



Consultation Response

FROM THE RSPCA IN WALES

Consultation: Dog breeding establishments - local authority guidance September 2021

RSPCA Cymru welcomes the opportunity to respond to this consultation on revised guidance for local authority enforcement officers, relevant to Wales' dog breeding legislation.

This follows a lengthy process since the Welsh Government first announced its intention to commission a thorough review of Wales' dog breeding law, on the back of the BBC's high-profile documentary of September 2019, which unfortunately highlighted many of the welfare issues which persist within the sector in Wales. While the Covid-19 pandemic has of course shifted priorities in the following years, the modest changes proposed to the guidance are being consulted upon almost two years after that programme first aired.

An expert task and finish panel of the Wales Animal Health and Welfare Framework Group led a very positive review into Wales' dog breeding legislation and processes on the back of that documentary - making some 55 recommendations. These covered issues such as improved training for local authorities, amending the controversial minimum staff-to-dog ratio and a national database of breeders. However, it appears many of these recommendations will not be taken forward by the Welsh Government.

RSPCA Cymru of course responds to this consultation cognisant of the context of the other changes to the dog breeding framework made by the Welsh Government on the back of that review - namely the launch of a three-year training programme for local authority officers, to help ensure more consistent and reliable enforcement across Wales. That programme is very welcome, and in our discussions with those formulating the training agenda, we are very pleased to see the emphasis placed on socialisation and enrichment plans, which are so crucial for a puppy's development; and discussions related to carefully deciding upon the staff-to-dog ratio a licence allows at an establishment.

However, the Welsh Government's response to the review was something of a mixed bag - with many of the recommendations, including those included in the annex of this consultation document, seemingly not being considered. The Welsh Government has now confirmed there are "no immediate plans" to amend the 2014 dog breeding regulations, despite recommendations from the Framework Group urging this to happen¹; so it seems unusual that the Framework Group was tasked to consider any such changes to these regulations - including those, we believe, which could greatly improve dog welfare and help shake off Wales' sad reputation as the UK's puppy farming capital.

¹ Written Statement, Review of The Animal Welfare (Dog Breeding) (Wales) Regulations 2014, 18 November 2020

Indeed, the 189 words added to the guidance makes clear many of the recommendations related to the guidance made by the Framework Group will not be pursued. For example, there is no support from Welsh Government for revising guidance around suitable accommodation and exercise provision for puppies. There is also no new emphasis on placing renewed focus on outcomes for socialisation and enrichment; nor any plans for the Welsh Government to provide templates to record the demonstration of each socialisation or enrichment activity during the inspection. It is also unclear whether recommendations for unannounced inspections, twice annual inspections and a scores-on-the-doors system for establishments will be positively considered by the Welsh Government; given the absence from the guidance on these, too.

Nevertheless, while not a specific question of this consultation, amending the guidance to include the provision of annual health examinations for breeding animals and pre-sale puppies - as per the Framework Group's recommendation - is welcome.

DOES THE GUIDANCE PROVIDE SUFFICIENT INFORMATION TO ADDRESS THE VARIOUS SITUATIONS AND PREMISES IN WHICH DOGS ARE BRED (RANGING FROM, FOR EXAMPLE, SMALL-SCALE HOME ENVIRONMENTS TO LARGER-SCALE COMMERCIAL BREEDING PREMISES)?

The RSPCA is concerned the revised guidance does not go far enough to give local authorities sufficient information when licensing the various situations in which breeders of significantly varying scales can breed dogs in. This is particularly pertinent following the Covid-19 pandemic; which saw a substantial increase in interest of dog and puppy ownership in Wales; and is likely to have encouraged many new small-scale breeders to seek to make money from breeding dogs, many of whom may be nearing the licensing threshold as said by the 2014 regulations. UK-based Google searches for 'puppies near me' increased more than six times (650%) with 15,000 searches in July 2020 compared to 2,000 in January 2020. The figure was also five times higher than the same month in July 2019².

Given this, it would be pertinent for the guidance to support local authorities in identifying premises that are close to breaching the licensing threshold, and to offer advice to such individuals accordingly. The Welsh Government has acknowledged that barriers presently exist to adequate and appropriate enforcement of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014; yet such modest changes to the guidance do not constitute a comprehensive response.

In total, as noted, 189 words have been added to the guidance - and, unfortunately, given the wider context of the Animal Health and Welfare Framework Group's wide-ranging review, such subtle changes - admittedly alongside a welcome three-year training programme for local authority officers - unfortunately constitute a missed opportunity for much wider reform, including in supporting local authorities with more information to address the varying situations and premises in which pups might be bred.

Adequate and appropriate socialisation of puppies is critically important - and an establishment's ability to implement socialisation programmes will be partly linked to the situations in which dogs are bred and kept. However, the guidance still only tells local authorities to consider whether a "specific area" is required for socialisation activities - with no reference to what local authorities officers should consider a suitable area, and how this could be adapted into small-scale home environments compared to larger-scale commercial entities to help ensure that socialisation is appropriate and sufficient, regardless of where the puppies are bred.

² RSPCA Cymru News - RSPCA received more than 300 abandonment reports in Wales last winter, 2 December 2020

Equally, amendments to the guidance related to the controversial staff-to-dog ratio are only very modest in nature. While it is welcome, to a degree, that local authority officers are urged to consider this on a case-by-case basis; there is no information about how differing situations or premises should be considered when setting this maximum ratio - such as the facilities or accommodation an applicant had at their disposal. For the guidance to truly reflect the various situations in which dogs are kept, bred and reared, it should contain practical information about how different settings - such as small-scale domestic, to larger industrial operations - should impact the contents of a socialisation plan, enrichment programme or the setting of a staff-to-dog ratio.

The Dog Breeding Regulations 2014 were of course adopted before the LAIAR 2021 Regulations. The former covers the breeding of dogs, mandating that anyone breeding three or more litters, and meeting other conditions, needs a licence and setting down standards for dog breeders in the Guidance. LAIAR 2021 mandates that anyone commercially selling a dog needs to be licensed and also sets down standards on dogs in its Guidance. It is vital that these two Guidances are coordinated and do not conflict on the same person who will breed dogs and sell dogs commercially. As a first step the 2014 breeding regulations need to come under LAIAR 2021 and a review of the standards undertaken to ensure there is no conflict between them.

We also note the Welsh Government is consulting on amendments to the guidance before the conclusion of a three-year training programme with local authority officers, designed with the purpose of ensuring more consistent enforcement of dog breeding legislation across Wales. It seems likely the findings of this programme will highlight many of the areas which local authority officers feel they need more clarification and information on to sufficiently enforce the 2014 regulations - and, as such, it would have seemed more prudent for the Welsh Government to have collated all relevant findings from this programme before making changes to the guidance, particularly given the proposed modifications to the guidance are relatively low-key and subtle in nature.

DOES THE ADDITIONAL ADVICE RELATING TO THE SETTING OF STAFF TO ADULT DOG RATIOS MAKE IT CLEAR THAT THE INSPECTING OFFICERS SHOULD CONSIDER THIS ON A CASE BY CASE BASIS?

The staff-to-dog ratio contained within the 2014 regulations has long been of considerable concern to the RSPCA, and was one of the most controversial aspects of the legislation when the statutory instrument was put to a vote of the Senedd some seven years ago. A staff-to-dog ratio implemented by the local authority will clearly have an impact on the ability of thorough supervision, as the provision of adequate staff time is key in meeting the respective needs of dogs and puppies based at a breeding establishment. It is welcome, to a degree, that the guidance encourages local authorities to think of the ratio flexibly, and not implement the highest ratio threshold *en masse* for establishments. However, this still legally permits the possibility of a single staff member providing the care for 20 adult dogs and their puppies at any one time in line with the regulations - something the RSPCA and wider animal welfare sector have long flagged as a concern. In setting the ratio, the local authority officer should also take into account the qualifications/experience of the staff and advice from the local authority's independent veterinarian.

The ratio of 1:20 (or 1:10 for part-time staff) excludes puppies; and given one breeding bitch could have a litter of up to ten puppies, RSPCA Cymru fears this ratio provides a legal safeguard to a situation whereby one attendant faces the prospect of caring for over 200 dogs and puppies at once - allowing little over 120 seconds to provide for each animal in a working day. It is unfeasible for an individual to provide adequate care to as many as 20 adult breeding bitches and their puppies at any one time; and we will continue to call and campaign for the regulations to be amended to remove this from the

legislation altogether. While further urging inspecting officers to consider the ratio on a case-by-case basis is welcome, this maximum ratio threshold still exists in law and in practice, it may be likely that the ratio will, if it hasn't already, become the standard, whether or not it's appropriate for the individual circumstances. Equally, there is no reference within the guidance to the sorts of situations and premises in which an enforcement officer should consider mandating a lower ratio.

The Framework Group also concluded unanimously that the ratio is "insufficient to allow adequate socialisation and exercise programmes of all dogs. Stakeholders with experience of managing large numbers of kennelled dogs considered that after feeding, cleaning of kennels, performing daily health and welfare checks and keeping adequate records for this number of animals, there would be little or no time remaining for other necessary activities such as exercise and puppy socialisation."³ In addition, this doesn't take into account any other duties the staff may have, for example showing prospective owners the puppies that are available for purchase and spending time with the prospective owners explaining the welfare needs of the puppies, their diet and care etc. as well as the associated paperwork.

A lack of opportunities for appropriate and sufficient socialisation of puppies is a major risk factor for behavioural disorders associated with fear/anxiety, including aggression to unfamiliar people in later life. Therefore it is critical that any ratio ensures that the welfare needs of all the dogs at the premises are met and minimises the risks that can lead to behavioural issues - which means that a ratio of 1:20 must include puppies.

Since its introduction, the ratio has also contained an anomaly which the RSPCA has drawn attention to since the introduction of the regulations in 2014 - namely in relation to part-time staff. As drafted, two part-time attendants sharing the workload of a working week (and working at different times) could, between them, legally provide consistent care for ten adult dogs (as those ten dogs would require care on all days); yet a single full-time attendant could provide the exact same care for 20 adult dogs. This is an error in the legislation which continues not to be addressed; and seems to be based on assumptions about the shift patterns and quantities of part-time staff that aren't mandated by the legislation itself; thus rendering the distinction between part-time and full-time staff with regards to the ratio an incongruity.

It is recognised that a ratio provides very clear parameters to the licensing officer and it also ensures each local authority is enforcing equally to the same standard. However, as a minimum, it is essential that any ratio should be sufficient to ensure that adequately trained staff should be available every day to ensure that the welfare needs of the dogs at the establishment are met. For example, it should be taken into account that the needs of each animal will vary on an individual basis and cannot be accounted for in such a general way; each animal in a breeding establishment will have specific needs that require specific care. For example, bitches/litters will have different needs to a stud dog. In addition, there are certain circumstances where additional supervision may be required, e.g. groups of dogs should be supervised on first introduction (a minimum of one person per five dogs).

DO YOU AGREE THAT THE ROLE OF THE PRIVATE VETERINARY SURGEON, AND THAT OF THE INSPECTING VETERINARY SURGEON, SHOULD BE CLEARLY SEPARATED AND DEFINED, AND THAT INSPECTING VETS SHOULD BE INDEPENDENT AND SHOULD NOT INSPECT THEIR OWN CLIENTS' PREMISES?

Inspecting veterinary surgeons play an important role in the enforcement of Wales' dog breeding laws - while the private veterinary surgeon of a client will be crucial in helping to ensure the health and

³ Wales Animal Health and Welfare Framework Group - Review of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014, December 2019

wellbeing of stud dogs, breeding bitches and puppies.

Only those appropriately registered with the Royal College of Veterinary Surgeons may practice veterinary medicine in Wales, and the wider UK - and all should adhere to the RCVS Code of Professional Conduct, including five principles of practice; namely professional competence, honesty and integrity, independence and impartiality⁴. As such, any veterinary surgeon should be able to separate any conflicting interests with regards to any prior relationship with an owner of a breeding establishment, and instead focus on the welfare interests of the animal involved. While we are certain this would be the case for the overwhelming number of veterinary professionals in Wales, we do, however, understand that the aforementioned BBC documentary, and other evidence, has suggested that a conflict of interests can arise; which indicates that more needs to be done to guarantee the independence of inspecting vets.

As such, we feel clearly separating and defining that inspecting vets should be independent, and not inspect the premises of their own clients, will help ensure transparency and additional checks and balances into the process; and ensure those inspecting on behalf of a council have no prior knowledge or background beyond what they witness at the inspection. We feel this will provide an additional safeguard and assurance to the public as to the reliability of the inspection process.

The RSPCA would also recommend that consideration be given to the role of Clinical Animal Behaviourists (CABs) in the inspection of breeding establishments. Although many vets are knowledgeable in behaviour, their expertise focuses on physical health. Behaviour is a specialism in itself and focuses on the underlying emotional state of animals including the management and modification of behaviour disorders. CABs would be well placed to inspect the suitability of socialisation and enrichment programmes such that they prevent behavioural disorders from developing and could also help ensure breeders are selecting breeding stock with suitable temperaments.

FURTHER COMMENTS

This response should be read in conjunction with the RSPCA's previous responses linked to the 2014 regulations, [available online](#).

We urge the Welsh Government to ensure these changes to the guidance - and the launch of the three-year training programme - are just one step as part of a far wider programme in improving Wales' dog breeding laws and processes.

The Wales Animal Health and Welfare Framework Group made some valuable recommendations, but the governmental response to that review has not matched the urgency in which it was called - albeit, admittedly, amid the wider context of the devastating Covid-19 pandemic; and does not seem to have accepted a majority of those recommendations; instead favouring only subtle changes to the guidance and the training programme. We are concerned that these will not improve dog welfare to the standards required so urgently.

With puppy breeding so widespread in Wales, and demand potentially set to increase as people increasingly work from home in a post-Covid world, we therefore urge the Welsh Government to revisit this guidance in line with recommendations made by the Framework Group; and to also reconsider supporting its wider recommendations - such as a national database of breeders, and amending the regulations so the controversial staff-to-dog ratio no longer allows the possibility of one member of staff

⁴ RCVS - Code of Professional Conduct for Veterinary Surgeons

providing care for 20 dogs and their puppies, in any situation.

Key areas of concern

This is not an exhaustive list and is intended to highlight some of the key points that we believe are essential in ensuring that the welfare of all dogs at breeding establishments are adequately protected and maintained. These include recommendations made by the Framework Group which we feel are particularly important.

- Staffing and supervision
 - For example, it is essential that anyone looking after the dogs at breeding establishments has the competence to identify the normal behaviour of the dogs for which they are caring, and to recognise signs of, and take appropriate measures to mitigate or prevent pain, suffering, injury, disease and abnormal behaviour.
 - This should include the requirement of a minimum qualification, and a written and implemented training policy.
- Behaviour - enhancement and enrichment programmes
 - The Framework Group rightly raised concerns that “breeders may not have sufficient knowledge or awareness of the importance of such a programme to be able to successfully design an enhancement and enrichment plan.” Their recommendation was to add a requirement for the enhancement and enrichment plan to have been agreed with the private veterinary surgeon for the breeding establishment, in addition to being approved by the local authority. However, this does not appear to have been included in either the annex or within the updated guidance.
 - Exercise - it should be made clear that any dogs who can't be exercised for veterinary reasons must be provided with alternative forms of mental stimulation. For example, puppies can't be walked so will require opportunities to engage in play and human interaction during the day.
- Socialisation
 - As explained above, this is a significant area of concern.
- Selection of breeding stock
 - As mentioned above, we welcome the additional text. However, we remain concerned that it doesn't go far enough. For example, R51⁵ from the Framework Group considers the health of breeding stock and steps that can be taken to ensure they, and the offspring, are healthy.
 - The selection of breeding stock is an essential consideration, both in terms of health and behaviour. It's essential that breeders take all reasonable steps to ensure that their dogs are of good physical and genetic health, of acceptable temperament and fit for function (e.g. be able to see, breathe normally, and be physically fit and able to exercise freely). For example, when breeding types of dog which can suffer as a result of exaggerated physical features (this includes, but is not limited to, very large or heavy dogs, dogs with short/flat faces, dogs with folded or wrinkled skin, dogs with very long backs etc.), breeding stock with less extreme characteristics should be selected.
 - Other important aspects of selection include the use of screening tests, coefficient of Inbreeding, avoiding mating closely related animals and the number of c-sections a bitch has had.
 - Breeders should not breed from dogs which show fear or aggression.
- Consistency and correlation in law

⁵ 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

- The correlation of Dog Breeding Regulations 2014 and Licensing of Activities Involving Animals Regulations 2021 is required.
- The LAIAR 2021 state that anyone commercially selling dogs must be licensed but the DBR state that anyone breeding three or more litters must be licensed - this needs to be streamlined with the DBR being brought under LAIAR and a review of how these two Regulations work with both the breeding and selling of dogs.