



## **Dog Breeding Reform Group**

### **Consultation response:**

### **Scottish Government Consultation on licensing of dog, cat and rabbit breeding in Scotland**

**Date submitted: 30<sup>th</sup> November 2018**

Note: The Dog Breeding Reform Group will limit its responses to the regulation of dog breeding.

#### **1. The Government proposes that dog, cat and rabbit breeding activities should be regulated. Do you agree?**

Yes

There is extensive evidence that standards in the breeding of dogs are often poor and can significantly compromise welfare. This arises often from a primary interest of a breeder in making a profit and therefore compromising on standards that would incur a cost. Poor practices frequently include provision of barren and unhygienic accommodation, failure to provide veterinary care, inadequate diet, failure to provide adequate opportunities for exercise and expression of natural behaviour, failure to properly socialise puppies, and breeding from dogs with inherited disease. The effects of such rearing practices include stress, disease, anxiety and fear, and later behavioural problems.

A further problem particularly related to dog breeding is breeding dogs in order to satisfy a human desire for sizes and shapes which are extreme. This may cause varying degrees of welfare harm. Associated with this is close inbreeding which can cause a high prevalence of breed-related diseases.

A rigorous licensing regime with clear and comprehensive requirements for dog breeders can play an important role in improving welfare standards. Such a licensing regime will also protect purchasers/consumers who may incur significant veterinary costs, and help prevent behavioural problems that can lead to abandonment or euthanasia. Proper socialisation of puppies is particularly important to prevent aggression and incidences of biting and aggression that create significant costs for the health service.

#### **2. Do you agree with the proposal to set the licensing threshold for dog, cat and rabbit breeders at three or more litters per year?**

No

A very large number of puppies are supplied by breeders producing two, three or four litters per year. Potentially, with larger litter sizes this could imply thirty or more puppies per year. It is important that such production which is almost always commercial in nature is properly regulated. The current default threshold of five litters per year is too high. A clear litter threshold is also important to enable licensing officials to determine if a breeder falls within the licensing regime. DBRG's view is that licensing should be required for anyone breeding **two** litters or more per year, as a second litter is unlikely to be accidental.

**3. Do you have any comments on the thresholds that should apply? Should these be different for the separate species?**

See above. We do not have any view on thresholds appropriate for cats and rabbits.

**4. Do you agree with the proposal that a dog, cat or rabbit must not give birth to more than six litters in their lifetime?**

Yes

In general, we believe that bitches should not be over-bred simply for profit. A breeder seeking to maximise returns by using a bitch on multiple occasions will potentially compromise her welfare, through failure to attend to welfare needs. Lower numbers of litters are anticipated to be associated with higher care. We support the position of the Kennel Club in recommending a maximum of **four** litters (not six). We note that there is the potential for increased cumulative lifetime risk with more litters (ie each litter carries some risk for the bitch) and, for example, of increased risk of birth complications (eg distocia) with increasing age of bitches.

Bitches producing high numbers of litters may have a negative effect at a population level in terms of reduced genetic diversity. Where a smaller number of bitches are used to produce more litters in a lifetime, effects on in-breeding and reduced 'effective population size' are likely to become more apparent. This may then be expressed in reduced viability and increased health problems (eg those relating to immune system function) in puppies produced. Repeated use of bitches or sires (sometimes referred to as 'popular sires' ) contributes to a narrowing of the gene pool within a breed. This in turn makes breed-related health and welfare issues on progeny more likely.

**5. Do you agree with the proposal that, as a condition of licensing, premises should only be allowed a maximum of 20 breeding dogs or cats within one calendar year?**

Yes

A major problem in dog breeding is the existence of 'puppy farms'. These are operations in which the over-riding concern of the breeder is the maximisation of profit, with minimal concern for the welfare of the dogs or puppies kept. Frequently, reflecting the concern for large profit, these are large scale establishments, often keeping a wide range of breeds that the breeder has little detailed understanding of. Such operations are often found which hold

20, 30, 40, 50 or more breeding dogs, with some establishments keeping well in excess of 100. While it is sometimes argued that there is no necessary link between size of establishment and welfare, in practice there is a very strong correlation between increased size of establishment and reduced welfare. A very important action that the Scottish Government can take is to specify a maximum number of breeding dogs that may be kept. This is more likely to ensure that only those with a commitment to the welfare of dogs operate. Large premises almost invariably have inadequate staff to provide care, fail to provide proper exercise, have inadequate and barren accommodation, and operate with an excessive focus on production and profit.

A further factor is that there are very large numbers of dogs available for rehoming from rescue centres at any point. Such dogs may be kept for lengthy periods while awaiting a home (eg months or in some cases years). The over-production of puppies on a large scale, often sold on through dealers and pet shops, undermines adoption, and creates later risk of abandonment or giving up of puppies that exacerbates problems. Over-production of puppies needs to be discouraged and higher welfare standards encouraged – a maximum of 20 breeding dogs per establishment should curb the worst large-scale breeding operations.

**6. Do you agree that individuals with unspent convictions for animal welfare offences or other criminal convictions (e.g. fraud) should not be allowed to hold a licence for breeding activities?**

Yes

It is essential that individuals who may create a risk of harm or abuse to animals kept for breeding are not allowed to hold a licence. Those with unspent convictions for fraud may pose an increased risk of exploitation and misrepresentation of puppies sold.

**7. Are there any other considerations, apart from criminal convictions, that should form part of a 'fit and proper person' test for those running dog, cat or rabbit breeding activities?**

It is essential that those running breeding activities have a proper and adequate understanding of the health and welfare needs of the species concerned, and that they have an appropriate understanding of the needs of parent and offspring. They should also have a relevant understanding of genetics and inherited disease, such that they do not breed animals together that create risks of inherited disease or poor conformation. Completion by a breeder of a relevant course of study (eg NVQ) and/or demonstration of competence and experience should be required.

Breeding establishments should not be supervised by minors. A minimum age requirement for someone to operate a breeding establishment should be set (eg 18 or 21 years), with further requirements that a suitably qualified and experienced person be available at all times.

**8. The Scottish Government proposes that reasonable costs of inspections should be charged to recover costs to inspectors approved by Scottish Ministers or local authorities. Do you agree with that proposal?**

Yes

It is essential that local authorities have adequate funds to enable proper enforcement of licensing regulations.

**9. Should licensing fees be set by the authorised inspectors, local authorities or by the Scottish Government. Do you have any comments on what cost is reasonable or what should be included in this? (For example, this might include recovery of administrative costs, or payment for the inspector's time etc.).**

It is best if the fees are set by the Scottish Government so that they are generally applicable, adequate and consistent. In England and Wales, local authority discretion in setting fees has resulted in very wide variation. There may be potential for certain elements of the licensing fee to be set centrally, and for some local authority discretion on others.

It is important that the fee set would cover the administrative costs associated with conducting inspections and the inspections themselves. Provision needs to be made not only for annual (or regular) inspections for each licensee, but also for additional unannounced inspections (which might occur on a sampling or risk basis). The fee also needs to provide funds that will enable a local authority to pursue enforcement action, including legal advice and costs associated with bringing prosecutions. Finally, some provision in the fee needs to be made to cover the training of inspectors.

**10. The Scottish Government considers that licences lasting from one to three years may be issued on the basis of a welfare risk assessment. Do you agree?**

Yes

Risk-based inspection would allow for local authorities to use their resources most cost effectively and enable those premises requiring the most attention to receive it. Risk-based inspection, coupled, with reduced fees for high welfare establishments, may also incentivise improvements in standards. It is important that the Scottish Government provides clear guidance to local authorities on welfare risk assessment and the criteria to be applied.

**11. Do you think that a national list of licensed premises and activities should be kept?**

Yes

A national list will help potential purchasers identify licensed premises that meet certain minimum standards. A list should encourage breeders to seek licensing in order to have visibility. Further, a national list may help the public report on welfare

concerns they have about premises, or report operations that appear to be evading licensing.

**12. Do you have any comments on who should be able to access information from the list, and if a charge should be made for information?**

A national list should be publicly available to all to enable informed purchasing decisions by consumers. There should be no charge for accessing this information which could be made readily available at low cost on-line. Introducing a charge would significantly inhibit use and lose benefits of public licensing.

It would be valuable if welfare risk assessment information were made available for each breeder recorded. This would enable consumers to identify higher welfare breeders and help drive up standards.

On a related matter, inspection reports for each premises should be held by local authorities and be able to be obtained through Freedom of Information requests.

**13. The Scottish Government believes that enforcement agencies should be able to suspend, vary or revoke licences or issue improvement notices for minor irregularities. Do you agree with this proposal?**

Yes

The power of local authorities to directly suspend, revoke or vary licences would be a very useful tool to ensure that required standards are met. It represents a much more straightforward approach than requiring that enforcement action depends on prosecuting through a court. Improvement notices should also help drive up standards. Nonetheless, the ability of local authorities to enforce by prosecution through a court should also exist. This would enable appropriate penalties beyond restriction of licensing, (eg for more serious breaches or animal welfare offences), including post-conviction powers of seizure of animals etc.

**14. The Scottish Government proposes that new legislation will require compliance with any relevant Scottish Government guidance as one of the licence conditions. Do you agree that this should be a condition of licensing? If you are aware of any other relevant standards please comment.**

Yes

Clear and comprehensive guidance to support regulations is critical in enabling inspecting officials to apply these in practice consistently. It is essential that such guidance is statutory ie that there is a duty on local authorities to have regard to it. Experience in England and Wales to date is that guidance previously issued to support legislation (eg the Chartered Institute of Environmental Health – CIEH – Model Licence Conditions) was widely ignored by authorities on the grounds that 'it wasn't statutory. Meeting guidance requirements should

be a condition of licensing. Where risk-based inspection occurs, guidance specifying higher standards may be useful for reduced inspection frequency/costs.

The license conditions and guidance recently developed for the England Animal Establishments Licensing Regulations, 2018 are excellent and could be used/adapted by the Scottish Government to great benefit:

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
[http://www.legislation.gov.uk/ukdsi/2018/9780111165485/pdfs/ukdsi\\_9780111165485\\_en.pdf](http://www.legislation.gov.uk/ukdsi/2018/9780111165485/pdfs/ukdsi_9780111165485_en.pdf)  
DEFRA (2018) The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Guidance Notes for Conditions for Breeding Dogs July 2018.  
[http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/guidance\\_notes\\_for\\_breeding\\_dogs\\_2018.pdf](http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/guidance_notes_for_breeding_dogs_2018.pdf)

**15. Do you agree that appropriate fixed penalties should be available for minor non-compliance with the licensing legislation? (These are not currently available for animal welfare offences but may be introduced in the future).**

Yes

Appropriate fixed penalties could help ensure compliance with regulation. These might represent a 'first-tier' of enforcement, short of an improvement notice or suspension/revocation of a licence. They would send a clear message. A history of fixed penalties might be taken into account in welfare risk assessment.

**16. Do you agree that the Scottish Government should discourage the breeding of dogs, cats and rabbits with a predisposition for specific genetic conditions, which lead to health problems in later life?**

Yes

Inherited disease causes very substantial and often long-lasting suffering and incapacity to dogs (as well as other species). Often it arises as a result of irresponsible breeding where the breeder has failed to take account of evidence that a parent carries a genetic condition, or breeding choices are made on the basis of the 'look' of a dog rather than its genetic health. Irresponsible breeding decisions are often made in choice of parents to breed puppies with extremes of physical conformation that can lead to a wide range of problems and significant suffering. It is essential that action is taken to discourage to the maximum extent breeding which has these effects, and that there is provision in law to enable this. It is important that new Scottish regulations ensure that there is a requirement to be licensed that breeders pay due regard to the genotype, phenotype and health of parents before mating and that licenses are withheld or revoked where there is evidence that this is not the case.

The new English Animal Establishment Licence conditions contain useful general clauses which relate to this as well as specific additional guidance to achieve a higher welfare rating

and reduced frequency of licence inspection. These may be helpful to the Scottish Government in drafting the regulations.

Note: A number of pertinent papers highlighting the health and welfare harms associated with genetic conditions in dogs are listed at the end of this consultation submission, We also attach a link to a paper produced by DBRG titled 'The Animal Welfare Act and the Protection of Offspring' which addresses these issues:  
[http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/position\\_paper\\_on\\_awa\\_and\\_the\\_protection\\_of\\_offspring.rev11\\_2\\_\\_1.pdf](http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/position_paper_on_awa_and_the_protection_of_offspring.rev11_2__1.pdf)

**17. Do you agree that as a condition of licensing any breeding practices which are likely to cause the offspring suffering in later life should be prohibited?**

Yes

It is essential that maximum care is taken by breeders to prevent later suffering of offspring as a result of breeding decisions. Breeders should be required to ensure that a) dogs carrying genetic conditions are not bred from, b) dogs with extreme conformation leading to suffering are not bred from, c) dogs which are closely related are not bred from. In addition, dogs should not be bred from which require Caesarian section to enable birth.

**18. Do you have any comment on any other appropriate measures could take to discourage harmful breeding practices?**

Yes

A primary driver of poor practice in dog breeding establishments is the ability of those establishments to sell on puppies produced through dealers and pet shops (ie 'third-party sales'). Many poor quality breeders which show a disregard for the welfare of dogs kept and puppies produced sell on in this way. Third-party sales protects poor quality breeders which are effectively concealed from scrutiny. It also prevents purchasers seeing a puppy with its parents (mother in particular), as recommended by all welfare bodies. The process of transfer of puppies via dealers or pet shops also creates increased risk of disease, impedes proper socialisation and encourages impulse purchase without proper research. There is much evidence now that puppies bought via third-parties are at increased risk of disease and behavioural problems. Sale through third-parties also makes traceability to the breeder virtually impossible when puppies become ill and effective recourse by the purchaser very difficult.

It is key to improving dog welfare that improved licensing regulations are allied with a ban on the third-party sale of puppies. The UK Government has now committed to this, while there is considerable pressure for Wales to now follow suit, with a consultation in the New Year recently announced by the Welsh Government. There are potentially significant problems if there is a lack of consistency between administrations. Were Scotland not to pursue a ban on third-party sales, then there is the potential for puppies produced in England or Wales to be transported to Scottish third-party sellers. Discussion needs to take place between the devolved administrations and the Westminster Government on this

matter. It should be noted also that a third-party sales ban in Scotland would have the potential to help prevent the import of poorly bred puppies from outside the UK which relies on sales through dealers and pet shops.

We would also recommend that the Scottish Government requires that anyone breeding dogs is registered with the local authority. This would help support effective regulation through licensing.

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