



Defra consultation on the review of animal establishments licensing in England

Response from *Centre for Animals and Social Justice*

Responder

The Centre for Animals and Social Justice's award-winning expertise on this matter is primarily in understanding how policy-making structures - in particular, the rules and the range of stakeholder interests that formulate and implement regulations (i.e. policy networks) - tend to affect animal welfare outcomes.¹

Comment on Defra's overarching approach

Unnecessary or needlessly complex regulation is, of course, of no benefit to either businesses or animal welfare. However, we are concerned that Defra's approach appears to be dominated by a general desire to reduce any regulation with little consideration for animal welfare impacts.

We believe that this approach is probably contrary to public opinion, which tends to place substantial weight on protecting animal welfare. A useful guide can be found in the results of the Government of South Australia's deliberative democracy exercise on dog and cat management, which recommended quite stringent and progressive animal welfare measures compared with the stance found in the Defra proposals.² It is reasonable to assume that public opinion in England will be at least as considerate of animal welfare.

A lack of attention to animal welfare underpinning the Defra proposals is also expressed in the assertion: 'the current licensing system has served its purpose for several decades'. While some limitations are acknowledged, it is straining the credulity of the reader to claim it has been fit-for-purpose without any substantiation. An additional evidential problem arises from Defra's claim that they are aiming to 'maintain and improve existing animal welfare standards'. However, Defra does

¹ E.g. Lyons, D. (2013) *The Politics of Animal Experimentation*. Basingstoke: Palgrave:

² <http://yoursay.sa.gov.au/decisions/citizens-jury-dog-and-cat-management/outcome>

not collect any reliable statistics on animal welfare standards in this sector, which raises doubts about how such an aim can be realised. The concern is that the stated aim is more for symbolic reassurance purposes than a genuine policy goal.

Furthermore, the proposal fails to consider a major source of unnecessary suffering and death of companion animals which is the abandonment and surplus numbers of unwanted animals. Overlooking this issue reinforced the impression that Defra does not, in practice, take animal welfare seriously.

Moreover, it is hard to see how weakening regulation in this sector could result in economic impacts that would represent a discernible public benefit.

We hope that Defra can address these concerns in a constructive fashion to ensure that animal welfare is given predominant weight when considering responses to this consultation and formulating policies in this area.

Question 1. To what extent do you agree or disagree with the proposal to introduce a single Animal Establishment Licence?

Including online and home-based businesses is welcome. However, in other respects, this proposal illustrates how the goal of simplification has dominated, while animal welfare considerations have been overlooked. Specific detailed standards will still be required for the different activities (e.g. breeding, buying and selling). Therefore, to lump these under a single licence is a recipe for confusion and for malpractice to slip through the net. The training of licensing officers is currently inadequate for each specific types of activity, so competence regarding combined inspections requiring a range of expertise will be even worse. We note the Defra has not produced any impact assessment to confirm that this 'simplification' will protect animal welfare. Therefore we disagree with this proposal.

Question 2. To what extent do you agree or disagree with the proposal to promote or require use of Model Conditions by local authorities, for activities where they have been agreed?

We agree with the proposal to *require* (not merely 'emphasise') the use of the CIEH Model Conditions for Dog Breeding. However, the sale of dogs and cats through licensed pet shops or third party dealers creates inherent risks for animal welfare (see Dog Breeding Reform Group submission) and should be prohibited rather than governed by the relevant Model Conditions which cannot safeguard animal welfare.

We disagree with the proposal the use the Model Conditions for Pet Vending Licensing as they are unfit for purpose, particularly in respect of exotic pets, birds, reptiles and amphibians and fish, being likely to lead to animal suffering in breach of the Animal Welfare Act.³ These conditions were largely based on recommendations by the exotic pet industry and demonstrate their prioritisation of their

³ Warwick C. et al. (2014) 'Resource Review: Model Conditions for Pet Vending Licensing, 2013'. *AWSELVA Journal* 18(1): 3-7.

narrow commercial self-interest and inability/unwillingness to set and maintain acceptable animal welfare standards. For example, it recommends cage sizes that would prevent some birds from being able to fully extend their wings, and snake cages that would prevent them fully stretching their body. This exemplifies a structural weakness in self-regulatory approaches.

New guidelines focussed on the care of exotic species are currently being developed by independent experts and we urge Defra to examine those later this year.

Question 3. To what extent do you agree or disagree with the proposal to prohibit the sale of puppies below the age of eight weeks?

We strongly agree with this proposal.

Any sale of puppies and kittens without their mothers being present should be prohibited.

We suggest that, following the lead taken by the South Australian government, Defra should also investigate the proposal of making it illegal for pet shops and third party dealers to sell purpose-bred puppies and kittens, in order to reduce the supply of animals and tackle the tragedy of the confinement and killing of unwanted animals. Under this proposal, only animals that need rehoming, sourced from registered shelters, should be sold. Ideally this should be directly from such shelters rather than subjecting the animals to unnecessary stress by trafficking them via third parties.

No mammals or birds should be sold unweaned.

Question 4. To what extent do you agree or disagree with the proposal to make clear that the statutory licensing threshold for dog breeders is set at three or more litters a year.

We disagree with the proposal to set a licensing threshold for dog breeders at three or more litters per year and believe that it should instead apply to anyone breeding 'more than one' litter per year or anyone in the business of breeding and selling dogs.

It is also critical that existing enforcement gaps are resolved. All breeders need to be registered and keep records in order to prevent illegal breeding that endangers animal welfare.

Detection and enforcement would also be facilitated by making adherence to the Model Conditions for Dog Breeding a statutory requirement and allow local authorities to directly suspend or revoke licences without the expense and bureaucracy of making an application to a magistrate's court (the latter would bring England in line with Wales' regulations).

Question 5. To what extent do you agree or disagree with the proposal to legally require pet sales to provide written information when selling animals.

This proposal is a necessary but insufficient means of protecting animal welfare. Pain and suffering caused by pet guardians' ignorance can be very severe, especially with exotic species. Merely

‘providing information’ is too weak a response. The South Australian government has accepted its citizens’ jury proposal to work with independent animal welfare stakeholders and experts (not industry) to develop information and an online test to assist prospective guardians to understand their responsibilities.

We propose that if Defra takes animal welfare seriously, it should consider both this type of approach and going further to legally require citizens to pass a test before being allowed to keep animals or hold any form of animal establishment licence, as is practiced in many other areas such as driving licences and citizenship applications.

Question 6. What other proportionate measures could address concerns for the care of exotic animals?

Measures that are ‘proportionate’ should be defined as those necessary to safeguard animal welfare and not risk pain, suffering and distress. In other words, the precautionary principle should relate to the welfare and lives of the animals as these are serious, vital and objectively ethical interests, and not the relatively trivial, financial self-interest of industry.

As wild animals’ welfare needs are extremely challenging to meet in captivity, the most appropriate approach to safeguard their wellbeing while minimising regulation would be to adopt Positive Lists that permit specified species or types of animals to be kept on the basis of scientific evidence confirming beyond reasonable doubt that their welfare needs can be met by any reasonable, non-expert.

Question 7. To what extent do you agree with the proposal to allow licences to be issued for a fixed term, set at any point in the year?

Question 8. To what extent do you agree or disagree with the proposal to increase the maximum length of licence that local authorities may issue to up to three years?

[In response to Qs 7 & 8] We support the proposal for fixed term licences. They should be for a maximum of 12 months to ensure regular review of establishments’ compliance.

Question 9. To what extent do you agree or disagree with the proposal to allow licence holders to transfer licences to new owners of the same premises, subject to notification and approval by the local authority?

We strongly disagree with this proposal. The personal character and competence of any new owners is a fundamental factor affecting animal welfare.

Question 10. To what extent do you agree or disagree with the proposal to require licence holders to notify local authorities of major changes, such as changes of premises or scale of activities?

Licence holders should be required to notify local authorities of *any* change that may be reasonably expected to have an effect on animal welfare. Limiting the changes to premises or scale of activities misses key changes that may affect welfare such as changes in housing, staffing levels, husbandry equipment etc.

Question 11. To what extent do you agree or disagree with the proposal to maintain the registration requirements for performing animals?

Question 12. To what extent do you agree or disagree with the proposed changes to the registration system for performing animals?

[In response to Qs 7 & 8] The current registration process is outdated and inadequate. As the welfare of animals in these types of environments, such as ‘mobile petting zoos’, falconry displays and the use of animals in television/film may be substantially adversely affected, we propose that they be covered by licences in a similar fashion to dog breeders, pet shops etc.

Question 13: To what extent do you agree or disagree with these proposals on powers of entry? Please provide any comments or evidence to support your answer.

Given weak enforcement of existing regulations, we are concerned that weakening powers of entry will exacerbate non-compliance. We disagree with the proposal to restrict the numbers of people entering a premises to four, as some cases include very large numbers of animals and/or several potential suspects who may be aggressive/armed.

We also recommend that premises should be accessed immediately if there is good reason to believe that an offence has or is taking place as the warrant requirement allows time for evidence to be removed.

Question 14. To what extent do you agree or disagree with the proposal to allow exemption from licensing requirements for businesses affiliated to a body accredited by UKAS?

We strongly disagree with this proposal as it will tend to undermine the effectiveness of any new licensing system. The risks to animal welfare and the conflict between them and the interests of industry are too great to justify reliance on what is effectively self-regulation. Evidence relating to the Kennel Club Assured Breeders’ Scheme⁴ and the Greyhound Board of Great Britain (GBGB)⁵ which both currently use UKAS accreditation schemes indicates they fail to maintain adequate standards. In the latter case, the EFRA Committee has pointed out that GBGB’s refusal to publish their welfare outcome data does not inspire confidence in the effectiveness of the UKAS method.

⁴ ‘But we [the RSPCA] cannot currently endorse the Kennel Club’s Assured Breeders Scheme because we do not feel the criteria is stringent enough and neither are there sufficient checks on breeders registered with the scheme to ensure they are meeting the health and welfare of their dogs.’

<http://www.rspca.org.uk/ImageLocator/LocateAsset?asset=document&assetId=1232734232527&mode=prd>

⁵ greyexploitations.com/wp-content/uploads/2015/10/2-22-15Times.pdf

UKAS accreditation schemes do not allow enforcement of the Animal Welfare Act as they are focused on promoting correct procedures and technical compliance rather than animal welfare (this, we believe, is a major structural reason for the failings on the aforementioned ABS and GBGB schemes). Local authorities are unlikely to enforce the Animal Welfare Act if this non-statutory UKAS mechanism is used as they will be reluctant to perform a discretionary function. The CASJ is extremely concerned about this proposal because it is unlikely to undermine any possible animal benefits from the overall consultation proposals.

Question 15. Do you think sector-led UKAS-accredited certification schemes could improve animal welfare in unlicensed areas? If so, what would work best and how could this process be encouraged?

Where animal welfare is at realistic risk, we strongly support statutory regulation as opposed to self-regulation. At best, UKAS accreditation could be used as a marketing tool, but even then reliability is a concern.

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