



RSPCA Cymru Briefing

Welsh Conservative Group debate – Regulation of animal rescue and rehoming centres
24 November 2021

Key Points

- The regulation of animal welfare establishments (AWEs) - including sanctuaries and rescue/rehoming centres - in Wales is long overdue, with the Animal Welfare Network for Wales first making the case nearly a decade ago.
- There has been much discussion around the definition of these establishments - given the diverse species they cater for, and differing functions they provide. Much of the sector has agreed on the umbrella term of animal welfare establishments to encompass the likes of rescue/rehoming centres and sanctuaries; with these commonly referred to as those who hold "themselves out to receive vulnerable animals on a regular basis, whether companion, farmed, protected or other animals, with a view to either rehoming, rehabilitating or providing long-term care".
- The licensing regulations, LAIAR 2021, offers a vehicle for a national model of regulation - and it is welcome that the Welsh Government has committed to acting on AWEs during this Senedd term, as part of the new Animal Welfare Plan. These establishments often do invaluable work for animals - but regulation will provide safeguards.
- Some AWEs can also rehabilitate farm animals, and rehabilitate and release wildlife, in addition to rehoming pets - so regulation and guidance needs to be cognisant of this. But without any baseline standards, welfare can be compromised and without any governance arrangements, establishments can become financially unsustainable. The RSPCA has had to intervene on a number of occasions to rescue animals from sanctuaries in Wales in the past decade.
- Pet ownership is on the rise so it is vital the Welsh Government promotes responsible pet sales in Wales including from rescues; and that they promote good welfare advice to owners. This is particularly important amid concerns from the animal welfare sector of a possible surge in abandonments.
- Local authorities across Wales are being tasked with enforcing an increasing number of animal welfare laws - with the UK's Kept Animals Bill, and future Welsh Government plans, set to expand this. No discussions about further regulation should take place without considering the financial situation for local authorities, and the importance of consistent enforcement.

Pet acquisition and importance of responsible vending

Pet ownership is likely to be on the rise. This is a timely debate for the Senedd - particularly with Christmas being a time where many people consider adding a pet to the family; and with interest in animal ownership having already surged during the Covid-19 pandemic. While many families may be ready to add a pet to their home at Christmas, research is vital so households understand the long-standing and potentially expensive and time-consuming commitments they are taking on. The RSPCA has successfully campaigned for pet ownership questions to be asked in the new National

Survey for Wales - and data released in October shows 52% of all households now have a pet¹, an increase of five percentage points from the previous data set; meaning a majority of households in Wales now own a pet for the first time. Of those households owning pets, 33% have a dog, and 21% own a cat². During Covid-19 restrictions, UK-based Google searches for 'puppies near me' increased more than six times (650%) between pre-lockdown January 2020 and July 2020³; demonstrating the upsurge in demand and the need for action to ensure the responsible acquisition of pets, and promoting good welfare standards within rescue, rehoming and vending.

Wales has acted on pet sale licensing and third party selling. Legislative developments in recent years have improved the situation in Wales with regards to responsible pet sales, including the *Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 (LAIAR)* coming into force in September. This legislation licenses pet sellers in Wales under strict welfare criteria for the first time; and bans the third party sale of puppies and kittens under six months of age. RSPCA Cymru hopes the Welsh Government will use its intention to further extend LAIAR over the next Senedd term to develop this framework - including through the regulation of animal welfare establishments (AWEs), improved laws regulating dog breeders, and potentially regulating cat breeding, plus licensing other animal welfare services, to provide safeguards for owners - such as professional dog walking services, behaviourists, dog training practitioners and doggy day-care.

Promotional campaigns are key to inform prospective owners. Given the increased interest in ownership, targeted human behaviour change campaigns can have a key role in ensuring people understand how to source pets responsibly. In England, the UK Government's Petfished campaign has aimed to highlight tactics unscrupulous pet sellers use to trick buyers; while in Scotland, the 'Buy a Puppy Safely' has sought to educate and inform prospective owners. It is vital the Welsh Government follows suit with a similar, enduring campaign and website - further to 2019's festive #PawsPreventProtect social media campaign, which highlighted the importance of responsible purchasing⁴. Codes of practice - highlighting the legal obligations pets have to their owners - could also be made more accessible and promoted more extensively by the Welsh Government; as could existing tools from the animal welfare sector - such as [the Puppy Contract](#). These messages are particularly important as there is some concern from the animal welfare sector that a surge in spur-of-the-moment pet ownership during the pandemic, the change in people's circumstances as some normality continues to return, and the economic impacts of the pandemic, could all be a 'perfect storm' for the future abandonment of animals.

Kept Animals Bill could further discourage irresponsible buying. The UK's Kept Animals Bill - which Senedd Members will soon vote on a [legislative consent memorandum](#) for the law to apply to Wales⁵ - is also set to support the responsible sourcing of pets in Wales. The Bill will limit the non-commercial movement of dogs, cats and ferrets into Great Britain; and as currently drafted will limit the number of dogs per vehicle which can enter Great Britain to five. Under the Bill, the Welsh Government will have the power to pass regulations further restricting the importation of pets - including those below a specified age, those which have been mutilated, such as those with cropped ears, and females more than a specified number of days pregnant.

¹ National Survey for Wales early data: April to June 2021, 14 October 2021

² Ibid

³ Daily Mail - Lockdown sparks 650 per cent surge in number of people searching for puppies to buy online as RSPCA warns of looming dog welfare crisis, 5 October 2020

⁴ Welsh Government - Paws, Prevent, Protect: Minister highlights importance of responsible pet purchasing, 18 December 2019

⁵ Legislative Consent Memorandum - Animal Welfare (Kept Animals) Bill, June 2021

Data on AWEs needs to be improved

There's a lack of data in Wales. Unfortunately, there has long been a lack of reliable data in Wales on numbers of AWEs - including rescue and rehoming centres. The Welsh Government's intention to consider expanding LAIAR should be done, where possible, in conjunction with reliable data. Wales has, alone of the UK devolved authorities, spearheaded collection of data on pet vendors, sanctuaries and rescues through special projects such as the Welsh Government-backed Companion Animal Welfare Enhancement Scheme. Between 2008 and 2011 this provided funding to local authorities and gathered data on a host of animal welfare topics - including the number of animal sanctuaries in Wales, cat breeders, unlicensed dog breeders and more. Estimates at the time suggested there are 82 sanctuaries in Wales⁶. However, the data is increasingly old and the Welsh Government has not committed to reproducing and updating the data it gathered⁷.

But the National Survey is giving us valuable data on trends. Positively, however, some animal welfare data collection is improving. Following RSPCA Cymru campaigning, including via Wales' Third Sector Statistics User Panel for Wales, more data related to animal welfare has recently been collected via the National Survey for Wales. This helps paint a picture of how pets have been acquired over the last five years. Cats were more likely to have been obtained from friends or family (35%) than a rescue centre (24%); while private sellers (28%), licensed breeders (23%) and friends and family (23%) were the most popular options for dog purchases⁸.

LAIAR extension will be key to Animal Welfare Plan success

RSPCA Cymru broadly welcomes the AWPW. RSPCA Cymru welcomed the Welsh Government's recent publication of a dedicated Animal Welfare Plan for Wales (AWPW) - and its reiteration of most of the Programme for Government commitments related to the welfare of animals; including those linked to AWEs. There has long been a need for the regulatory framework for the animal welfare sector to go further. Clearly, the expansion of LAIAR will be central to the success of the Plan - including the formal regulation of AWEs by 2023/24, and extension of the law offers the potential to include the likes of cat breeding establishments, professional dog walkers and greyhound racing in proposals for a new national model of regulation. RSPCA Cymru also welcome plans to improve further the qualifications for council animal welfare inspectors - and hope the Welsh Government will also look favourably upon granting statutory powers to RSPCA officers, which will bring the RSPCA in line with our sister organisations across the British Isles, and will enable us to reach animals in distress more quickly without having to wait for the police, which will also reduce pressure on other stretched public services. More reaction from the RSPCA to the AWPW [can be found online](#).

LAIAR expansion - AWEs

AWE regulation is long overdue. The main objectives of this Senedd debate are long overdue - namely the regulation of AWEs, including sanctuaries and rescue centres. As such, RSPCA Cymru welcomes the Welsh Government's intention to potentially expand LAIAR to cover more types of animal-related activities and establishments, as per AWPW. This issue of statutory regulation has long been on the agenda, and back in 2012, the Animal Welfare Network for Wales published a report making the case for regulation, and defining AWEs in need of regulation as those that hold "themselves out to receive vulnerable animals on a regular basis, whether companion, farmed, protected or other animals, with a view to either rehoming, rehabilitating or providing long-term care"⁹.

⁶ Companion Animal Welfare Enhancement Scheme - Baseline of Premises 2009-10, Year 2 data

⁷ Senedd Cymru - Written Question, WQ82068, tabled on 4 February 2021

⁸ National Survey for Wales early data: April to June 2021, 14 October 2021

⁹ Animal Welfare Network for Wales - The case for the regulation of Animal Welfare Establishments in Wales, October 2012, p12

Regulation is about safeguards. Many AWEs do incredible work helping animals in need - but a lack of oversight, scrutiny and regulation mean welfare issues can escalate at establishments, with owners at risk of becoming overburdened. Presently, anyone can call themselves a sanctuary in Wales - and clearly that needs to change; as these are institutions many people in Wales trust and assume will be subject to rigorous checks and oversight. In 2020, [a voluntary code of practice aimed at AWE owners in Wales](#) was published¹⁰ - containing best practice guidance for the operators - focussed both on the issue of animal care, but also of staff and volunteer management. While this was a positive step forward, without licensing underpinned by legislation, there can be no guaranteed safeguards. Indeed it is unclear what impact, if any, the voluntary code has had on raising standards. The RSPCA has continued to get reports and has had to take action against sanctuaries since the Code was published.

AWEs are not just rehoming centres. While we categorically agree that AWEs, including those that operate online services, need regulating, we urge for due consideration to be given to the acute differences between these types of establishments when considering new regulatory requirements for them. While the debate motion is relevant to establishments that handle traditional companion animals such as cats and dogs, it would be difficult to apply some aspects of the proposals in the regulation of establishments that rescue other types of animals. Unlike rehoming centres, some AWEs provide permanent 'forever' homes to animals that would not be able to be rehomed in most domestic settings, including wildlife, exotic and farm animals - and some will rehabilitate and release wildlife back to the wild.. This makes proposal 4b) in the motion inapplicable to some AWEs - despite there being a clear need for all AWEs to be licenced by local authorities. Rather than a focus on how many animals are rehomed before a declaration of activities and licence is needed, instead considering the number of animals that can be kept by establishments at one time could be preferential, while realistically meeting the welfare and both medical and behavioural rehabilitation needs of the animals in situ.

Minimum training, staffing and standards

A lack of training, staffing and standards can be detrimental. All AWEs have a duty of care to the animals they look after under the Animal Welfare Act 2006, with this legislation outlining the [five welfare needs](#) staff need to meet - and it is vital that those operating AWEs are equipped with the skills and understand their responsibilities to the animals in their care. It is important that all staff understand their legal responsibilities, as well as the importance of having up-to-date, evidence-based standards to safeguard the welfare of the animals in their care. Indeed, well-meaning people without the appropriate expertise, knowledge and experience needed to run a successful AWE can quickly find themselves out of their depth, highlighted by some AWE failures in Wales in recent years. In the past decade we have taken over ten prosecutions due to inadequate care in sanctuaries, and have seen first hand the importance of such establishments having high training, staffing and including welfare, environment and health and safety to avoid such situations materialising. As well as having staff and facilities meeting this criteria, expertise is needed to ensure that these establishments are financially sound and tick all of the boxes with regards to ensuring the health and safety of the animals within them, staff and the people who visit them. Solid governance arrangements, and having contingency plans for when things go wrong, can prove extremely important in the running of a successful AWE, and there should be additional requirements for establishments to go beyond 'minimum training, staffing and environmental standards' proposed by the motion. The Association of Dog and Cat Homes (ADCH), which has six members in Wales, has minimum standards covering animal welfare of animals in the care of rescue and rehoming organisations and these are recommended as templates for any Government regulation on dog and cat

¹⁰ Welsh Government - Animal welfare establishments: code of best practice, 18 September 2020

rescues; while information in the [aforementioned voluntary code of practice](#) on AWEs would also provide a blueprint for any future regulatory framework.

Focus cannot just be on pets with AWEs. When considering the difference between different types of AWE, it is worth noting the roles AWEs can play in housing and rehabilitating wild animals before returning them to their natural habitats. The way in which wild animals destined for release and companion animals destined for rehoming are treated by AWEs is markedly different in some ways, with the incorrect rehabilitation and release of wild animals having the potential to compromise animal welfare, while damaging local ecosystems and environments. Because of the various potential differences between the animals found in different types of AWEs, RSPCA Cymru calls for this to be suitably reflected in any future expansion of LAIAR, and associated guidance, and for there to be a clear focus on wildlife, exotic and farm animals, as well as domesticated companion animals. Every species of animal has very specific welfare needs, therefore species specific standards must be reflected in any regulation or associated guidance, as well as a requirement for each species to be cared for by staff appropriately qualified and experienced to do so.

Local authority training projects can help consistent application of the law. It is also vital that local authorities are sufficiently supported to enforce any new legislation. Within the AWPW, the Welsh Government references the three-year training programme it has funded, to enhance its support for the training of enforcement officers in relation to legislation on dog breeding establishments¹¹. RSPCA Cymru welcomes plans to expand this scheme to support wider licencing activities involving animals and the associated professional development of enforcement officers - including, presumably, in regulating AWEs. However, on October 28, the Welsh Government [published its guidance for local authorities to assist them in enforcing the LAIAR](#), almost seven weeks after the regulations had come into effect¹². While the guidance is much-welcome, we urge the Welsh Government to ensure that all guidance relevant to new regulations is published before laws come into force, to equip local authorities with the advice needed for enforcement, while juggling a demanding and competing list of priorities.

Financial resources of local authorities

Any discussions on more regulation must also consider Council funding. Following the recent publication of the Welsh Government's AWPW, it is expected that Wales' 22 local authorities will become responsible for the enforcement of additional animal welfare legislation and regulations over the next five years - as too is the objective of this Senedd debate. Wales' local authorities already play a key role in ensuring the welfare of the animals within their localities, through licencing and inspecting businesses such as pet shops, riding schools, pet boarders, farms and dog breeders. Enforcing animal welfare legislation set by the Welsh Government is set to become an increasingly demanding task for local authorities, following the recent introduction of LAIAR 2021, and with further powers anticipated for local authorities as part of extending LAIAR, as featured in the AWPW, and as part of the UK Government's Kept Animals Bill. In a move that was much welcomed by RSPCA Cymru, the Welsh Government recently recruited an additional seven and a half regional inspectors to liaise with local authorities on the enforcement of LAIAR. However, with local authorities set to get additional duties which could include the licencing of mobile animal exhibits, AWEs and primate ownership, RSPCA Cymru believes there is a need for a wholesale review concerning the ability of local authorities to enforce legislation that impacts upon the welfare of animals - including financial support.

Enforcement could be an issue. While local authorities will inevitably play an important role in ensuring the success of many of the regulations set out in the AWPW as well as existing legislation, there is

¹¹ Welsh Government - Our Animal Welfare Plan for Wales 2021-26, p14

¹² Welsh Government - Statutory guidance for the pet sales licencing regime, published 28 October

concern that without additional funding and resources, enforcement may be an issue - particularly with many councils already working under significant financial constraints. Sadly, a 'postcode lottery' of animal welfare services across Wales from the public sector is increasingly evident, as well as a lack of financial resources to enforce all relevant animal welfare legislation. Because of this, we urge the Welsh Government to review the adequacy of the resources and funding allocated to local authorities to ensure the welfare of the animals within their areas as a matter of priority, to ensure that they are sufficient enough to allow them to effectively enforce existing and future animal welfare legislation.