would be sufficient to enable local authorities to require eight weeks as the minimum age for sale. However, we think it unlikely for the primary legislation to be amended to support this if it were dependent on a Private Member's Bill, as has been implied.

4.2 Setting the statutory licensing threshold for dog breeders at three or more litters per year would represent a valuable improvement, although DBRG recommended that the threshold be set at two litters per year. We suggest that a second litter is unlikely to be an accidental occurrence. This provision would also, we believe, assist local authorities to identify breeders who require a licence.

4.3 DBRG is pleased in principle with the proposal that all advertisements of pets for sale must include the vendor's local authority licence number. However, potential issues with this proposal need to be considered. Consumers need to be able to distinguish between those who are selling as the breeder of the puppy and (if third party selling is not to be banned) those vendors who are third party sellers. Otherwise there is a clear risk that a requirement to provide a licence number will simply facilitate and provide added legitimacy to third-party selling. This would be detrimental to dog welfare and consumer interests.

4.4 DBRG recommends that a Registration Number obtainable from the local authority be required to be displayed in any advertisement for the sale of puppies by a breeder falling below the licensing threshold. We recommend that the breeder Licence Number be displayed in advertisements for all licensed breeders advertising puppies for sale directly. DBRG does not support the continued licensing of third-party sellers or dealers. However, in the event

that such sale is not prohibited, we believe it is essential that third-party pet vendor Licence Numbers are required with advertisements, and that this Licence Number is clearly distinguished from a breeder Licence Number.

4.5 The display of a Registration Number for breeders falling below the licensing threshold, or of a Licence Number for licensed dog breeders, allows for traceability to the breeder and would be beneficial. It may also help to support protection for an owner under consumer law.

4.6 Fundamentally, however, the system as proposed, which continues to allow the third party selling of puppies, is open to abuse. DBRG is strongly of the view that any sale of a puppy should be directly from the breeder whether operating commercially or not.

4.7 The current system of legalised sale through third-party dealers enables puppies to be purchased by dealers from remote puppy breeding premises, inaccessible and unobserved by the purchaser. It precludes a puppy being seen with its mother, encourages long-distance transport to a further selling point, creates risks of potential increased transmission of infectious disease through mixing, and supports the keeping of puppies away from the dam, at a critical stage for socialisation. The effective monitoring and viewing of breeding premises by the purchaser is denied and the potential for traceability is reduced. The current system supports and facilitates poor welfare and needs to be fundamentally changed.

5 Pet Sales

The requirement to provide written information with a puppy or dog when sold is very welcome. We note that the sector group will develop a format for this information which we emphasise must be of a high standard.

6 Length of licences

6.1 Removing the calendar-year restriction

6.1.1 Allowing licences to be issued for a fixed term, set at any point in the year is a sensible and practical improvement regarding inspections and enforcement.

6.2 Increasing the maximum licence length

6.2.1 While our preference is for licences to continue to be awarded for one-year only, DBRG accepts that, in certain circumstances, it may be appropriate to award a license for a longer period, up to a three-year maximum. This could enable incentive for improved welfare under a risk-based system, and allow for better allocation of local authority resources. It is essential, as proposed, that a standard risk-based assessment to guide local authority decisions is nationally agreed and informed by the National Companion Animal Focus Group (NCAFG). We support the setting up of a group, which includes the NCAFG, to set high standards and training needs for local authority inspectors. We also support the development of a list of inspectors who meet those standards, and the pooling of resources and expertise between authorities where appropriate.

6.3 Notification of major changes

6.3.1 We are pleased DEFRA has confirmed that local authorities must be notified of any changes which affect the licence conditions. In particular, this would ensure that any expansion of breeding premises or the number of dogs kept, is recorded and welfare standards upheld. However, we would emphasise that there must be appropriate enforcement mechanisms where breeders fail to provide proper notification.

7 Accreditation

7.1 UK Accreditation Service (UKAS) accreditation of independent regulators

7.1.1 DBRG is happy with UKAS accreditation being part of local authority risk assessment. However, we would like to point out that UKAS accreditation per se means nothing. It is important that UKAS accreditation is consistent with relevant Model Licensing Conditions. There should be no assumption that, for example, the Kennel Club Assured Breeders Scheme (ABS) is adequate simply because it is UKAS-accredited.

7.2 Voluntary accreditation

7.2.1 We are unclear about what is meant by your intention to 'encourage' voluntary UKAS-accredited certification schemes to improve animal welfare. It

would be helpful if the Department could indicate how this might occur, and in which areas. With respect to dog welfare, progress on the licensing of dog rescue and re-homing organisations through voluntary UKAS-accredited schemes is something we hope the Government would support.

7.2.2 We believe, however, that in a number of areas such ‘voluntary’ accreditation may not be sufficient. It is important that legislation under the Animal Welfare Act rather than voluntary approaches are considered to address certain long-standing important welfare issues. This includes, in particular, the protection of offspring in dog breeding.

7.2.3 In the DEFRA Response reference is made to the Kennel Club Assured Breeder Scheme (ABS) and its requirement that certain health tests are undertaken prior to breeding. We would like to point out that the number of health tests ‘required’ by the Scheme is very small. Furthermore, a distinction is made under the Scheme between tests that are ‘required’ and those that are ‘recommended.’ In the latter category, the tests can be ignored if breeders choose to ignore them. The ABS, while voluntarily UKAS-accredited, currently includes only 3,200 mostly small-scale breeders and such protection that the Scheme provides would be for less than 10,000 puppies per year. Yet reasonable estimates are that around 800,000 puppies are produced annually in the United Kingdom. It is critical that regulation to enable the protection of progeny by careful selection of parents (including health testing where appropriate) is introduced to protect the vast majority of puppies, and that it is not assumed that voluntary UKAS-accredited schemes are able to do this.

8 Local authority data

8.1 DBRG agrees with DEFRA’s proposal to request annual data from local authorities which should be publicly available. We would further recommend that comprehensive records of assessments and licence reports are kept by each authority and should be made available for scrutiny by an independent agency to ensure adequate and consistent standards. While the Government has indicated that it is not disposed to set up an independent ‘Inspectorate’ to oversee dog breeding, a critical issue remains: inconsistencies in licensing practice between local authorities varying from the very good to the very bad.

8.2 The absence of any external regulatory scrutiny is likely to be a key factor in this. DBRG strongly recommends that some Government resources are devoted to the regular scrutiny of a sample of dog breeding licence reports.

These can be a telling resource providing evidence of how regulations are being applied. Periodic analysis of such reports with appropriate feedback and guidance to local authorities can be carried out at low cost and with small staff resource. Potentially the results would be significant in terms of protection of dog welfare and consumer interests. A part-time 'Inspectorate' funded from a licence fee levy and tasked with review of standards applied by local authorities, rather than inspection itself, could effect this.

8.3 We are in favour of fixed penalty notices. Authorities need to be able to enforce breaches of the regulations more easily than at present. We recommend that they should have direct power to suspend or revoke licences without resorting to a magistrate's court, a provision that currently exists in Wales, under the Breeding of Dogs (Wales) Regulations, 2014.

9 Next steps

9.1 As stated, we feel that further work on producing regulations, supporting policies, guidance and documentation for dog breeding, rearing and selling, should not just involve the Canine and Feline Sector Group (CFSG) and National Companion Animal Focus Group (NCAFG). Welfare organisations outside of these, with specialist knowledge and experience, should also be involved. The Dog Breeding Reform Group (DBRG) would be pleased to assist as next steps are considered.