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Dog Breeding Reform Group (DBRG) Response to Defra Review of Local Authority Licensing

Introduction and background

1. DBRG was formed as a result of an identified need to maintain a focus on the breeding issues connected with dog health and welfare, and to lobby the Government and its officials for constructive changes to dog breeding regulations and practices.
2. Whilst welcoming the formation of the Canine and Feline Sector Group (CFSG) and the APGAW Dog Sub Group, we are an *independent* group of experts as opposed to a *stakeholder* group. We think it is important to make that distinction.
3. Until now we have operated as a group of individuals with no official status, however we are in the process of applying to the Charity Commission to become a charitable trust.
4. We support the findings and recommendations of the Advisory Council on the Welfare Issues of Dog Breeding (DAC). In particular we wish to promote the Council's *Standard for Breeding Dogs*

General Comments

1. DBRG wish to be involved in any consultations regarding the improvement of dog welfare in respect of breeding practices. Our responses will be restricted to those related to the breeding of dogs.
2. Many of the abuses of dogs used for breeding and the poor health of offspring are due to the lack of consistency (and resulting lack of adequate standards) in the inspection of licensed dog breeding premises and pet shops; lack of expertise amongst some of those carrying out the inspections; and insufficient allocation of funds by central and local government.
3. The perception that only those breeding five litters or more a year require inspection also contributes to welfare problems.
4. The cursory nature of veterinary involvement in the licensing and inspection process in some cases has also been identified as an issue.

Consultation Response

We are considering bringing existing licensing schemes under the Animal Welfare Act 2006, as originally intended, to allow future updating via regulations, without the need to primary legislation.

Q1. Do you have any comments on this proposal?

1.1 We support the proposal to bring existing licensing schemes under the Animal Welfare Act so that schemes can be updated quickly and efficiently as and when needed. We feel it is important that any changes to licensing schemes will involve consultation with all relevant welfare groups and not just the major stakeholders. Any revision to licensing schemes will need to be accompanied by clarity regarding enforcement and comprehensiveness regarding standards. Such standards should protect welfare, provide mechanisms for effective enforcement, ensure adequate funding to enable implementation, and involve properly qualified inspection staff. The implementation and enforcement of the AWA is discretionary at present and it is not mandatory for local authorities to authorise officers to enforce the legislation. Will the introduction of such schemes require mandatory implementation and enforcement of the entire scheme by those authorised under the AWA? If not, the present weaknesses of enforcement and implementation of the AWA will potentially be reflected in the licensing schemes, resulting in inconsistencies throughout the system and unsatisfactory animal protection standards.

1.2 It is also crucial that the content of the licensing schemes incorporates modern concepts of animal welfare, which emphasise subjective experience and emotion alongside health. The schemes should include positive welfare, rather than following the traditional models of licensing legislation that have tended to focus on basic physiological needs and avoidance of infectious disease.

We are considering the introduction of rolling licenses, as opposed to the one-year system currently in place in a number of areas.

Q2. Do you have any comments on this proposal?

2.1 DBRG is not at all convinced that this will improve the robustness of the system. The thoroughness and regularity of the inspection process is what matters. Rolling licenses could encourage a deterioration of welfare standards. At present, one of the few consistencies within animal establishment licensing regimes across and within licensing authorities is the requirement for annual inspection (fees, responsible departments and expertise of staff tasked with licensing are all extremely varied). To further reduce consistency in this area of animal protection seems counterintuitive to safeguarding welfare. It is likely to lead to increased inconsistency in fee setting, inspection processes and prioritisation of licence provision and inspections. It is essential that there should be the potential for unannounced inspections to occur at any time as well as regular inspections.

We are considering extending the maximum length of licenses which local authorities may issue, at their discretion. This would encourage greater risk-based assessment, and permit longer licenses for good practitioners.

Q3. Do you have any comments on this proposal?

3.1 Although risk-based assessment may sound attractive and be superficially effective, it is essential that the criteria are clear and explicit. In reducing the administrative burden of carrying out regular inspections, the potential impact on animals of longer-term suffering or low welfare are likely to increase the overall working load in the long run. The regular inspection of animal establishments reflects the importance of animal welfare and consumer protection when purchasing a pet or protecting animal welfare. As such, annual inspections should be the minimum requirement, with more frequent inspections where any shortfalls are found to exist.

We would like to encourage greater use of UKAS accreditation of operators enforcing recognised welfare standards, where appropriate. This could, for instance, include a lighter-touch approach to those holding certification from a UKAS-accredited scheme governing body.

Q4. Do you have any comments on this proposal?

4.1 It is not clear what is meant by 'UKAS accreditation of operators.' If what is meant is using Kennel Club trained inspectors of the Kennel Club's (KC's) Assured Breeder Scheme (ABS), DBRG has reservations. The KC's Assured Breeders Scheme represents only 13% of dogs bred and registered by the KC. It currently has 6 full time and 13 part time regional assessors. Membership of the KC ABS currently stands at 6,690. The KC does not have the capacity to carry out welfare inspections of licensed breeders. If a new UKAS accredited scheme of operators is what is being suggested, the welfare standards of such a scheme are crucial. They must be appropriate and robust and involve properly trained veterinary surgeons and welfare experts. The standards must be based on good scientific evidence. Regular inspections and spot checks would be essential and these should not be a tick box exercise, but should enable effective application of expertise in an area which requires a high level of subjective assessment within an objective framework.

4.2 DBRG would prefer to keep local authority (or other appropriate state-run scheme) responsibility for animal welfare and the inspection of breeding establishments so that there is a clear link with central government and an acknowledgement of the responsibility it has for animal welfare policy and standards.

Local authorities in several areas, such as London and Manchester, already run a contracted-service model, allowing the preservation of animal welfare specialists, while reducing duplication costs. We would like to encourage this model elsewhere.

Q5. How could a greater sharing of functions across local authorities in animal welfare be encouraged?

5.1 The need for animal welfare enforcement will vary from local authority to local authority and it would seem sensible to share the expertise of animal welfare specialists across local authority boundaries. It is costly for individual local authorities to train their animal welfare specialists, so costs could be reduced as a result of some amalgamation. As long as this does not result in unrealistic workloads for welfare officers and a reduction of welfare standards, DBRG supports this idea.

5.2 The fragmentation of responsibilities for animal welfare across various departments within and between local authorities can lead to blurred boundaries of responsibility and enforcement. Therefore the development of shared function groups may address this. However, specific roles and responsibilities would need to be clearly defined in order to ensure the effectiveness and accountability of any such scheme. It is important that best practice is regularly shared between staff members and across local authorities.

5.3 The provision of training for inspecting officials can be enhanced and facilitated by bringing staff together for training events, and perhaps for training accreditation as part of Continuing Professional Development. The implementation of regulations related to licensing depends on staff being properly trained. With respect to the appraisal of establishments keeping dogs, DBRG note that knowledge of dog welfare is important as well as knowledge of regulations and licensing conditions. Educational material is available that can provide this straightforwardly and cheaply. We would draw your attention to specific material that has already been developed to support officials

in the licensing of dog breeding establishments (specifically concerning socialisation of puppies, and provision of environmental enrichment). This is available as a free download in pdf or flipbook format at: <https://cariadcampaign.wordpress.com/guides/>

Q6. Outside the measures discussed above, how could the administrative burden for local authorities be reduced, while maintaining good standards?

6.1 The administrative burden for local authorities could be immediately reduced through the identification of clear roles and responsibilities in providing services. Currently up to 18 departments can be responsible for animal related administration and activities within local authorities across the country (Cooke, 2014). The integration of various roles into a department for all animal welfare related responsibilities would prevent unnecessary duplication of work by different departments and the increased administrative burden due to fragmentation of expertise. Greater use of technology is likely to reduce costs and improve the consistency of inspection. In particular, where evidence of specific standards such as DNA testing or health screening is required, the use of the internet to provide such evidence prior to inspection could reduce time and costs.

6.2 With regard to dog breeding, the licensing system should clearly identify and be based upon the identification and definition of 'breeding' rather than being based upon 'sale'. The current emphasis complicates the issue and is a remnant of the traditional licensing model which does not account for welfare as a priority. To concentrate on breeding would make it much easier for local authorities to carry out their statutory duties in relation to animal welfare.

6.3 Further actions that may facilitate the administration of licensing to ensure good welfare of dogs, include:

- Provision of clear and comprehensive statutory guidance to local authorities in the interpretation of regulations. At the moment, any guidance provided is not statutory and has not been well communicated. It should be straightforward to make it a requirement that local authorities have regard to ministerial guidance when licensing
- Use of a well-structured, comprehensive and standard proforma for recording license inspections. Such proformas should focus on welfare considerations (for example, emphasising the overall health of dogs, opportunities for exercise, opportunities for enrichment, socialisation activities, alongside considerations of safe, hygienic, comfortable accommodation and environments)
- Training of officers so that they are confident and understand the criteria to be applied. This may be conducted on a regional basis; provision of supportive educational material to officers (see above); provision of supportive educational material to keepers
- Communication of expectations to dog keeping establishments in advance of inspections, providing details of licensing requirements, and offering advice (eg telephone advice by the authority) to assist establishments in complying prior to inspections.

Q7. Outside the measures discussed, how could the licensing system be simplified for businesses, while maintaining good welfare standards?

7.1 There is now extensive evidence that numerous premises keeping dogs receive licences when the welfare conditions are very poor. This is particularly the case in the licensing of dog breeding establishments. Premises are routinely licensed in which there is inadequate staffing to meet dogs' needs, where dogs are kept almost permanently in barren kennels, where there is inadequate exercise provision, lack of enrichment activities and failure to properly socialise puppies. It is evident

in these cases, that criteria being applied are minimal and that the inspection process rather than being 'onerous', is lax and insufficiently rigorous.

7.2 It is a matter of considerable concern that at the moment the Deregulation Act includes a clause that would enable repeal of the requirement under the Breeding of Dogs Act, 1973 for dog breeding establishments to keep records in a prescribed form. This would be a very detrimental move undermining the ability of inspecting officials to ensure that dogs are not overbred or to monitor compliance with requirements in a licence for the keeping of particular numbers or types of dog given resources of the establishment. DBRG opposes this strongly and trust that the measure will not be introduced.

7.3 There is no substitute for the maintaining of written records of all dogs which are used for breeding and their offspring. An inspector is then more quickly able to see if license conditions regarding dogs kept are being met; relevant health assessment and procedures have been carried out; and the written records have accurately recorded the numbers, age, breed and sex of the dogs being kept. Reducing or removing record keeping requirements makes a licensing official's job more difficult and is counterproductive. Supplying a standard means of recording relevant information to dog keepers (eg, through provided software) may help. The process would be made more straightforward for businesses if relevant guidance is provided to them about what is expected. Ready access to inspecting officials for advice would support this also.

7.4 It should not be made easier for people to breed dogs. It should be made more difficult. There are penalties for manufacturing faulty goods but apparently no penalties for breeding 'faulty' dogs, despite the obvious welfare implications for such dogs and the potential consequences for consumers, such as the long term financial and emotional impact. The production of 'faulty' dogs can have wide-reaching implications for the public and government. Owners of unhealthy dogs may incur huge fees in veterinary care due to preventable infectious diseases and breed-related problems. It is not uncommon for such dogs to die despite the best efforts of those involved. Dogs exhibiting behavioural problems often become stray or are relinquished to local government kennels or charities. The 'faulty' dogs themselves are also at risk of suffering welfare problems as a direct consequence of physical or behavioural 'faults' due to inappropriate breeding or inappropriate socialisation. It is essential for good welfare that there is careful selection of dogs for breeding based on genetic health results, genetic diversity, selection of non-exaggerated physical traits, good temperament and general good health. We hope that licensing regimes for dog breeding will increasingly emphasise this. In any discussion about the 'business' of breeding dogs, it should be remembered that dogs are sentient animals and we humans should be their guardians, not their exploiters.

Reference

Cooke, F (2014) 'The application, implementation, enforcement and development of companion animal welfare in local authorities in Great Britain.' PhD thesis, University of Aberdeen