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Dear Sir/Madam,

Consultation Response - Breeding of Dogs - The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2011

I have made detailed responses to each of the questions posed in the consultation exercise and some more general points which are discussed in the Introduction section of the response.

Introduction

I welcome the introduction of these revised licensing arrangements for dog breeding premises. Wales has developed an unenviable reputation as the UK centre for “puppy farming” – breeding of puppies in poor conditions for quick profit. Of particular concern in recent years has been the well documented welfare concerns at premises that were licensed, suggesting the existing licensing regime has had a number of vulnerabilities and is not fit for purpose.

Dog breeding with high welfare standards is an appropriate activity and offers excellent opportunities for rural diversification and employment, particularly in farming communities. Wales now has an opportunity to turn a strongly negative perception into a positive one – that a puppy bred and raised in Wales should in fact be a desirable and highly valued dog, rather than an object of pity or concern. In the longer term, Wales could develop a reputation for high standards of dog breeding similar to the way areas such as Newmarket in England have become a nexus for the horse racing industry. This would be entirely compatible with the Assembly’s rural strategy, in particular in relation to upskilling, diversification and wealth creation in rural communities. Associated businesses such as dog grooming, dog training, veterinary services, feed and equipment suppliers would also benefit from a well regulated, high status dog breeding industry.

Wales has an ideal opportunity to ensure the full involvement of the voluntary and welfare sector in the management of licensing in the future. As already mentioned, previous licensing regimes were treated with some scepticism by welfare bodies, given the very real concerns identified at licensed premises. I would therefore like to suggest two possible further developments to ensure the highest possible welfare standards in Wales.

Firstly, WAG should begin consultation with appropriate professional bodies to develop a Dog Welfare Certificate for inspecting officers, with a view to all inspecting officers being holders of the specialist qualification within five years. The qualification should cover issues such as canine physiology, psychology, care of the breeding bitch, disease control, welfare issues and so on. Alternatively, staff involved in inspection could be expected to hold one of a shortlisted number of existing qualifications in dog welfare.

An appropriate list of qualifications such as an NVQ in Dog Welfare (working with Welsh Further Education establishments) should be identified and licence holders and their staff should be encouraged to hold such qualifications. Licence holders and staff who do hold these could use this as part of a risk mitigation strategy for the licence and this could be a factor in reducing frequency of inspection/risk rating of licence. Such Dog Welfare qualifications could also be held by staff at boarding kennels, rescue/sanctuary premises and other premises such as home boarding establishments. Again, Wales would be seen as a high welfare destination for dog related businesses.

There is scope to invite appropriate welfare bodies to play a more active role in inspection and monitoring of breeding premises. In the same way that police custody has independent oversight, there is scope for a Dog Welfare Commissioner. The Commissioner (likely to be a part time position) would have a small body of volunteer inspectors who would be able to accompany inspection visits, view and question inspection paperwork, and express any concerns over welfare and licensing. The Commissioner would publish an annual report of inspections made, concerns and any issues that were seen to be trending across more than one authority, and such a report would be made directly to the appropriate Minister. A small levy paid by each licence applicant would fund the modest cost of such a Commissioner's office. In the longer term, the Commissioner could carry out similar oversight work on dog boarding premises, rescue and sanctuary premises and home boarding, giving a unique view and oversight of dog industries in Wales.

Finally, I welcome the introduction of compulsory chipping for bitches and puppies, but am disappointed that an opportunity has been lost for chipping to be extended further into the Welsh dog population. Microchipping offers significant benefits for dog welfare, and could do a great deal to improve the management of stray dogs in Wales, including helping to reduce pressure on local authority budgets, an important consideration in times of financial austerity.

Question 1: Do you consider that the definition and requirements of a licence holder in the proposed licence conditions is clear? If not, please give your reasons in detail.

The definition of the licence holder is broadly clear. I would suggest a minimum age of eighteen years for holding a licence and that no more than one person should be listed on the licence. Careful thought should be given to the issuing of multiple licences to a person at more than one premise – I do not believe this is appropriate and suggest a licence limit of one licence per person.

Question 2: Do you think the scope of the definition of a licence holder is adequate? If not, please give your reasons in detail.

The charity believes the definition of activity requiring a licence is broadly sufficient and clear, subject to the conditions mentioned in response to Question 1.

Question 3: Do you consider that the proposed Guidance is sufficiently detailed enough to enable both enforcement officers and dog breeders to understand the standards to be met at a licensed dog breeding establishment? If not, please give your reasons in detail.

There is scope for more detailed provision in the guidelines. However, the introduction of new legislation will require a bedding-in period for both licence holders and enforcement officers. Accordingly it is sensible to plan for a review of the Guidance after it has been in operation for a year, to allow all relevant parties to suggest improvements and refinements.

Further detailed points with regard to the licence are:-

Premises used for dog breeding should comprise permanent buildings or structures – the use of horse boxes, caravans, vans or other vehicles/temporary structures is unacceptable.

The licence holder should demonstrate the appropriate planning consent when applying for the licence.

Where the licence holder is not the owner of the premises, the consent of the owner should be sought and demonstrated as part of the licence application process.

Licence holders should display their licence in a clear, prominent location at their premises. The licence should state clearly the name and contact details of the holder (including emergency contact details), the number of dogs licensed to be kept, the issue and expiry date of the licence and the name of the licensing authority.

Appropriate certificates for public liability insurance and employer liability insurance should be displayed with the licence.

The licence holder should be able to demonstrate they hold appropriate public liability and employer liability insurance as part of their licence application.

There is scope for further details in the description of the socialisation, enhancement and enrichment. As the regulations currently stand, these areas are insufficiently detailed, and would benefit from more detail and examples of enrichment activity.

The premises should ensure they can demonstrate the proper and appropriate methods are in place for the disposal of all wastes from the business. Disposal should comply with all relevant legislation, and should be carried out by appropriately licenced contractors. In particular, enforcement officers will want to be satisfied that medical wastes, faeces, and biosecurity issues have been properly considered. Depending on the size banding of the licence, it may be appropriate for the premises to have a written waste management plan, setting out the nature, approximate quantity and disposal routes of all wastes generated, along with training and advice that may be given to staff.

Consideration should be given as to the management of licences where breeders place bitches in foster homes for their pregnancy and whelping – some thought should be given as to whether such premises are to be covered under an “umbrella” licence or should be regulated separately.

Question 4: Do you consider that the standards set in the proposed Guidance for a dog’s environment, diet, behaviour, companion and health needs are suitable? If not, please give your reasons in detail.

Although pest control and worming are mentioned pregnant bitches should have greater attention paid to their worming needs. Accordingly, I would recommend that a written record is kept for each bitch with particular reference to parasite/worming control.

The charity believes that a close physical inspection of each dog should be part of the licensing visit (unless it is inappropriate to disturb a bitch). During this inspection the inspector will assess the physical condition of the animal, in particular the weight, absence of disease or parasite, coat cleanliness, grooming and condition, condition of nails and pads, muscular condition, condition of eyes and nose (free from discharge, eyes bright), management of any injuries, cuts or abrasions, manner and demeanour of dog i.e. curious, lively and confident, not aggressive, frightened or depressed.

Question 5: Do you agree that the minimum staff: dog ratio of 1 full-time attendant per 20 dogs and 1 attendant to 10 dogs for a part-time attendant is appropriate? If not, please give your reasons in detail.

The ratio between staff and dogs as currently set out is welcome, but has a number of concerns.

Firstly, all dog breeders should keep a record of the hours worked on the premises and by whom. Full time working weeks are typically five days, for broadly eight hours a day. This covers less than a third of the available hours in the week.

As part of the premises licence, the licence holder should set out the typical hours worked for each of the seven days per week, arrangements for Bank Holidays, staff

holiday or sickness, and the maximum length of time that dogs are left unattended/unchecked.

The licence should also set out the emergency contact details for the premises, and ensure these are held by the licensing authority, police and fire authorities.

The licence holder should be able to demonstrate the arrangements made for out of hours supervision of whelping bitches or dogs/puppies who are ill and require round the clock care.

Although junior staff and family members may be employed, no member of staff should be left in sole charge of the premises who is aged under eighteen years. Staff or family members who are working should be supervised by a responsible adult of over eighteen years.

Question 6: At present, the draft Regulations only require a record for all unneutered females and puppies born after the Regulations come into force. Do you agree? If not, please give your reasons in detail.

As part of the licence application, all dogs owned by the licence applicant or kept at the premises should be included on the licence. This will allow licensing authorities to develop a full picture of the number of dogs kept at the licensed premises, and the care and supervision of these dogs can be considered when looking at the workload of premises staff. Any changes in the numbers of overall dogs kept should be reported to the licensing authority and considered when renewing a licence or considering the risk banding of a licence. In particular, the licensing authority will wish to consider any outbreaks of disease, death or welfare concerns among dogs not specifically used for breeding.

Question 7: At present, the Regulations only require unneutered females and puppies born after the Regulations to be microchipped. Should there be a requirement to extend this to all dogs kept at a breeding establishment? If not, please give your reasons in detail.

I wholeheartedly support the principle that all dogs should be microchipped. While disappointed this policy does not go far enough, I welcome this development, and feel all dogs kept at a breeding establishment should be microchipped, including stud dogs. *Many pedigree dogs now require microchipping anyway as part of the process of acquiring breed specific Health Certificates as part of the Kennel Club's drive to reduce hereditary illness. This requirement is entirely compatible with this laudable aim.*

I welcome any extension of chipping in the Welsh dog population and believe it will do a great deal to ensure better welfare standards, traceability and better management of stray dogs.

Question 8: Do you agree that all puppies should be microchipped before it is 56 days old or before it leaves the premises, whichever is the later? If not,

please give your reasons in detail.

I agree that all puppies should be microchipped before they leave the breeder or before the age of 56 days. Exceptions may only be made for serious illness, or other medical reason, documented by a veterinarian. Failure to comply with this requirement without good cause should be considered a serious breach of the licence.

Question 9: Do you agree that the first registration of a puppy should be to the licensed breeder? If not, please give your reasons in detail.

The first registration of the puppy should be to the licensed breeder. This policy helps to support the principles of transparency and traceability.

Question 10: Are there any premises such as sanctuaries, hunt kennels and licensed boarding kennels that should be exempt from the requirement outlines? If so, why? Please give your reasons in detail?

I do not believe that hunt kennels, boarding kennels or rescue/sanctuary kennels should be covered by these regulations.

Boarding kennels are already subject to an inspection and licensing regime by local authorities and in general are looking after the pets of householders during times of absence such as holidays. Few puppies are born in these environments.

Sanctuaries and kennels used by dog rescue charities and welfare organisations should be subject to independent oversight and regulation; such regulation is overdue and very welcome. However, the particular issues and challenges of the sanctuary/rescue environment mean that a more considered and appropriate licensing vehicle should be used. In particular, issues for consideration when considering licensing of rescue premises/sanctuaries could include (this is by no means an exhaustive list) managing premises where multiple species are kept, training and management of volunteers, recording the sources and destinations of animals kept, monitoring mortality rates, review of management of cases where an animal is delivered with severe or multiple health concerns, how the rehoming process is managed, management of foster carers, managing the length of stay in the sanctuary, and in particular monitoring the needs of long term residents, funding, emergency and contingency planning and possible overlaps with Charity Commission regulation.

I would be delighted to supply further detailed comments and suggestions for any licensing regime in the future.

Hunt kennels should not be licensed under the proposed changes. Although puppies are born at kennels, only a small amount to replace older dogs are born each year, they are not sold on the open market and breeding is not the primary purpose of the hound pack. Hunts have detailed records of each hound's pedigree and breeding and have dedicated professional staff to look after their welfare. I am not aware of any welfare issues particularly affecting hound packs; in fact their

lifestyle is generally very healthy, both physically and for the dogs' social and emotional wellbeing. Hunt kennels are overseen by the Council for Hunting Association which has instituted a respected system of hound welfare management, including independent oversight from a committee of experts including veterinarians. Hounds from hunt kennels do not form any significant make-up of the stray dog population in Wales and hunt kennels are usually good neighbours, particularly valued by the farming community.

Question 11: Do you agree that as currently drafted, the Regulations require that puppies cannot leave the breed premises until they are at least 56 days old? (Previous legislation allowed puppies to be moved off the breed premises earlier as long as it was direct to a pet shop owner). If not, give your reasons in detail please.

I welcome this idea in principle, although the final regulations should allow for exceptional circumstances that may require movement of puppies e.g. disease outbreak necessitating movement. Short term visits away from the premises e.g. to veterinary appointments or to accustom puppies to car travel will also be appropriate.

Question 12: Do you agree that as currently drafted, dog breeding licenses should be issued for a period of up to 3 years, subject to a local authority considering the frequency of inspections and risk, and be renewed as appropriate? If not, please give your reasons in detail.

I would prefer to see the use of the principle of risk based licensing, rather than a "one size fits all" approach. Such risk based licensing is now used in a variety of other settings – one example is that used by the Environment Agency for licensing of waste management premises. In the current climate of local authority austerity, this approach can offer the most sensible and targeted use of officer time. In developing a risk based approach, the authorities should use a common template to ensure consistency of approach. Risk factors to be included in the weighting of the licence could include (this is not an exhaustive list) number of dogs, number of breeds, staffing ratio, quality of record keeping, any appropriate qualifications of owner and staff, previous inspection reports, welfare concerns reported, previous licence breaches.

The risk assessment should then drive the frequency of inspection and the renewal period for licences. High risk premises could have annual renewal while lower risk premises could move to two yearly or three yearly renewal, with appropriate intermittent visits/inspections.

The cost of the licence should reflect the **full cost** of the licensing process. A banding approach is recommended for the licence fee e.g. >3 dogs, 3-10 dogs, 11-20 dogs, <20 dogs and so on. A number of management tools are available to assist local authorities in analysing typical costs incurred in the licensing process. A review of this process will allow an opportunity to introduce "lean" thinking to process management, and to ensure the maximum use of appropriate IT systems to streamline processes.

Each authority should maintain a public register of licences issued, number of premises, licences removed or licence application declined, number visited each year and should make accessible all inspection records. Although these would normally be accessible via FOI requests, most local authorities in Wales do not currently have a culture of openness or transparency with regard to the provision of information on licensed premises. Some local authorities such as Flintshire already have searchable databases of licensed premises – although this is an excellent step forward, the database should be populated with more detail, in particular the most recent inspection reports and licence conditions as a minimum.

A new licensing regime offers an excellent opportunity to introduce a default culture of openness and information provision, particularly given the low unit cost of placing information on websites. A good parallel example of providing this information is the recent growth in provision of inspection reports for restaurants and other food premises. For many local premises, these are now routinely provided in an open and transparent way, and this has proved popular with the general public, who value the additional information. Publicly available inspection reports would do a great deal to encourage the achievement and maintenance of high welfare standards among breeders.

Question 13: These proposals might incur costs to bring dog breeders up to the required animal welfare standards. Please provide appropriate evidence based information.

This is poorly drafted – it is not a question and the information sought is unclear.

Costs for dog breeders will not be onerous for those with existing high standards, and those whose standards are still transitional should regard these as an important investment in their business. Such costs should be recouped from customers buying puppies; higher welfare standards for all breeders will help to drive out those who compromise on welfare and offer apparently cheaper dogs for sale to the market.

Question 14: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: None.

I am happy for my response to be made fully public, and welcome any opportunity for further input as the regulations are refined. I am also happy to provide any further clarification or expansion needed for any of the points raised in this response.

Yours faithfully,

Kathryn Woodhouse