



Dog Breeding Reform Group Response to Welsh Government Consultation: Third Party Sales of Puppies and Kittens.

April 2019

Third party sellers such as dealers and pet shops represent a key vehicle for the sale of puppies from puppy farms and other irresponsible breeders. A ban on commercial third party selling is, we believe, already long overdue. The duty of care should rest with breeders until puppies are sold and breeders should bear responsibility for socialisation and disease prevention.

Q1. The biggest issues associated with the breeding and selling of dogs/puppies

1. PROBLEMS THAT ARE INHERENT TO THE THIRD PARTY TRADE AND WHICH CANNOT BE REMEDIED THROUGH 'ROBUST' LICENSING

1.1 SOURCE OF PUPPIES FOR THE THIRD PARTY TRADE

1.1.1 Responsible breeders, by definition, will want to ensure that they are personally involved in finding suitable homes for puppies that they have bred and for this reason would never sell puppies to a third-party agent. Third party sellers are therefore restricted to purchasing from breeders who are unconcerned about the future lives of their puppies. With no direct link to the new owner, such breeders have detached themselves from any moral or legal accountability resulting from problems that may develop (for example, in terms of puppy health or behaviour). The longer the chain between breeder and final owner, the more difficult it becomes to determine the point at which problems develop. For example, tracing the origin of outbreaks of disease would require multiple premises to be tested.

1.1.2 The division of profit from puppy sales between breeder, seller and any additional 'middlemen' means that breeders receive minimal net revenue per puppy. Consequently high-volume breeders selling through licensed pet shops must maximise the number of puppies produced, while at the same time keeping their overheads to a minimum. It should be noted that numerically small or 'one-off' breeders who are not seeking to make large profits might also find this an easy way to dispose of puppies although there is little evidence to show that this is the case. The third-party trade in puppies perpetuates a culture of low welfare, high volume dog breeding comparable to factory farming animals for the food chain. This has a hugely detrimental impact upon the physical and

mental wellbeing of breeding dogs and puppies. It also results in the production of large numbers of dogs that are at a high risk of developing health and or behavioural issues. As such, this method of breeding is wholly inappropriate for producing fit for purpose companion animals. The problems stemming from the point of origin are compounded by each subsequent part of the chain. It is not possible to pinpoint exactly where problems that only become evident post sale may have originated, and the causes may be multi factorial. There is however sufficient evidence to demonstrate that the low standard of care given to breeding dogs and puppies will result in severe and often life limiting problems for dogs purchased from third party sellers.

<https://www.ncbi.nlm.nih.gov/pubmed/23634679>

<https://theconversation.com/puppy-farmed-dogs-show-worse-behaviour-suffer-ill-health-and-die-young-so-adopt-dont-shop-83267>

<https://www.telegraph.co.uk/news/health/pets-health/10278282/One-in-five-puppies-bought-online-die-in-six-months.html>

1.1.3 There is a lack of evidence to suggest that the enhanced Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 have been successful **where dog breeding establishments are supplying external third party markets.**

Similarly, while a significant number of licensed puppy dealers have been investigated by the media in recent years for selling sick and dying puppies, they continue to trade legitimately with little or no improvement.

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/dogs4us-salford-parvo-puppies-pendlebury-13614771>

<https://www.mirror.co.uk/news/uk-news/heres-desperately-sick-puppy-nothing-11729500>

1.1.4 The lack of dog breeding regulation in some European countries that are supplying third party sellers in Wales means purchasers can have no confidence that a puppy has been raised under adequate welfare standards.

<https://www.dogandcatwelfare.eu/eu-activities/issues/commercial-breeding-and-trade/>

The continued legitimisation of a market for these animals in Wales will support and sustain puppy farms in Europe, where breeding dogs may be subject to abuses that would not be tolerated in the UK. The Pet Animals Act 1951 does not contain any provision for vendors to source animals only from licensed breeding establishments and this has never formed part of the Model Licence Conditions for pet shops.

1.2 TRANSPORT

1.2.1 Puppies produced in commercial breeding facilities must be transported to the point of sale, a journey which usually takes many hours and may cover hundreds of miles. The commercial transportation of young dogs is covered by the Welfare of Animals (Transport) Regulations 2006. However this EU legislation was primarily developed for the transportation of farm animals and equines, with only minimal basic requirements covering domestic pets. While local authorities have a duty to uphold these regulations, in reality there is a significant variation in the application and

understanding of the requirements in relation to the movement of dogs. Furthermore, enforcement action in terms of physical inspections of animals during transit appears to be very limited.

http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/licensed_third_party_puppy_vending_in_gb_2016.pdf

1.2.2 Limitation of resources and practicalities of access to deliveries restricts the enforcement capacity of any potential additional measures. The logistics of the third-party puppy trade mean that the element of transport is unavoidable and intrinsic to this method of sale.

1.3 RISK OF DISEASE

1.3.1 The repeated cycling of animals through an environment (e.g. a dealer or pet shop premises) increases the risk of infectious disease. Transmission of such diseases is considerably heightened by a combination of stress, limited biosecurity and compromised immunity arising from poor management at the point of origin. Puppies are commonly kept on sawdust which can be an irritant to their skin and eyes and may be contaminated. Even if the sales environment is maintained to an acceptable level of hygiene, the prevalence of disease amongst animals originating from low welfare backgrounds means that puppies are frequently incubating illness in advance of their arrival on the premises.

<https://www.vettimes.co.uk/app/uploads/wp-post-to-pdf-enhanced-cache/1/puppies-from-pet-shops-four-times-more-likely-to-contract-parvovirus.pdf>

1.4 SOCIALISATION, HABITUATION AND MEETING BEHAVIOURAL NEEDS

1.4.1 The 2013 **Model Licence Conditions** for Pet Vending acknowledges '*Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale.*' Transportation and acclimatisation are not considerations where puppies are sold directly to the final owner but are necessary elements of the third party trade in animals. Acclimatisation is required both for welfare reasons and as a form of quarantine. However, increasing the period of time that puppies spend in the sales facility delays their introduction to a domestic home environment. This further limits time available for habituation and extends exposure to pathogens carried by puppies from other sources. Research has shown that puppies have a 'critical period' for socialisation which closes at about sixteen weeks.

https://www.researchgate.net/publication/9864685_Critical_Period_in_the_Social_Development_of_Dogs

Puppies must be exposed to as many positive and different experiences before this time to ensure they become confident and well balanced adult dogs. A failure to meet this need will often create life-long behavioural problems, which may subsequently result in relinquishment or even euthanasia.

<https://www.ncbi.nlm.nih.gov/pubmed/21865608>

<https://www.sciencedirect.com/science/article/pii/S1558787815001975>

1.4.2 The necessity of ensuring that pens are easily cleaned results in a barren environment and there is often little enrichment beyond the minimal essentials, due to the frequent need to clean or replace toys and equipment. With no opportunity to eliminate away from their living quarters,

subsequent housetraining can be difficult. 'Interaction with staff' may provide some opportunity for play, as will handling by potential purchasers. However, puppies are frequently left unattended and away from human contact for the majority of the time. This may lead to separation anxiety or fear aggression towards people in later life.

1.4.3 The commercial nature of the activity results in puppies that have minimal exposure to normal household experiences until they are sold. This may result in both short and longer term fear responses.

The Pet Animals Act 1951 makes no reference to the requirement for socialisation although the latest version of the Model Licence Conditions does suggest minimum periods for interactions with humans. This is far from sufficient to meet the complex behaviour needs of puppies. Monitoring licensed third party sellers for compliance with requirements for socialisation would be extremely challenging.

1.5 IRRESPONSIBLE SELLING, IMPULSE PURCHASING AND UNSOLD PUPPIES

1.5.1 The third-party trade in puppies is a retail activity and therefore the incentive for quick transactions and sales is extremely strong. There is a high risk that impulse purchasing will be encouraged and that sales will take precedence over ensuring a suitable home. Unsold puppies rapidly decrease in appeal and value, while requiring more food and space. This increases the pressure for a sale and may lead to a price reduction, further encouraging impulse or pity purchasing.

<http://batterydogfarmingdealerspetsyshops.blogspot.co.uk/2012/01/my-visit-to-east-london-pet-shops.html>

As with sourcing animals, the Model Licence Conditions do not cover the appropriate and ethical 'disposal' of unsold puppies. This is an area of particular concern when puppies are bred for purely commercial reasons and do not sell quickly. The fate of unsold puppies is largely unknown.

1.6 HEALTH IMPLICATIONS

1.6.1 DBRG is particularly concerned about the rapid rise in the popularity (of both supply and demand) of brachycephalic dogs and wants to see this trend reversed. Elevated popularity of brachycephalic breeds leads to more dogs at risk of conformation-related disorders in the population. The brachycephalic conformation is not benign from a health perspective and is associated with a variety of inherited disorders that may have severe impacts upon quality of life over and above the consequences arising from sub-standard breeding and selling processes. Due to the magnitude of this welfare problem, in terms of both prevalence and severity of disorders they are predisposed to, DBRG believes that brachycephalic health and population numbers needs to be tackled as a matter of urgency.

http://www.dogbreedingreformgroup.uk/uploads/5/5/5/6/55561953/policy_position_health_and_welfare_of_brachycephalic_dogs_1.pdf

<http://www.wsava.org/WSAVA/media/Documents/Press%20Releases/Urgent-action-on-brachycephalic-dogs-called-for-during-panel-discussion-at-Congress-in-Copenhagen.pdf>

<https://www.dogstrust.org.uk/news-events/news/research-shows-high-risk-of-breathing-problems-in-dogs-with-short-muzzles>

<https://www.ufaw.org.uk/downloads/packer.pdf>

1.6.2 In addition to an increased disease burden, longevity studies have demonstrated that brachycephalic dogs have a reduced lifespan compared to non-brachycephalic dogs. This further adds to the potential 'demand' for these breeds.

1.6.3 DBRG believes that the high prevalence of health problems in brachycephalic breeds that are a consequence of their conformation is unacceptable. Reforms in breeding practices and the selection of dogs for breeding are required to substantially improve breed health and welfare. This adds further weight to the argument that dogs of these breeds should be bred under UK regulation, which may provide some element of control and protection. The new English animal establishment licensing regulations for dog breeding (Schedule 6) include provisions to prevent bitches from being mated if they have previously had two litters delivered by caesarean section (6, 3 (d)) and state that dogs must not be kept for breeding if there is a reasonable expectation that their genotype, phenotype or state of health would have a detrimental effect on the health or welfare of their offspring (6, (5)). The Welsh licensing regulations for dog breeders do not currently go as far as to include these provisions and it is hoped that amendments will be made to remedy this.

The legal and illegal importation of brachycephalic breed puppies is of particular concern. The additional welfare risks posed to individual animals during transit, the potential lack of regulatory breeding control in the country of origin and contribution of imported animals to the growing population of these breeds in the UK would be addressed through a ban on third party sales.

1.6.4 It may not be ethically appropriate to aim to maintain the volume of sales of breeds such as French Bulldogs and Pugs. Arguably, no matter how responsibly bred, the quality of life for dogs which have a conformation that predisposes them to health problems will be compromised. Reduced availability would promote a more considered acquisition culture which could be backed by educational campaigns.

<https://www.scotsman.com/news/politics/cute-puppy-alert-to-be-aimed-at-women-to-stop-impulse-buying-1-4731923>

<https://www.standard.co.uk/news/uk/celebs-instagram-are-to-blame-for-pike-in-french-bulldogs-abandoned-at-battersea-dogs-home-top-vet-a3637211.html>

<https://www.telegraph.co.uk/news/2017/12/26/french-bulldog-craze-sees-influx-pets-dumped-dogs-homes/>

1.7 IMPACT ON OWNERS

1.7.1 The loss of a puppy shortly after purchase will be devastating to owners but severe chronic conditions which develop months or years after purchase can be equally distressing and financially costly. While it is not possible to attribute such conditions solely to irresponsible breeding, it is highly likely that this is a significant contributory factor. For example, lack of health screening will increase the risk of inherited diseases. Severe acute and chronic health conditions may have additional consequences, for example generating higher pet insurance premiums. Third party selling is a retail activity and the desire to maintain a high turnover of puppies may lead sellers to encourage impulse purchasing. DBRG has concerns about puppies acquired without due consideration for their needs and suitability for the intended home. The emotional aspect of buying a puppy leaves consumers

extremely vulnerable to poor purchasing decisions, for instance knowingly buying an ill or distressed puppy in order to 'save it'. Education of consumers can have limited effectiveness in these situations and a ban will help protect buyers by reducing the number of circumstances where they will be faced with making difficult choices.

Q2. How might banning commercial third party puppy sellers in Wales address the problems identified in Q1

2.1 IMPROVING WELFARE IN DOG BREEDING ESTABLISHMENTS

2.1.1 A ban on the commercial third party trade in puppies will remove a market that perpetuates a culture of low welfare, high volume dog breeding, comparable to factory farming animals for the food chain. Breeders selling through third party agents must maximise the number of puppies produced, while at the same time keeping their overheads to a minimum. This method of breeding is wholly inappropriate for producing fit for purpose companion animals. A ban is imperative to ensure that the physical and psychological wellbeing of breeding dogs and puppies will no longer be compromised as a result of a market where profit is the only concern.

2.1.2 Responsible breeders, by definition, will want to ensure that they are personally involved in finding suitable homes for puppies that they have bred and for this reason would never sell puppies to a third-party agent. Commercial third party puppy sellers are therefore restricted to purchasing from breeders who are unconcerned about the future lives of their puppies. With this route to the market banned, breeders will be compelled to have direct contact with the final purchaser. This would make moral or legal accountability from problems that may develop harder to evade. Limiting the chain of sale to the breeder and final owner will make it easier to identify the point at which problems might have developed.

2.1.3 DBRG's position is that it is of fundamental importance that the care of dogs used for breeding and their puppies is of the highest standard to ensure their health and welfare. The duty of care would rest with breeders until puppies are sold and breeders would bear responsibility for socialisation and disease prevention. A ban is essential to incentivise welfare improvements in high risk commercial dog breeding establishments by ensuring transparency and accountability.

2.1.4 DBRG's aim is to promote the breeding of sound, healthy dogs. Measures to improve dog welfare related to genetic and breed related health, breeding, rearing and selling practices are more likely to succeed if breeders cannot utilise a market which has no regard for puppies' long term welfare.

2.2 IMPORTATION OF PUPPIES

2.2.1 A ban will prevent the sale in Wales of puppies which have not been bred to standards of welfare recognised by the Welsh and UK Governments. In particular it would remove the legitimate market for puppies bred in European countries where dog breeding welfare may be inadequately regulated and where breeding dogs may be subject to abuses that would not be tolerated in the UK.

This will ultimately improve consumer confidence in the industry and transactions would benefit the UK economy rather than breeders based abroad.

Without the presence of a legal market for imported puppies, there will be no legitimate reason for dealers to bring large quantities of puppies into the UK, even 'correctly' under commercial

movement rules. While a ban may not be a deterrent to those already engaged in illicit activity, it will make such activity easier to identify because it will not be concealed by the fact that a trade is legal.

2.3 PROCESSES OF SELLING

2.3.1 It is vital to protect puppies from immediate and long term welfare harm attributable to the intrinsic processes of third party sales. A ban would **eliminate** the risk posed by transportation away from the breeding establishment, exposure to pathogens in vehicles and the sale environment and disease transmission between animals originating from different sources.

2.3.2 Puppies can be homed from 8 weeks old if sold directly from the breeder, as there is no need for any additional acclimatisation period. This will extend the time available for habituation before the critical window for socialisation closes at around sixteen weeks.

2.3.3 Removing the option of selling through a third party will prevent problems stemming from the point of origin being compounded by further elements in a chain. This would reduce the number of dogs that subsequently develop health and or behavioural issues.

2.4 BENEFITS TO PURCHASERS

2.4.1 A ban removes the legitimacy of a source where even *adequate* welfare cannot be ensured. This is essential in order to assist purchasers to make informed choices based upon seeing a puppy with its mother and encourage responsible buying decisions. It ensures consistency with the advice that purchasers should see puppies with their mother. Consumers are vulnerable due to the inevitable emotional component involved in purchasing a puppy. Vendors who cannot adhere to the basic good practice of enabling purchasers to see puppies with their mothers should therefore be eliminated from the market place. DBRG recognises that removing the highest risk category of vendors is only the first step towards overall improvements in dog breeding health and welfare standards. It is essential that consumers are also able to identify welfare conscious breeders, for example through the use of the RSPCA/BVA AWF Puppy Contract and breeding schemes such as the DBRG Standard for Dog Breeding. Educating the general public to avoid purchasing a puppy from irresponsible breeders is an important part of an overall official welfare strategy and we are pleased that the Government's preferred option includes an education provision.

2.5 ENFORCEMENT

2.5.1 Banning third party sales would reduce the regulatory burden on local authorities by removing the need for inspection of premises and responding to complaints about sellers. It removes the subjectivity of compliance monitoring for licensing purposes. Enforcement action against illegal sellers can be undertaken and shared between various agencies and illegal activity can be more efficiently tackled at a regional and national level.

2.6 WIDER BENEFITS

2.6.1 The defining characteristic of a responsible breeder is that puppies will be sold by the breeder directly from their place of birth. Eliminating the option to sell through a third party would immediately increase the number of breeders meeting this criteria, if breeders previously supplying these outlets change to selling directly to the new owner.

2.6.2 Prohibiting third party sales would potentially improve the overall health of the UK dog population by incentivising breeders towards more responsible breeding practices and reducing the risk of outbreaks of disease. There may also be a reduction in incidents of dog aggression arising from poor breeding and inadequate socialisation.

2.6.3 A ban may actually benefit some Welsh breeders who currently sell puppies through third parties, because rather than receiving a considerably reduced wholesale price, they will gain the full market value from sales if they change to selling direct. The increased income and competition with responsible breeders will encourage low welfare establishments to make the improvements necessary to attract buyers and meet consumer expectations. At the same time, a ban would eliminate competition from cheap puppies bred by low welfare breeders located outside the UK, removing a significant incentive for commercial Welsh breeders to compromise welfare in order to minimise costs.

2.7 REDUCING DEMAND

2.7.1 DBRG has concerns that the perceived 'demand' for puppies is partially due to irresponsible buying choices – not everyone who wants a puppy *should* be able to buy one. If availability is reduced, buyers may give more thought to the purchase, ultimately promoting more responsible dog ownership.

2.7.2 It has been claimed that the illegal puppy trade exists because the demand for certain breeds cannot be supplied by responsible UK breeders. There is **no** conclusive evidence to support this theory and it is equally plausible that the surge in popularity of breeds such as Pugs and French Bulldogs is a reflection of the availability of these dogs, rather than buyers' determination to own them. DBRG is particularly concerned about the rapid rise in the popularity of brachycephalic dogs and wants to see this trend reversed. Dogs of these breeds in particular would benefit from welfare based control and protection in breeding regulations. It may not be ethically appropriate to aim to maintain the volume of sales of breeds such as French Bulldogs and Pugs. Arguably, no matter how responsibly bred, the quality of life for dogs which have a conformation that predisposes them to health problems will be compromised. Reduced availability would promote a more considered acquisition culture which could be backed by educational campaigns.

2.7.3 Banning the third party sale of dogs could be a catalyst for changing expectations so that buyers will expect to be able to buy a responsibly bred puppy from legitimate breeders, rather than to have a huge range of puppies available to purchase immediately from often inappropriate sources.

2.7.4 Responsibly bred and purchased dogs are likely to live longer and have fewer health and behavioural problems. This will reduce the demand for 'replacement' dogs arising through premature death or abandonment/relinquishment.

Q3. Are there any measures, other than a ban on third party sellers that could achieve the problem identified in Q1?

3.1 WHY A REGIME OF CONTINUED LICENSING IS NOT AN APPROPRIATE ALTERNATIVE TO A BAN ON THIRD PARTY SELLING

3.1.1 DBRG is aware that there are concerns a ban on third party selling may not be the most appropriate route at this time and has considered the alternative option of continued licensing.

The breeding and sale of pet dogs should be regarded in all circumstances as an activity that demands good welfare standards. Continued regulation through licensing is a permissive strategy that implies that selling puppies through third party agents is appropriate and if processes are correctly followed, can be done well.

3.1.2 One of the reasons sometimes given for not introducing an immediate ban on third party sales is that responsible breeders cannot meet the demand for puppies and that the shortfall will be made up by unscrupulous licensed or illegal breeders and dealers. These claims lack substance and DBRG refutes the proposition that irresponsible breeding and selling is inevitable, as it implies an acceptance of failure. This should not be the basis for policy making.

3.1.3 Prospective purchasers are advised to see puppies with their mothers by all reputable sources. There is no indication that third party sellers would be considered a recommended source from which to obtain a puppy – even with the supposed protection of licensing. This implies a recognition that the purpose and intention of licensing will fail for this activity. DBRG is opposed to the sale of puppies through third parties including pet shops as these represent a key vehicle for the sale of puppies from puppy farms and other irresponsible breeders. It is impossible to separate the negative welfare impact from the third party puppy trade. The inherent negative welfare impact is reflected in the Model Licence Conditions for Pet Vending 2013:

“Transport and the introduction to a novel environment are stressful and animals should be allowed to acclimatise before being further stressed by being offered for sale.”

3.1.4 If regulating the third party trade cannot prevent welfare harm, the only justification for a licensing regime would be that it could offer a **better** outcome for tackling illegal activity and would be able to **significantly** improve the welfare of dogs and puppies in licensed establishments, above the standards observed in the illegal trade.

3.2 EVALUATING THE EFFECTIVENESS OF A ROBUST LICENSING REGIME:

3.2.1 DBRG does not believe that the Pet Animals Act 1951 can protect the welfare of dogs sold through pet shops, or other third-party outlets. The Model Licence Conditions for Pet Vending 2013 fall far short of providing the ‘robust’ measures that would be required to make even a minimal improvement to the issues typically associated with illegal third party selling. Regulating sellers under a licensing regime is intended to prevent (to some degree) the welfare harm observed in the illegal trade. However, if the trade poses an inherent risk, insubstantial licence conditions cannot raise the standard of welfare sufficiently. It is therefore impossible to justify claims that licensing offers greater protection compared with issues identified in unregulated illegal trading.

3.2.2 Local authorities would also need to commit to intensive monitoring of suitably demanding conditions. This would require additional training of inspectors and would take considerable resources to implement.

3.2.3 Attempting to remedy welfare concerns only at the point of sale does not address problems occurring earlier in the chain, from the breeding establishment onwards. The continuation of a legitimate market for puppies produced with an emphasis on quantity and at minimal cost almost guarantees the existence of low welfare, intensive dog breeding establishments. A continued strategy of licensing will have little effect on tackling the systemic welfare problems throughout the puppy supply chain, many of which occur well before the point of sale. Licensing is also unable to tackle associated issues such as impulse purchasing.

3.2.4 Licensed premises must be inspected for compliance with licence conditions, but a licence regime must also include the detection and investigation of unlicensed operatives, which is the only

element of enforcement that would be required under a ban. This does not suggest that robust licensing would be cheaper or easier to implement.

3.3 INSPECTING LICENSED PREMISES:

3.3.1 DBRG is concerned that annual, pre-arranged inspections are insufficient to achieve an appropriate level of protection for animals in the third party trade. Inspections would need to occur with sufficient frequency and irregularity to monitor continued compliance with the licensing inspections. However this may be problematic for establishments in private dwellings and non-retail premises.

3.3.2 Inspecting officers also need to have a thorough knowledge of canine welfare to make a robust assessment. The Kennel Club, Dogs Trust and Blue Cross (among others) have highlighted the lack of trained inspectors as an area of concern, as there is considerable variation in inspectors' expertise. Demanding licensing conditions (e.g. adherence to socialisation requirements) require expert interpretation and may lead to subjectivity of opinion.

3.3.3 As the risk of disease is considerable, inspections should also involve taking samples from the animals and the premises for external tests. This is of particular importance for visits following up complaints about sick puppies and simple visual checks (sometimes without a physical examination of the animals) are far from adequate. However the cost of testing will significantly add to the expense of enforcement.

3.4 LICENSING IN PRACTICE:

3.4.1 Model Licence Conditions are designed to offer guidance for good practice, based on the presumption that the operator will be motivated in this direction. Where there are strong incentives for non-compliance as seen with third party selling, the effectiveness of the Conditions depends upon the strength of enforcement. In practical terms this means commitment to regular monitoring and meaningful sanctions. The investment of resources that would be needed to exert any sort of control is disproportionate to small improvements in welfare that might result.

3.4.2 For the activity of third party selling of dogs, licensing works as a reactive rather than proactive measure and is therefore not appropriate for animal welfare protection. The conditions would need to be breached with sufficient frequency to be detected and of such severity to require drastic action for dogs to be removed from a licence schedule or revocation of the licence entirely. In real terms this is likely to mean that multiple puppies must suffer or potentially die before a change can be effected. There is a strong evidential basis for this conclusion as the implementation of demanding licence conditions by a number of local authorities has failed to stop puppies being sold with serious and life threatening illnesses. Licensing third party sellers is therefore not effective at PREVENTING harm, only (potentially) responding once harm has occurred.

<https://www.salford.gov.uk/licensing-and-permits/trading-and-business/animals/pet-shops/pet-shop-licence-conditions-results-of-public-consultation/>

<https://www.mirror.co.uk/news/dead-after-just-five-days-11121013>

3.5 CONTINUATION OF ILLEGAL TRADE:

3.5.1 Concerns have been raised that banning third party sales could drive the activity 'underground' and that this would pose an even greater welfare threat than permitting the activity to continue under regulatory control. DBRG contests this argument because if effectively enforced, robust licence conditions should remove non-compliant sellers from regulatory control, thus carrying the same perceived risk of driving such traders underground. In reality, while the activity continues to be legitimate, illegally operating traders are more difficult to detect and it is therefore far more likely that sellers removed from the licensing regime would continue to operate. The challenge of responding to illegal activity involves detecting and taking action against errant sellers, irrespective of the legality of the trade itself.

3.5.2 While a system of licensing exists, it may be difficult for enforcement agencies to determine the most appropriate course of action. Local authorities may seek to licence illegal operatives rather than pursuing prosecution and other bodies can be reluctant to intervene as a case may be viewed as a licensing issue rather than Consumer Protection. Banning third party sales would remove this area of confusion.

<https://www.youtube.com/watch?v=3lghevEZhn0>

BBC Watchdog 'Rogue Traders' aired 18th April 2018: Cameron Dorbin Barnett, illegal dealer

3.5.3 The illegal third party puppy trade implies intentional criminal behaviour. As such, the assumption that dealers would voluntarily apply for licensing seems misplaced. Deterring or punishing offenders would seem a more effective course of action than attempting to bring them into a regulatory system.

<https://www.express.co.uk/news/nature/829968/Puppy-farms-UK-RSPCA-dogs-trade-breeder-Gumtree-online-sales>

http://www.bucksfreepress.co.uk/NEWS/16147444.VIDEO_PICTURES_Disgraced_vet_caught_red_handed_helping_puppy_farming_gang/

3.5.3 Without the presence of a legal market for imported puppies, there would be no legitimate reason for dealers to bring large quantities of puppies into the UK, even 'correctly' under commercial movement rules. While a ban may not be a deterrent to those already engaged in illicit activity, it will make such activity easier to identify because it will not be concealed by the presence of a legal trade. Further measures are undoubtedly needed to address the issue of 'concealed puppy smuggling' (falsification of documents, hiding puppies etc.) but animal welfare protection dictates that this is essential irrespective of the legal status of the trade.

3.6 IMPLICATIONS OF CONTINUED LICENSING:

3.6.1 DBRG's view is that continuing a policy of licensing third party sales compromises the welfare of breeding dogs, enables a market for puppies bred and traded with scant regard for their long term welfare and exposes buyers to irresponsible sellers. Granting a licence to third party puppy sellers gives them the same legal status as licensed responsible dog breeders and will not assist purchasers to make informed choices. If no attempt is made to restrict the legal market to responsible breeders, measures to improve dog welfare related to genetic and breed related health, breeding, rearing and selling practices are unlikely to succeed.

Q4. Do you think a ban will have an effect on rehoming centres?

4.1 RESCUE ACTIVITY

4.1.1 Rescue and rehoming organisations are not covered by the Pet Animals Act 1951, although there are calls for regulation of this sector.

4.1.2 A ban on third party sellers would only apply to those engaged in commercial activity.

The work of rescue and rehoming organisations should easily be distinguishable from the activity of third party selling as the practice and purposes are entirely different. Although most rehoming organisations will charge a rehoming fee, which may be interpreted as an act of 'selling,' this should not exceed the amount necessary for cost recovery.

If the activity is conducted as a business (i.e. with the intention of making a profit from sales) then it would either be prohibited under a ban, or would require licensing as a pet shop under the Pet Animals Act. As such, there are no loopholes that could be exploited by illegal third parties.

4.2 ENFORCEMENT

4.2.1 Licensing third party selling potentially carries a higher risk of misleading the public, as traders could obtain an animal selling licence to operate legitimately but market their operation as 'rehoming.'

4.2.2 It has been claimed that some dealers are already masquerading as rescue organisations, yet no examples have been given. If these situations do exist and are 'known' then it supports the position that illicit activity of this nature is detectable and therefore appropriate enforcement action can be taken. If commercial activity is being carried out on the pretext of charitable rescue it becomes an issue of tax evasion and fraud.

Q5. Do you think a ban will have an effect on licensed dog breeders who currently supply third party sellers?

5.1 MARKET SHARE HELD BY THIRD PARTY SELLERS:

5.1.1 Third party selling acts as a channel for distribution rather than production. The number of puppies sold in the UK through the licensed third party sector is estimated to be about 80,000* however banning third party selling would not result in 80,000 fewer puppies, as **only breeders based outside the UK would be prevented from accessing the market following a ban.** *Based on Freedom of Information requests relating to stocking density and research into number and frequency of adverts placed by third party sellers.

5.2 IMPACT ON BREEDERS

5.2.1 DBRG's view is that breeders using indirect routes of sale are able to abdicate responsibility for their puppies once they leave the premises. Utilising a market which simply requires a constant supply of cheap puppies enables breeders to make a profit with minimal effort and outlay. The third party market allows breeders to rear dogs as livestock rather than companion animals and it is no coincidence that establishments supplying commercial third parties are often agricultural premises, and that breeding dogs are identified by sheep marks or tags. Breeders who view dogs as livestock may be unwilling to transition to a business with a direct customer based focus but the potential for increased income may provide an incentive to adapt.

5.2.2 A ban will benefit those Welsh breeders who are prepared to adapt as they would receive the full market value from sales, rather than a considerably reduced wholesale price. The financial incentives, combined with a need to raise standards in order to meet consumer expectations and compete for business will be a driver for improving welfare in large scale commercial breeding establishments. This is highly unlikely while the option to sell through third party channels remains.

5.2.3 While geographical location may be perceived as a disadvantage, very few areas are genuinely inaccessible. Breeders based in more remote areas can still attract sufficient customers to remain viable by focussing on a niche market or utilising unique selling points rather than relying upon volume of sales. This has an additional benefit of bringing purchasers (and their families) to rural areas and therefore has the potential to assist the economy in the locality.

5.2.4 The defining characteristic of a responsible breeder is that puppies will be sold by the breeder directly from their place of birth. Eliminating the option to sell through a third party would immediately increase the number of breeders meeting this criteria, if breeders currently supplying third party sellers change to selling directly to the new owner. Removing the competition from unregulated, low welfare breeders based outside of Wales would ensure a level playing field for licensed Welsh breeders.

5.2.5 DBRG is keen to ensure however that if some breeders cease breeding or downsize, that the welfare of any unrequired breeding dogs and puppies will be protected. Rescue organisations may need to prepare for a short term increase in relinquished ex-breeding dogs and for the rehabilitation of these animals, however a lead in period coinciding with the legislative process should allow for the gradual rehoming of breeding dogs and puppies. Every attempt should be made to encourage breeders to release dogs to rescues rather than using alternative methods of disposal.

Q6. The scope of any third party ban in Wales

6.1 SCOPE OF A BAN

6.1.1 A ban on third party selling is aimed specifically at the activity of purchasing puppies* (under six months old) for the purpose of resale with the intention of making a profit from the transaction. As such it focuses on the commercial resale of puppies by a person other than the breeder, rather than the sale/rehoming of dogs/puppies in a wider context.

*Puppies that have been purchased for the purpose of commercial resale have almost exclusively been bred in commercial breeding establishments.

6.1.2 It would be logical to incorporate a ban on commercial third party selling of dogs through the legislation regulating this specific activity – the Pet Animals Act 1951. This will avoid any unintentional impact on the wider population engaged in a similar activity which poses a low welfare risk e.g. owners privately rehoming a purchased puppy as a single occurrence; rescue activity where there is no indication that profit is intended; the resale of trained sheepdogs and gundogs which are working animals as opposed to pets. There is no evidence that the sale of dogs in these scenarios poses risk of welfare harm sufficient to require regulation. Therefore a ban beyond the context of commercial third party sellers is wholly unnecessary and would actually have negative implications.

6.1.3 If the activity of selling dogs is carried on **in the course of a business** (i.e. meeting the current criteria for licensing under the Pet Animals Act 1951) then it should be restricted only to licensed breeders. It is important to note that as the existing licensing requirements (the Pet Animals Act) only covers commercial activities, prohibiting the sale of puppies under this legislation would NOT restrict or prohibit sales of dogs outside of this remit.

6.1.4 If it is felt that the definition of commercial selling of dogs as pets is insufficiently precise, exemptions could also be incorporated into a ban.

6.1.5 The application of a 'business test' should preclude similar activities not undertaken on a commercial basis.

NB It is primarily the commercial incentive that creates the potential for harm – as the intention to evade best practice is deliberate and financially motivated rather than occurring through ignorance.