

# **Welsh Government response to the Wales Animal Health and Welfare Framework Group's Review of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.**

## **Background**

The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 revoked and replaced the outdated Breeding of Dogs Act 1973 in Wales. The regulations introduced stricter criteria for breeding establishments and established an attendant to adult dog ratio at a minimum of one full time member of staff to 20 adult dogs.

The regulations were the first of their kind in the UK and, whilst many welfare organisations and charities had differing views on the contents of the regulations, they were widely welcomed.

After five years of implementation there were still some concerns about the welfare conditions at breeding premises in Wales and how Local Authorities were tackling these issues.

As a first step in addressing these concerns the Welsh Government launched an eight week public consultation on the Banning of Third Party Sales of Puppies and Kittens in February 2019. The consultation also sought views on wider dog breeding issues.

The consultation asked for evidence on what stage the government should intervene in breeding premises to address concerns about animal welfare.

The consultation responses showed widespread support for banning third party sales of puppies and kittens. However, this was seen as only one of the steps necessary to improve the welfare of dogs and cats at breeding premises.

With that in mind, a review of the 2014 regulations was considered and agreed to in early 2019 (subject to legal resource). A BBC documentary in late September 2019 on 'puppy farming' in Wales brought the issue to the fore and the intended review was commissioned as a matter of urgency.

In October 2019 the Minister for Environment, Energy and Rural Affairs asked the Wales Animal Health and Welfare Framework Group to review the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 and a Task and Finish Group (T&FG) was established accordingly.

## **The Review**

The purpose and objectives of the review:

1. To review and make recommendations on the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, with a view to promoting welfare provision for breeding dogs and their offspring.

2. To include consideration of existing provisions and whether amendments are necessary to improve welfare. Consideration may be given to any additional provisions necessary to improve welfare.
3. The review will encompass both physical and behavioural aspects of welfare associated with the breeding and sale of dogs.

In November 2019 Local Authority CEOs (or their representatives) met Professor Christianne Glossop, Chief Veterinary Officer for Wales, to discuss barriers to enforcement (of these Regulations). The information gathered from this meeting and the responses from the Third Party Sales consultation were fed into the T&FG for consideration.

The Minister published the T&FG's report on 4 March.

## **Recommendations & Government response**

The recommendations range in type from those which can be adopted within scope of the current regulations or by updating the current Guidance for Local Authorities: Dog Breeding Establishments – to those which can only be dealt with by legislative changes.

They have been grouped into six categories:

- The enforcement of the regulations;
- Guidance for Local Authorities;
- Amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014;
- Recommendations relating to veterinary involvement and training;
- Third Party Sales of puppies and kittens;
- Other recommendations

Where the Government response to the Group's recommendations and opinions relating to legislative change or amendments to the Guidance say 'we agree', this should be read as 'we agree subject to future policy development and consultation if required'. It does not mean there is a commitment to implement the recommendation directly without further consideration of the practical consequences and impacts.

### **Recommendations relating to the enforcement of the regulations:**

R26. After five years of implementation of the Regulations, the expected numbers of breeders producing more than the licensable threshold of two litters in 12 months, have not brought themselves forward voluntarily for licensing. Increased levels of

enforcement are therefore warranted to identify these breeders and bring them within the law.

R27. Funding should be provided for the formation of a shared team of staff from different LAs with the purpose of identification of illegal dog breeding activities. This would reduce the resource burden on individual authorities and allow information sharing. The Proceeds of Crime Act could be utilised for provision of ongoing funding.

R28. It is recommended that LA inspectors receive specific training in the physical, socialisation and enrichment aspects of dog breeding establishments. This should include visiting an example of good practice in terms of socialisation and enrichment programmes.

R29. A panel of trained dog breeding licensing inspectors who could undertake all breeding establishment licence inspections in Wales, should be created.

R30. The first inspection of a breeding establishment should always be carried out by a LA appointed inspector in conjunction with their appointed independent veterinary surgeon. This collaboration would enable knowledge sharing and ensure that similar advice is being offered by both veterinary and LA inspectors.

R34. A standardised approach to the setting of licensing fees should be adopted by all LAs. The licensing process should be fully cost recoverable. There should be a higher-level fee for the initial licence period, with subsequent fees based on the number of breeding animals and the number and frequency of inspections required.

R35. The initial assessment of a new dog breeding licence application and the socialisation and enrichment programmes should be undertaken in conjunction with a LA officer who has specific training in inspecting dog breeding establishments.

R36. A consistent approach to inspection intervals should be taken across all LAs. Following the initial licensing inspection, subsequent inspection intervals should be decided using a risk-based approach of earned recognition in order to focus resources on establishments that are considered to be at greatest risk of non-compliance with their licence conditions.

R37. Inspection by an independent LA appointed veterinary surgeon should take place at least once per year at every licensed establishment, in line with the approach used for Riding Establishments. It is also recommended that at least one inspection per year should be carried out by the LA officers, and that at least one inspection per year should be unannounced. A suggested format for licence renewal could therefore be one announced inspection by the independent appointed veterinary surgeon, plus one unannounced inspection by the LA. Those establishments with issues of compliance may require more frequent inspections until they have consistently demonstrated good practice.

R38. A consistent approach to licensing periods should be adopted. Licensing periods should be decided using a risk-based approach of earned recognition in order to focus resources on premises which are considered to be at greatest risk of

non-compliance with their licence conditions. An approach of granting short licence periods is recommended for those licenced establishments that are found to have fallen beneath the required standards in some areas but are actively demonstrating effective improvements, as this allows animal welfare to be closely monitored by authorities, whereas licence revocation does not.

R39. It essential that no steps are taken in response to this report, which increase the financial and time burden on LAs that are already stretched, without making provisions in terms of funding and staffing levels for such steps to be implemented. Such action could conversely create negative animal health and welfare outcomes, by allowing less resources for existing enforcement practices being carried out by LAs.

### **Government Response:**

The Welsh Government agrees the enforcement and delivery of licensing of dog breeding establishments needs improvement.

Following a successful funding bid a three year project to build expertise amongst Local Authority staff involved in licensing has begun.

The objective of the project is to develop a consistent approach to applying licence conditions, inspections and enforcement and maximise the potential to maintain performance and levels of service. It encourages sharing of expertise to provide better resilience and flexibility to consumers (i.e. prospective puppy purchasers) and dog breeding businesses alike.

The project includes the development of a regional dog breeding intelligence strategy to increase effectiveness in fighting and preventing illegal and unlicensed dog breeders.

The project also seeks to develop consistency in the dog breeding industry, which will ensure improvements to the health and welfare of dogs, and puppies in Wales. This will also help improve the reputation of the dog breeding industry in Wales.

### **Recommendations relating to the Guidance for Local Authorities:**

R16. Prior to [amendments to the conditions suggested], it is recommended that the detail within the Guidance document is revised with input from veterinary surgeons with relevant expert, to ensure that it contains all the necessary information.

R21. It should be clearly stated within the Guidance, that all breeding animals must receive an annual health examination from a veterinary surgeon that must be recorded.

R22. It should also be clearly stated within the Guidance, that all puppies must receive a veterinary health examination prior to sale that must be recorded.

R24. Consideration should be given to which veterinary role is best placed to perform the "Fitness to Breed" examination. Consideration should be given to passing this role to the LA appointed inspecting vet at the annual inspection.

R25. The guidance on accommodation (sizing and layout) and exercise provision should be revised. A single set of enclosure sizes should be used in the Guidance, and these should be relative to actual dog length and height measurements, for greater clarity. The wording should also be reviewed around the using of crating for dogs in the home.

R31. The guidance on enrichment and socialisation for puppies should be updated and made more detailed and focussed on outcomes. The Welsh Government template socialisation and enrichment plan documents should be updated to record the demonstration of each activity during the inspection. The Guidance should include a requirement for the enrichment and socialisation plans to be demonstrated at the time of inspection.

R32. The Guidance should recommend the inspection of licensed breeding establishments at least twice per year and that one of these inspections should be unannounced.

R33. The revised Guidance document should be adopted universally by all LAs as the basis of their Model Licence Conditions and the standard against which to perform inspections.

R48. A system of assigning scores to breeding establishments based on existing licensing inspections should be considered. Every aspect of the inspection could be allocated a score that could be combined in a weighted formula to give a total breeder score. Whilst there are advantages to such a system, a more urgent priority is for all licensed establishments to achieve a good standard of animal welfare in accordance with the requirements set out in the Guidance.

R49. The Guidance should state that the retirement plan must include neutering by the breeder's veterinary surgeon of ex-breeding animals, **prior to** re-homing.

R51. The Health Plan drawn up in conjunction with the private veterinary surgeon and reviewed annually, should include a "breeding for improved health" plan, aiming to reduce any hereditary issues seen within the breeding stock, as well as any health testing that the veterinary surgeon feels is appropriate. This requirement should be described in Licence Condition 3 and in the Guidance.

R52. The Health Plan, agreed with the vet and the breeder and reviewed annually, should include information on the supply and administration of vaccines as well as the types and schedule of vaccination.

### **Government Response:**

The Welsh Government agrees the Guidance for Local Authorities would benefit from amendments and updates to the current advice and this will be taken forward in tandem with the LA Dog Breeding Enforcement Project.

The proposed amendments will be reviewed by Welsh Government policy officials and veterinary advisors. Consolidated suggested amendments will be subject to full public consultation.

## **Recommended amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014:**

R1. The wording of section 5 of the Regulations should be changed so as to be clear that anyone selling or advertising three or more litters in a 12 month period should fall within the scope of the legislation. An individual should not be able to breed more than two litters in 12 months without a licence, even if those litters are at multiple premises.

R2. The breeding licence, and the licensable threshold for the number of litters, should apply to an individual rather than a premises and there should be a limit of one licence in operation on one premises. In other words, two people cannot be licensed at the same premises, and one individual cannot hold two licences at different premises.

R3. The activity of breeding three or more litters on a premises should become licensable, regardless of whether the breeding animals are owned by the same person.

R4. The licensable threshold of breeding three or more litters in a twelve-month period was found to be acceptable, if combined with a system of basic registration for smaller breeders.

R5. A combined system of licensing and registration should be considered. This would incorporate registration for all breeders including those producing less than three litters in twelve months, combined with and full licensing for those producing three or more litters. This should be implemented in conjunction with the introduction of a legal requirement to display the breeder registration number on any form of puppy advertisement.

R6. A Wales Database of Dog Breeders should be considered, in order to facilitate this registration process. Dog breeders would be required to complete registration details of themselves and the breeding bitch in order to receive their registration number and could later add the identification of any offspring produced. There should be two levels of access to the database, full access for LAs and limited access for prospective purchasers. A prospective purchaser could then enter a breeder registration number into the database, confirming the registration number validity and details of litters registered to that number.

R7. It is recommended that the goal for canine identification should be a single Central Canine Database for collation of microchip registrations, accessible to police and LAs, and implemented at either a country or UK level. The Wales Database of Dog Breeders and the Central Canine Database should be integrated. The Central Canine Database should have the ability to generate notifications to LAs of puppies whose microchips are first registered by someone other than the breeder, indicating non-compliance with microchipping regulations. These measures would aid enforcement of the regulations as well as decreasing the attraction of illegal dog breeding for criminal gain by improving visibility and traceability of the industry.

R8. An improved staff to adult dog ratio of one full time person to ten dogs should be considered. This ratio would allow for one hour of socialisation and enrichment per litter per day based on an average of three litters present per 20 dogs, as well as 36 minutes per adult dog per day for all other tasks. It was also recommended that LAs should exercise their power to alter this ratio in situations where it was felt insufficient.

R9. Further impact assessment, and examination of the evidence, should be carried out in order to determine whether there would be an animal welfare benefit to capping the number of breeding bitches, and the number of total dogs, housed at a single establishment.

R10. Condition 1 could be enhanced by adding a requirement for the enhancement and enrichment plan to have been agreed with the private veterinary surgeon for the breeding establishment, within an annual health plan, as well as approved by the LA.

R11. Condition 2 should state that the socialisation plan must be agreed with the private veterinary surgeon within the annually reviewed health plan. Its use should be recorded daily in a Puppy Socialisation Record, and must be demonstrated at the time of the inspection.

R12. Condition 3 should include a requirement to have a written health and welfare plan, agreed with the private veterinary surgeon, reviewed annually and made available at the time of the inspection. This condition should also list the main requirements of the health plan. It should also include a requirement for every breeding animal to receive an annual veterinary examination for "fitness to breed".

R13. The Group was not presented with any evidence to warrant changing Condition 4 which states that the minimum age of first mating must be 12 months. This minimum age should remain unless new evidence comes to light.

R14. Condition 6 should contain an additional requirement to record the transfer of ownership details, including the identity of the new owner, or euthanasia details including the name of the veterinary practice, of all ex- breeding animals.

R15. Condition 7 should contain a requirement to retain records of the microchip registration details for each puppy for three years, and provide these to the LA inspector during the inspection. It should also include an additional requirement that all puppies bred in licensed breeding establishments receive a recorded veterinary health examination, prior to sale.

R40. It is recommended that a Fixed Penalty Notice scheme of "on the spot" fines be introduced for ease of enforcement of minor dog breeding or microchipping regulation offences, as requested by LA stakeholders.

R41. The current lack of legal powers of re-entry for LAs following the refusal or revocation of a breeding licence creates a serious risk to animal welfare. LAs should be granted powers of re-entry for a specified time period following revocation or refusal, in order to inspect the premises and establish whether illegal breeding operations have ceased or are ongoing.

R54. It is essential that impact assessment of the effects of proposed legislative or enforcement changes on different parts of the UK dog supply chain should be performed.

### **Government Response:**

For any new regulations to be effective we must ensure the barriers to enforcement of the current regulations are addressed. The concerns leading to the recommendation to amend the minimum staff to adult dog ratio can be adopted within scope of the current regulations. The Regulations allow for a MAXIMUM of 20 adult dogs per full time attendant and this should be calculated according to a number of factors such as the breed, litter size and condition of premises. This will be addressed in the training for Local Authority officials as part of the Local Authority Dog Breeding Enforcement Project.

If it is deemed appropriate to amend the current regulations the proposals will be subject to further evidence gathering and a public consultation on the proposals would have to take place. The amendments would require a Regulatory Impact Assessment also. There are no immediate plans to propose amendments to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

### **Recommendations relating to veterinary involvement and training:**

R17. The role of the private veterinary surgeon, and that of the inspecting veterinary surgeon, should be clearly separated. A panel of vets with expertise in the inspection of dog breeding establishments should be created within Wales. Inspecting vets should be independent and should not inspect clients' premises.

R18. Training should be provided for vets undertaking a breeding establishment inspection role, with an independent body, and should be valid for five years.

R19. Private veterinary surgeons should take on a proactive, health planning role in breeding establishments, equivalent to the role of a farm vet in health planning. They should create a health and welfare plan, that includes the required socialisation and enrichment plan, for each breeding establishment, and this health plan should be reviewed annually.

R20. Private veterinary surgeons named on breeding licences should have a requirement to undergo training in health planning for breeding establishments. The inspecting vet panel could assist in devising a suitable short health planning course and health plan template. The different veterinary roles could in this way be interlinked to create a consistent and collaborative approach.

R23. The costs of health planning should be met by the breeding establishment, and the costs of the inspecting vet should be met by an appropriate increase in the licensing fees.

R53. It is recommended that the veterinary professional organisations should discourage the profession from dispensing vaccinations to clients breeding dogs or cats for the purpose of sale, and encourage the practice of all vaccinations being



administered and certified by a vet. They should also recommend that practices should adopt a policy that all dogs should have a microchip inserted and scanned prior to the administration of any vaccination where possible.

**Government Response:**

The recommendations are noted and elements will be addressed as part of the Local Authority Dog Breeding Enforcement Project. For the remainder, the Office of the Chief Veterinary Officer will liaise with the British Veterinary Association to identify opportunities for improvement and development in these areas.

**Recommendation to ban the third party sales of puppies and kittens in Wales:**

R55. The Group strongly supports a ban on third party sales of dogs, following the recent Welsh Government consultation, Third Party Sales of Puppies and Kittens. Evidence from stakeholders indicates that the existence of a guaranteed trade in puppies to third party dealers of dogs is a driving force for some of the largest scale breeding units in Wales. Stakeholders also identified a link between the use of third party sellers by breeders, and poor welfare conditions and inadequate socialisation and enrichment programmes at their breeding establishments. This may be due to breeders not having contact with the end purchaser of the puppies they produce and therefore having a detached view and less incentive to improve standards.

**Government Response:**

The Welsh Government agrees with this recommendation.

The Minister for Environment, Energy and Rural Affairs, in her appearance at the Climate Change and Rural Affairs Committee on 11 June, re-affirmed her commitment to introducing legislation to ban the third party sales of puppies and kittens in Wales before the end of this term of the Senedd. A public consultation on the proposal ran from 22 June until 17<sup>th</sup> August 2020. Analysis of the responses has now concluded and a [Summary of Responses](#) published on 5 October.

Work will be progressed as quickly as possible however in the current climate the Welsh Government is having to carefully manage resources so at present cannot provide a timeline of when the ban will be implemented.

### **Recommendations relating to additional issues:**

R42. It is recommended that the Microchipping of Dogs (Wales) Regulations 2015 undergo urgent review as non-compliance is closely linked with issues within the dog breeding industry in Wales.

R43. It is recommended that Welsh Government and all LAs meet with database providers to discuss ways of data sharing that could facilitate the automatic notification of LAs regarding suspected breaches of both the Microchipping and Dog Breeding regulations and improve compliance with the regulations.

R44. There should be a requirement for all databases to incorporate a function to passively detect the numbers, and dates of birth, of puppies below the age of eight weeks, registered in a rolling twelve month period by any individual owner, and to use this information to inform LAs of suspected breaches of the dog breeding regulations.

R45. A requirement should be introduced for microchip databases to ask every microchip registrant whether they are the breeder of the dog they are registering, to improve compliance with the microchipping regulations.

R46. This should be combined with a requirement for database providers to notify LAs to cases where microchips are first registered by someone other than the breeder, as this may indicate a breach of microchipping legislation by the breeder.

R47. If a registration scheme was instigated, full traceability of all puppies, not just those from licenced breeding establishments, could be facilitated by some additional wording within the microchipping regulations.

R50. The Wales Database of Dog Breeders should include an automated notification to LAs if there is an attempt from a breeder to register a seventh litter from any bitch, or a litter from a bitch that has been declared as unfit to breed at a veterinary inspection. Those animals declared unfit to breed should be permanently recorded as such on the database.

### **Government Response:**

The Welsh Government welcomes the additional recommendations which highlight the importance of cohesive dog welfare policies and legislation. It may be possible to address some of these issues within the scope of the Local Authority Dog Breeding Enforcement Project. In the current climate the Welsh Government is having to carefully manage resources so at present cannot provide a timeline of when further exploration of these issues can commence.