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# UNPICKING THE KNOTS:

## THE CASE FOR A MORE COHESIVE APPROACH TO PET WELFARE LEGISLATION



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Sick, injured and homeless pets have relied on us since 1897.



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## FOREWORD

Two things are often said about the British by other nations. One is that our rule of law is respected and revered, and the other is that we're downright soppy about our pets.

We expect our laws to protect us and keep the vulnerable safe, and this includes the pets we bring into our homes and take responsibility for. We should be very proud that our nation has a two-century-old history of legislating to ensure animals' welfare needs are met.

But while legislation can have excellent intentions, the statute book alone can only do so much. Enforcement makes all the difference to how happy a pet's life will be.

This report has shone a light onto the difficulties our law enforcers face. Local authority cutbacks mean resources are slim in some parts of the country and non-existent in others, while a lack of training and personnel has left many without the necessary skills or confidence to fulfil their jobs to their best abilities. We must empower local authority officers and give them the tools, time and funding they need to succeed in licensing establishments that deal with pet animals, and in their duty to provide community services.

At Blue Cross we know first-hand the value of working partnerships between local authorities and the third sector, and believe that building on these and creating new alliances will go some way towards creating a more effective system.


Westminster has a critical role to play, too. The last time government brought in a specific law to regulate the sale of pets, Winston Churchill was about to replace Clement Attlee for his second term as prime minister, Newcastle United won the FA Cup and The Archers had just passed its pilot probation period. Not only is the Pet Animals Act 1951 pre-internet, it pre-dates the Queen's coronation. As such, it's thoroughly out-of-date for modern times.

Our investigation raises overwhelming concerns about the vast scale of the unlicensed pet trade in the 21st century, with the internet enabling unregulated sales to take place online without any regard for welfare or legal recourse for owners when something goes wrong.

We don't know exactly what lies ahead but what we do know is that it is time for change, and we must work together to ensure a positive future for pet welfare.

*Sally de La Bedoyere*  
Chief Executive, Blue Cross



 We must empower local authority officers and give them the tools, time and funding they need"

## EXECUTIVE SUMMARY

This report paints a picture of the current state of statutory enforcement of pet legislation in Britain. Approximately 21 million animals (excluding fish) are kept as pets in the UK<sup>1</sup> and each one of them has welfare needs that should be met.

Local authorities are responsible for running a licensing system for pet shops and dog breeding establishments. They should also provide a service for the collection and reunification of stray dogs by law. However, a lack of personnel and appropriate training, together with slashed budgets within government agencies, has left many of them without the resources and confidence to deal with animal welfare legislation suitably and effectively. There are issues regarding consistency and clarity of duties, too, which make the job even more demanding and difficult.

In addition, funding and resource levels mean that the majority of local authorities only have the capacity to deal with licensed premises; many dogs, cats and other pets bred and sold are simply slipping through the net. The scale of the unlicensed and invisible trade makes this a serious welfare concern.

Among other shocking revelations, our investigation found:

- Enforcement officers relying on the expertise of licence holders rather than seeking independent veterinary advice
- More than half the public would contact a charity for help with a stray dog; not the agency with a statutory duty to help
- A decrease in local authority spending on dog warden services, despite an increase in the canine population
- Of the 115 comments related to welfare recorded on the pet shop inspection reports 87 per cent indicated serious concerns for the welfare of the animals at the premises.
- Of the 81 comments related to welfare recorded on dog breeding establishment inspection reports 82 per cent indicated serious concerns for the welfare of the puppies and breeding parents kept at the premises.
- A lack of investigations into unlicensed premises
- Welfare concerns at licensed premises including:
  - o Maggots in animals' drinking water at a licensed premises
  - o A breeding bitch and her litter kept in rabbit hutches at a licensed premises
  - o A licenced dog breeder admitted breeding her dog more times than the legal threshold allows. This is also a welfare concern



## RECOMMENDATIONS

AN EFFECTIVE SYSTEM OF REGULATION AND ENFORCEMENT IS NOT JUST THE RESPONSIBILITY OF THOSE DOING THE ENFORCING. FOR THIS REASON WE HAVE SPLIT OUR RECOMMENDATIONS INTO THREE. BLUE CROSS MAKES THE FOLLOWING RECOMMENDATIONS FOR CENTRAL GOVERNMENT, LOCAL GOVERNMENT AND THE THIRD SECTOR.

### FOR GOVERNMENT

- Britain needs a registration and licensing system for anyone breeding or selling animals through any means: from home breeders to large-scale breeding establishments, pet shops and online sellers. This should be risk-based, involving more stringent requirements and a greater level of inspection depending on the type of premises and the inherent risk rating of the activities carried out there
- An easily accessible centralised and transparent database of anyone breeding and selling would reduce pressure on local authority resources, improve animal welfare, and boost consumer power
- Urgent action must be taken to review and update the Pet Animals Act 1951. Legislation must reflect the needs of the day, and the 65-year-old act predates the internet. It's essential that any new legislation makes specific mention of online sales so it can tackle the large scale of the problem
- The quality and strength of licensing and enforcement is a postcode lottery at present. Standardised ways of working would ease the pressure on local authorities in terms of their time and resources. A Defra-backed structured information sharing forum would enable local authorities to share best practice as well as intelligence
- Defra must do more to ensure all licensing officers and dog warden services receive regular and appropriate training to enable them to carry out their duties to a high standard. Training should be centralised and standardised to ensure consistency across the UK
- Blue Cross would like to see English and Scottish legislation and guidance on dog breeding updated to bring it in line with Wales. In future, we would like all devolved administrations to work together to ensure that dog breeding legislation adequately protects the welfare of puppies and breeding parents

## FOR LOCAL AUTHORITIES

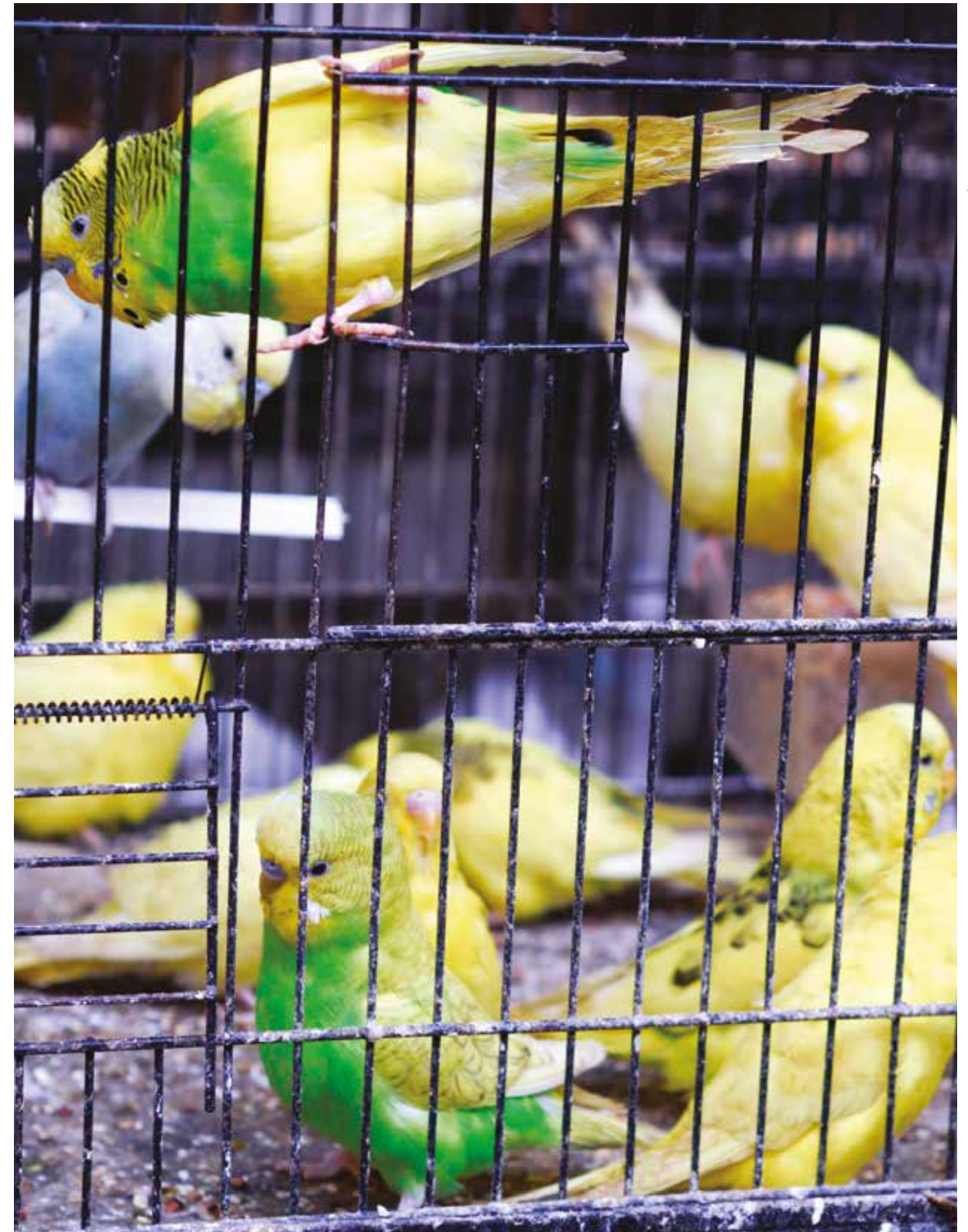
Blue Cross recognises the difficult job that local authorities have to do, especially considering the current economic constraints. We, however, believe that with the help and support of Defra there are a number of simple recommendations that will help local authorities better carry out their duties:

- Mandatory inspections should be conducted on all licensed premises, with the type and frequency governed by the risk-based approach already noted in this report
- All enforcement officers should attend regular training to keep their knowledge of animal welfare and the law up-to-date
- Local authorities should match licence fees to the actual cost of investigation
- Working in partnership with other authorities and third sector organisations makes a real difference to communities, particularly when it comes to tackling irresponsible dog ownership. We recommend local authorities consider this as much as possible
- We would like to see all local authorities make use of a veterinary specialist who has the expertise required to properly assess whether the needs and requirements of the exotic species are being met within pet shops

## FOR THE THIRD SECTOR

We recognise that Blue Cross and other third sector organisations have a role to play, especially in the current economic climate where local authorities are often cash-strapped and time-poor.

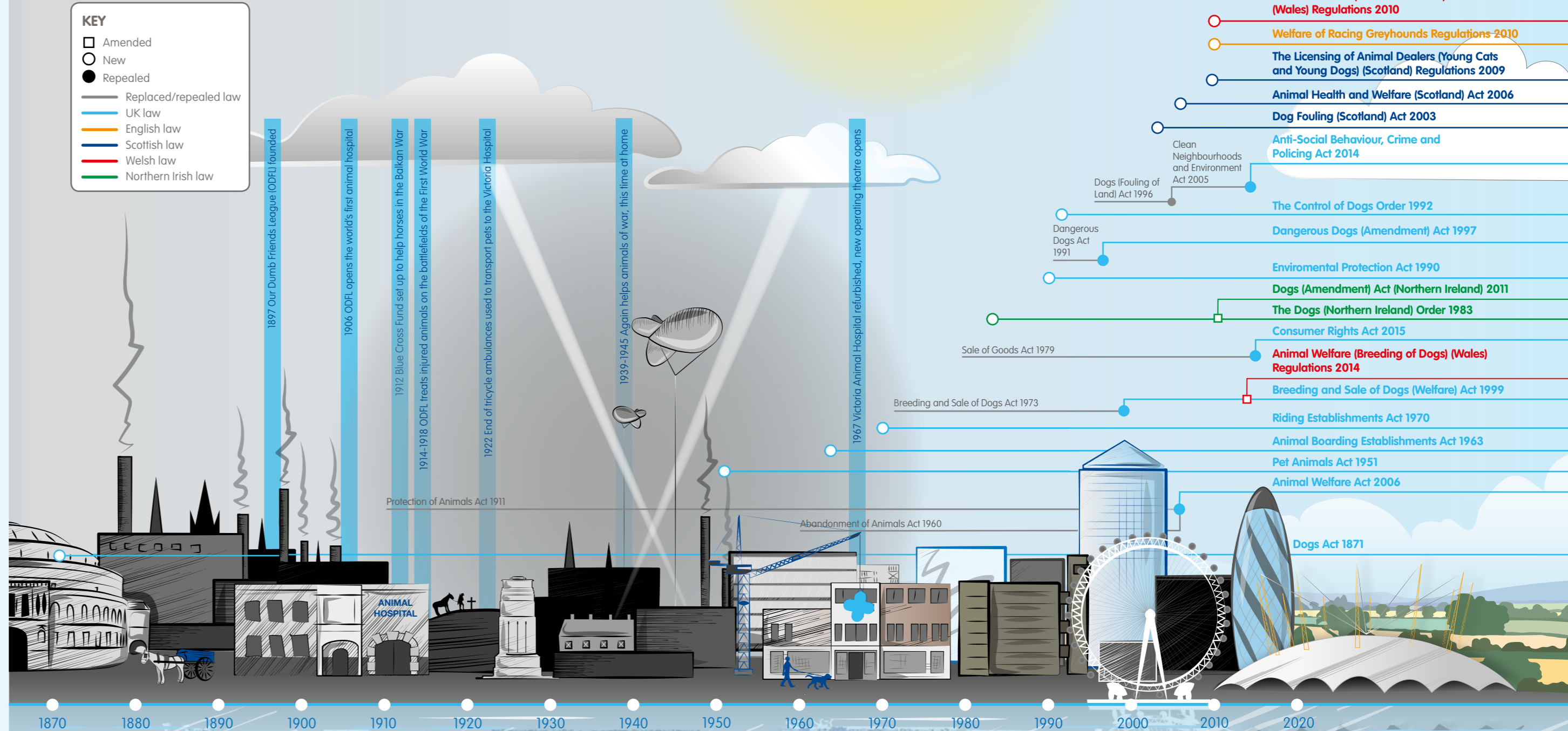
- Charities have a lot of untapped expertise in-house that could and should be used more effectively when it comes to working in partnership with local authorities. We'd like the third sector to take on partnership work in a much more co-ordinated fashion
- Assisting local authorities with the training of enforcement officers wherever possible
- Effectively sharing data on trends and behaviours with both central and local government to enable them to deal with changing patterns in animal welfare
- Providing up-to-date welfare information to local authorities to use within their communities



# TERMINOLOGY

<b>ANIMAL WELFARE</b>	How an animal is physically and psychologically faring or coping, reflecting its care, environment and health.
<b>BREEDING ESTABLISHMENT</b>	In line with the definition in the Breeding and Sale of Dogs Act 1973: "any premises (including a private dwelling) where more than two bitches are kept for the purpose of breeding for sale".
<b>CLASSIFIED ADS</b>	Short, easily accessible private advertisements.
<b>DANGEROUS DOGS</b>	Dogs that are seen to pose a danger to the public as defined by section 1 and section 3 of the Dangerous Dogs Act 1991. Section 1 specifically names pitbull terrier, Japanese tosa, Fila Brasileiro, and dogo Argentino types. Section 3 outlaws any dog being "dangerously out of control" <sup>2</sup> .
<b>DOG WARDEN</b>	Local authority-appointed officer responsible for myriad duties relating to dogs in the community, including stray dog enforcement.
<b>ENFORCEMENT</b>	Not just about prosecution but everything that encompasses the relevant legislation, including regulation, inspection and advice.
<b>EXOTIC PET</b>	In line with the definition in the Zoo Licensing Act 1981: Guide to the Act's Provisions <sup>3</sup> , refers to an individual of a species not normally domesticated in Great Britain kept within a domestic environment, where the principle reason for ownership is for personal interest or companionship. A non-traditional companion animal or wild pet.
<b>FIVE FREEDOMS</b>	As defined in the Animal Welfare Act 2006: (a) its need for a suitable environment; (b) its need for a suitable diet; (c) its need to be able to exhibit normal behaviour patterns; (d) any need it has to be housed with, or apart from, other animals, and (e) its need to be protected from pain, suffering, injury and disease.
<b>HOBBY BREEDER</b>	As defined by Defra: those who are not in the business of breeding dogs for sale and produce less than five litters in a 12-month period <sup>4</sup> . Hobby breeders do not need a licence.
<b>LICENSING OFFICER</b>	An officer working for a local authority whose role it is to inspect and license premises which have licensing requirements. For the purposes of this report we are referring to animal licensing, however, officers carrying out these inspections may also be required to license other businesses such as pubs and taxis.
<b>LICENSED PREMISES</b>	A premises that has been licensed by the local authority to conduct a specific activity, eg to breed dogs or sell pet animals.
<b>MODEL LICENCE CONDITIONS</b>	Non-statutory minimum standards considered necessary to ensure the health, safety and welfare of animals in pet shops and dog breeding establishments.
<b>PET SHOP</b>	In line with the definition in the Pet Animals Act 1951: a premises (including a private dwelling) of a business selling animals as pets <sup>5</sup> . This may include a range of premises including garden centres, aquariums, traditional pet shops or private residences.

# TWO CENTURIES OF PET WELFARE LEGISLATION



# INTRODUCTION

THE UK HAS LONG BEEN A LEADER IN ANIMAL WELFARE. FROM ESTABLISHING SOME OF THE FIRST ANIMAL WELFARE LEGISLATION IN 1822, TO THE FOUNDING OF THE FIRST ANIMAL WELFARE CHARITY IN 1824, THE NEED TO PREVENT CRUELTY AND SUFFERING TO ANIMALS HAS BEEN A RECOGNISED PART OF BRITISH LEGISLATION FOR NEARLY 200 YEARS.



## WHAT HAS ALSO LONG BEEN RECOGNISED IN THE UK IS THE IMPORTANCE OF EFFECTIVE ENFORCEMENT OF THE LAW.

After the introduction of the Cruel Treatment of Cattle Act 1822, there remained concern that the legislation was not being properly implemented and that animals were still being mistreated. Richard Martin MP, who was instrumental in securing the 1822 act, was adamant that: "If legislation to protect animals is to be effective, it must be adequately enforced."

Martin's concern over enforcement of animal welfare legislation led him to found the Society for the Prevention of Cruelty to Animals in 1824. The charity later gained the patronage of Queen Victoria and became the RSPCA. The creation of the Society predates the police force, with the Metropolitan Police Service established in 1829. At first, RSPCA inspections were carried out by a committee, but in the 1830s a formal inspectorate was created to bring offenders to the courts.

We have come a long way in the last 200 years – but we still have a significant way to go. The various pieces of legislation that relate to pet welfare today, including the Pet Animals Act 1951, Breeding and Sale of Dogs Act 1973 and Animal Welfare Act 2006, all build upon the initial legislation. However, a key issue remains the same, principally that of enforcement.

During a recent inquiry by the Environment, Food and Rural Affairs Committee (Efra) into the effectiveness of the Animal Welfare Act 2006, animal welfare minister George Eustice admitted that the enforcement of laws governing treatment of pets is "quite a mixed picture".

Evidence suggests that enforcement of current pet welfare legislation could and should be improved, but this suggestion comes at a time when local authorities (which are responsible for the implementation of animal licensing legislation among others) are increasingly under pressure. The role of animal welfare enforcement within local authorities is also becoming increasingly fragmented, with growing disparities between enforcers – an issue that will be discussed throughout this report.

Government is keen only to implement laws that are enforceable.<sup>6</sup> Blue Cross agrees with this statement and hopes that this report provides an honest picture of current enforcement, and reveals where there is obvious room for improvement. Richard Martin's statement remains as relevant today as it was in 1822 and we must recognise that legislation is only as strong as the enforcement that sits behind it. Only by highlighting the failings of the current system in context can we look to achieve a realistic solution for the future.

# WHO'S RESPONSIBLE?



ISSUE	ENFORCERS RESPONSIBLE	WHO THE PUBLIC WOULD REPORT AN ISSUE TO*
PREVENTING SUFFERING/CRUELTY TO PET ANIMALS	Police, Private Prosecutors, Local Authority	RSPCA 76% LOCAL COUNCIL 7% POLICE 6% WOULD NOT REPORT 2% WOULD NOT KNOW WHO TO REPORT TO 8% OTHER 2%
PET SHOPS	Local Authority	RSPCA 42% LOCAL COUNCIL 19% POLICE 5% WOULD NOT REPORT 19% WOULD NOT KNOW WHO TO REPORT TO 14% OTHER 2%
DOG BREEDERS	Local Authority	RSPCA 52% LOCAL COUNCIL 12% POLICE 20% WOULD NOT REPORT 3% WOULD NOT KNOW WHO TO REPORT TO 11% OTHER 1%
STRAY DOGS	Local Authority	RSPCA 49% LOCAL COUNCIL 22% POLICE 11% WOULD NOT REPORT 4% WOULD NOT KNOW WHO TO REPORT TO 10% OTHER 4%
IRRESPONSIBLE OWNERSHIP AND COMMUNITY ISSUES	Police, Housing Associations, Local Authority	NO DATA
DANGEROUS DOGS	Police	NO DATA

\*for full question see appendix on page 53

## LOCAL AUTHORITIES AND ANIMAL WELFARE

Local authorities play a key role when it comes to the enforcement of animal welfare legislation. However, they only have a statutory duty to deal with two things specifically: animal licensing and stray dogs.

There are a number of non-statutory animal welfare-related services that local authorities can provide, including microchipping, responsible ownership and animal welfare issues. However, these duties are entirely at the discretion of the local authority which can lead to inconsistency across the country.

## DOG WARDEN SERVICES

All local authorities have a statutory duty to deal with stray dogs. Under this legislation they must keep the dog for a minimum of seven days while they attempt to make contact with the owner. If a dog is not claimed councils can sell, give away, or euthanise the dog.

While the Environmental Protection Act 1990<sup>10</sup> places the requirement on the authority, it makes no attempt to set requirements of when and how stray dog services should operate. This means that service levels vary significantly across the country. Some areas offer a 24-hour service, but 90 per cent only operate during standard weekday working hours. A greater percentage of local authorities in England (56 per cent) and Wales (63 per cent) provide an out-of-hours service compared to Scotland (13 per cent), where police retain a shared responsibility for stray dogs.

Dog wardens can also use the new powers introduced under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with incidents involving dogs. Incidents include, but are not limited to, fouling, causing a nuisance, and continued or prolonged barking<sup>11</sup>.

Owners can be issued with Community Protection Notices, which can include positive and negative requirements of the owner and are viewed as a preventative measure. Guidance was provided to enforcers by Defra to assist them in using these powers for dog-related incidents<sup>12</sup>.

Most dog wardens deal with other issues in addition to their statutory duty, including noise pollution caused by dogs, fouling and the promotion of responsible dog ownership.







## CASE STUDY

### WANDSWORTH COUNCIL AND WORKING WITH PARTNERS

Wandsworth council has a dog warden service which employs five officers and operates 365 days a year. The council has also been very proactive in terms of working with partners, for example teaming up with the RSPCA to offer free pet-neutering for council tenants.

"It's very important we work with others as some of our problems cross local authority boundaries." Mark Callis, Animal Welfare Service Manager, Wandsworth.

### ANIMAL LICENSING

Local authorities are required to issue licences for pet shops, animal boarding, riding establishments and dog breeding establishments, with the aim of maintaining good standards of animal welfare. Defra estimates that local authorities license a total of 11,050 animal establishments in England alone<sup>19</sup>.

For the purposes of this report we will focus on the licensing of pet shops and dog breeding establishments.



## DOG BREEDING

Under the Breeding and Sale of Dogs (Welfare) Act 1999, an individual who keeps a breeding establishment for dogs at any premises and carries on at those premises a business of breeding dogs for sale must obtain a licence from the local council<sup>14</sup>. Licences are not necessary for so-called “hobby breeders”<sup>15</sup>.

This section of the legislation is very unclear, with many local authorities interpreting what Defra describes as the “five litter test” as a threshold rather than applying the business case test to those producing under that number. This means numerous backstreet and small-scale breeders are falling outside of the current licensing regime, some of whom are making a significant profit, and authorities are unable to monitor the welfare of the puppies or the parents. Defra attempted to clarify this misinterpretation of the legislation by writing to all local authorities in 2014. However, this hasn’t solved the problem and research has shown the huge scale of unlicensed dog breeding going on in the UK<sup>16</sup>.

The situation in Wales is slightly different to the rest of Great Britain. The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 came into force in April 2015, aiming to better protect the welfare of the dogs being bred by introducing a number of additional conditions. These include:

- Requiring breeders who keep three or more breeding bitches and either breed, sell, supply or advertise breeding or puppies for sale from their premises to have a licence
- Introducing stricter welfare standards for breeding establishments
- Requiring breeders to adopt socialisation, enhancement and enrichment programmes for their animals
- Creating a minimum staff to adult dog ratio

## PET SHOPS

The licensing of pet shops is governed by the Pet Animals Act 1951 which was implemented in order to “regulate the sale of pet animals” in pet shops (as defined in s.7(1) of the act).

Defra has argued that the act’s definition of a pet shop is “sufficiently wide to include the sale of pets online”<sup>17</sup>. However, it’s evident that the successful implementation of the act with regard to online sellers relies on the honesty and integrity of those selling pets to come forward and apply for a licence<sup>18</sup>. Irresponsible pet sellers often do not come to the attention of local authorities despite making a significant profit selling pets online. Because of infrequent or non-existent inspections and a lack of resources, unscrupulous sellers – both licensed and unlicensed – are able to fall through the net.



## OUR INVESTIGATION

THE AIM OF OUR INVESTIGATION WAS TO GATHER AN ACCURATE PICTURE OF ANIMAL LICENSING AND DOG WARDEN SERVICES IN GREAT BRITAIN, AND A BETTER UNDERSTANDING OF THE CURRENT ENFORCEMENT OF THE PET ANIMALS ACT 1951, BREEDING AND SALE OF DOGS (WELFARE) ACT 1999 AND DOG-RELATED SERVICES ON A NATIONAL LEVEL.

In February 2016, Blue Cross undertook various research projects, including:

- Sending a freedom of information request to 378 local authorities across England, Scotland and Wales with 10 questions relating to dog warden services, pet shop licences and dog breeding licences. We achieved a 93 per cent response rate, although some local authorities failed to answer all the questions included in the request
- Examining publically available information on local authority websites relating to their dog warden services, pet shop licences and dog breeding licences
- Surveying anonymously 378 local authority licensing officers with questions relating to animal licencing. The figures included in the report are based on the 120 responses received
- Conducting a public poll through ComRes to get a better understanding of how well the public understand and feel about pet legislation





## OUR FINDINGS

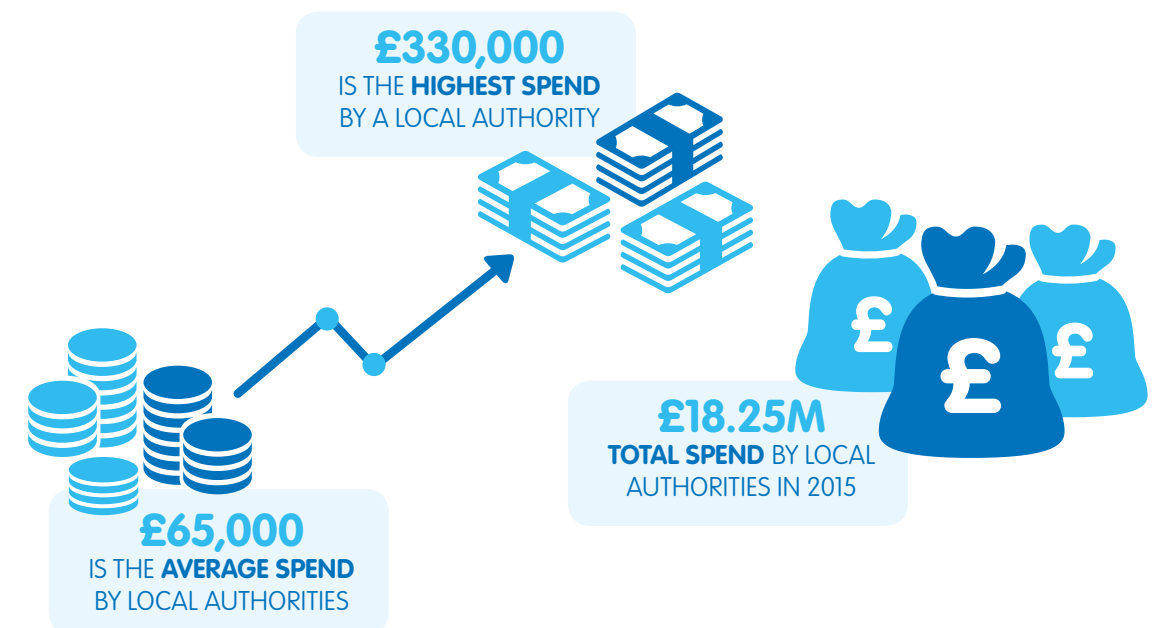
### ARE DOG WARDEN SERVICES MEETING THEIR TRUE POTENTIAL?

“If you expect local authorities to become more proactive in their enforcement, the only way that will happen is through radical changes and making things a statutory duty. Technically, my animal welfare team only have to provide a stray dog service and license animal establishments. All of the other work we undertake within the service is discretionary and thus an easy option to cut when savings are having to be made by heads of service.”<sup>19</sup>

*Mark Berry, Companion Animal Focus Group*

All but three of the councils that responded to our survey were providing a dog warden service of some sort.

Using freedom of information requests, we asked local authorities for details of the annual spend on their dog warden services. In many cases this was impossible for local authorities to separate from other departmental duties, but 77 per cent were able to provide a figure which showed that the average spend on the dog warden service was just over £65,500; the highest reported spend for a single local authority was £330,000. In total, local authorities spent £18,250,000 on their dog warden services in 2015.



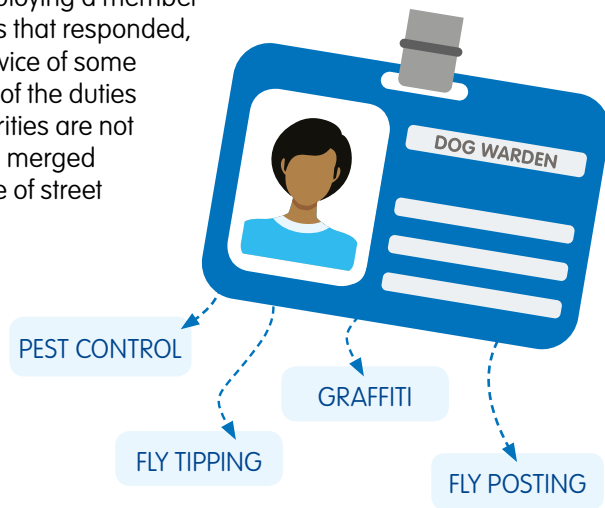
## BUDGET CUTS

In 2010 it was estimated that dog warden services in the UK cost local authorities £46 million.<sup>20</sup> Although our data only covers Great Britain and not Northern Ireland, our figure of £18.25 million still indicates a significant decrease in annual spend over the past five years.

On average, annual spend has decreased by £4,500 per local authority across Great Britain since 2013. Local authorities in Wales have seen the biggest decrease: on average losing 14 per cent of their annual spend since 2013. And 59 local authorities have seen a loss of 25 per cent or more to their annual spend in the last three years.

A statutory duty to deal with stray dogs can have a substantial economic impact on a local authority, and is likely to vary based on the area in which it's located. With continuing pressure to make significant budget cuts, local authorities are increasingly looking to outsource the dog warden service to private contractors. For some, outsourcing may be seen as a more cost-effective option than employing a member of staff to fulfil the role. Of the 322 local authorities that responded, 99 per cent said they provided a dog warden service of some kind; 37 per cent of these outsourced all or some of the duties to an external contractor. Even where local authorities are not outsourcing, the dog warden role has often been merged into other roles, losing a dedicated officer in place of street wardens and neighbourhood officers.

A dog warden – with the merging of job roles – may also deal with numerous unrelated activities.



**”** Due to well-publicised budget restrictions the focus of the dog warden has changed<sup>21</sup>  
*Sefton Council*

## DOG WARDEN SERVICES: THE FACTS



© Martin Phelps

## COST VS VALUE


While in the current economic climate outsourcing may be considered an effective cost-saving measure, the service is often limited to providing the stray dog collection and kennelling services. Many local authorities have scaled back their service to just offer the statutory stray dog service, which in some cases is then outsourced. The National Dog Warden Association has expressed concern that some local authorities choose to implement solely their statutory function to deal with stray dogs.

The value of a well-functioning, wide-ranging and effective dog warden service cannot be ignored and it seems very short-sighted on the part of both central government and local authorities to overlook this. With the cost to the taxpayer of irresponsible dog ownership tipping the scale at over £80 million<sup>23</sup> it seems that an opportunity is being missed to deal with the problems and associated cost of irresponsible dog ownership by not having a comprehensive, consistent and effective set of guidelines for dog warden services across the UK.

## PUBLIC SAFETY

This is especially relevant at a time when hospital admissions due to dog bites and strikes are rising, with figures showing a 76% increase in dog attacks in the past decade.<sup>24</sup> New measures introduced in the Anti-social Behaviour, Crime and Policing Act 2014 provided local authorities with the powers to step in and deal with canine-related anti-social behaviour at an early stage; as Defra stated, the intention of these new measures was to make it easier for local authorities "to enforce action against irresponsible owners of dogs"<sup>25</sup>. In the guidance provided to enforcers, Defra admitted that, "A proactive approach to dealing with irresponsible dog ownership would lead to considerable benefits: reduced costs for local authorities in handling of stray dogs, police, councils and housing associations in investigating nuisance reports, the NHS in treating dog bites, and the court system in processing prosecutions for the most serious offences. A proactive approach is also good for dogs and owners, encouraging a better relationship and a happier life for both."<sup>26</sup> The new measures have now been in place for two years but as yet Defra has not been forthcoming with an assessment of their effectiveness or success, and last year minister George Eustice said it was too early to judge.<sup>27</sup>

It's clear the government recognises the benefits of early intervention and advocating a proactive approach to dealing with irresponsible dog owners, so it's concerning that it has failed to provide local authorities with adequate resources or guidance to be able to properly provide these types of services. Blue Cross firmly believes that the only way to tackle irresponsible dog ownership is to have a well-funded and resourced system of enforcement which includes local authorities.

 A lot of educational and enforcement work that ultimately benefits responsible dog ownership in an area is lost. The short sightedness of some local authorities fails to see the benefit of having a full dog warden service."<sup>22</sup>

*The National Dog Warden Association*

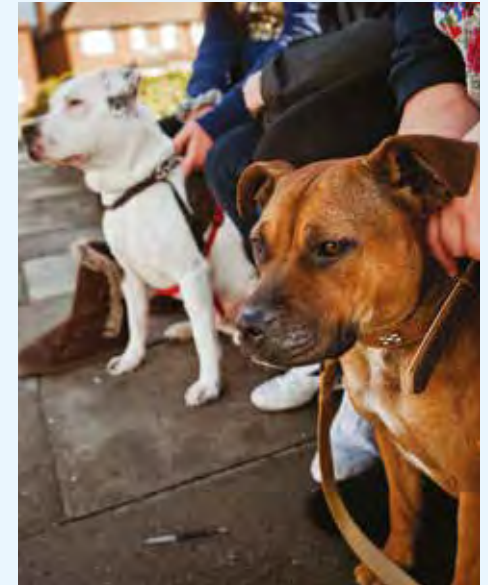
## WORKING IN PARTNERSHIP

There is also a lack of working in partnership when it comes to local authorities and the police. A large number of local authorities do not take a proactive approach to dealing with dangerous dogs, for example. When we asked local authorities for the numbers of calls they received from members of the public, many of them replied saying that dangerous dogs were not part of their remit. The failure of local authorities to take an active role when it comes to dangerous dogs is a missed opportunity. The National Dog Warden Association notes that many local authorities are "advising dog owners that the police are the correct authority to deal with"<sup>28</sup> while police advise the opposite. As we have seen in areas where the local authority and the police work together on dangerous dogs, more serious incidents can be avoided.

## CASE STUDY

### SUTTON LEAD INITIATIVE

Since 2010, the LEAD initiative in Sutton, run jointly by close working between partner agencies including the council, local housing authorities and charities, has proactively promoted responsible pet ownership. LEAD has roadshows, encouraged the registration of dogs with local social landlords, and recorded all incidents involving negative dog behaviour. Dog incidents have reduced since its inception, and it is used as a blueprint by other police forces and local authorities. In 2016, the initiative will be used in 32 London boroughs, exemplifying the power working partnerships can have in dealing with irresponsible dog ownership.



## PUBLIC PERCEPTION

In total, 80 per cent of local authorities stated that the reason for their highest number of canine-related call outs was stray dogs. This was vastly greater than call outs for other areas such as lost dogs, dangerous dogs or dog fouling. However, our public poll revealed that large numbers of people are not aware that the responsibility for stray dogs lies with councils; 49 per cent of respondents stated that if they were concerned about a stray dog, the RSPCA – a charity with no statutory duty for strays – would be the body they would report it to.

There are a number of reasons for this confusion, including the changing remit of local authorities and common misconceptions around the roles of the police and the RSPCA. A lack of information about dog warden services on local authority websites and difficulties in finding a telephone helpline further compound the problem.

While 90 per cent of local authorities did include a contact number somewhere on their websites, the ease of navigating to the correct page varied greatly. So when the average person spends no longer than 15 seconds on a website looking for information,<sup>29</sup> it is little surprise that the public don't know how to contact their dog warden. Where areas do have an out-of-hours service, it also needs to be more accessible online and better advertised.

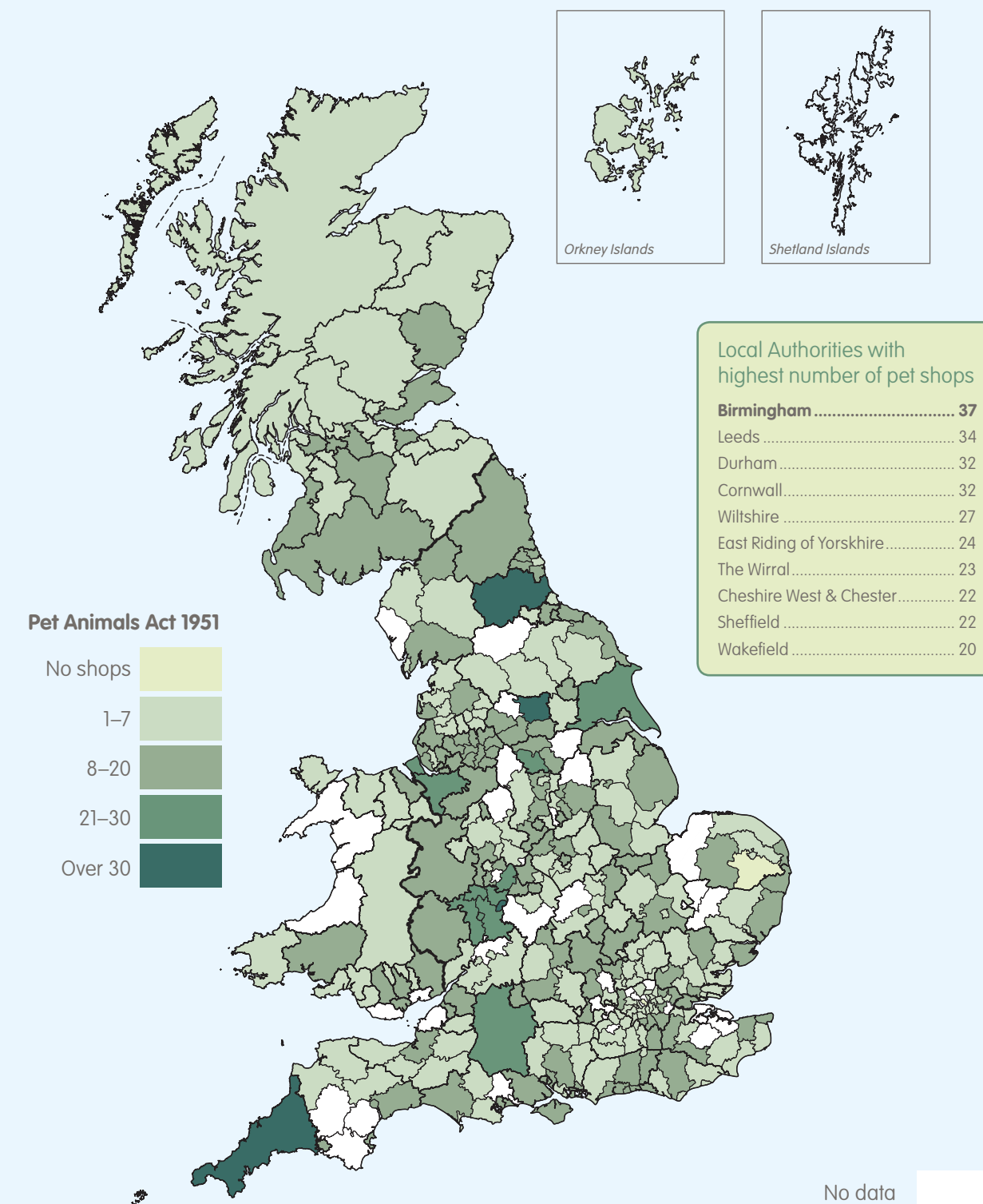
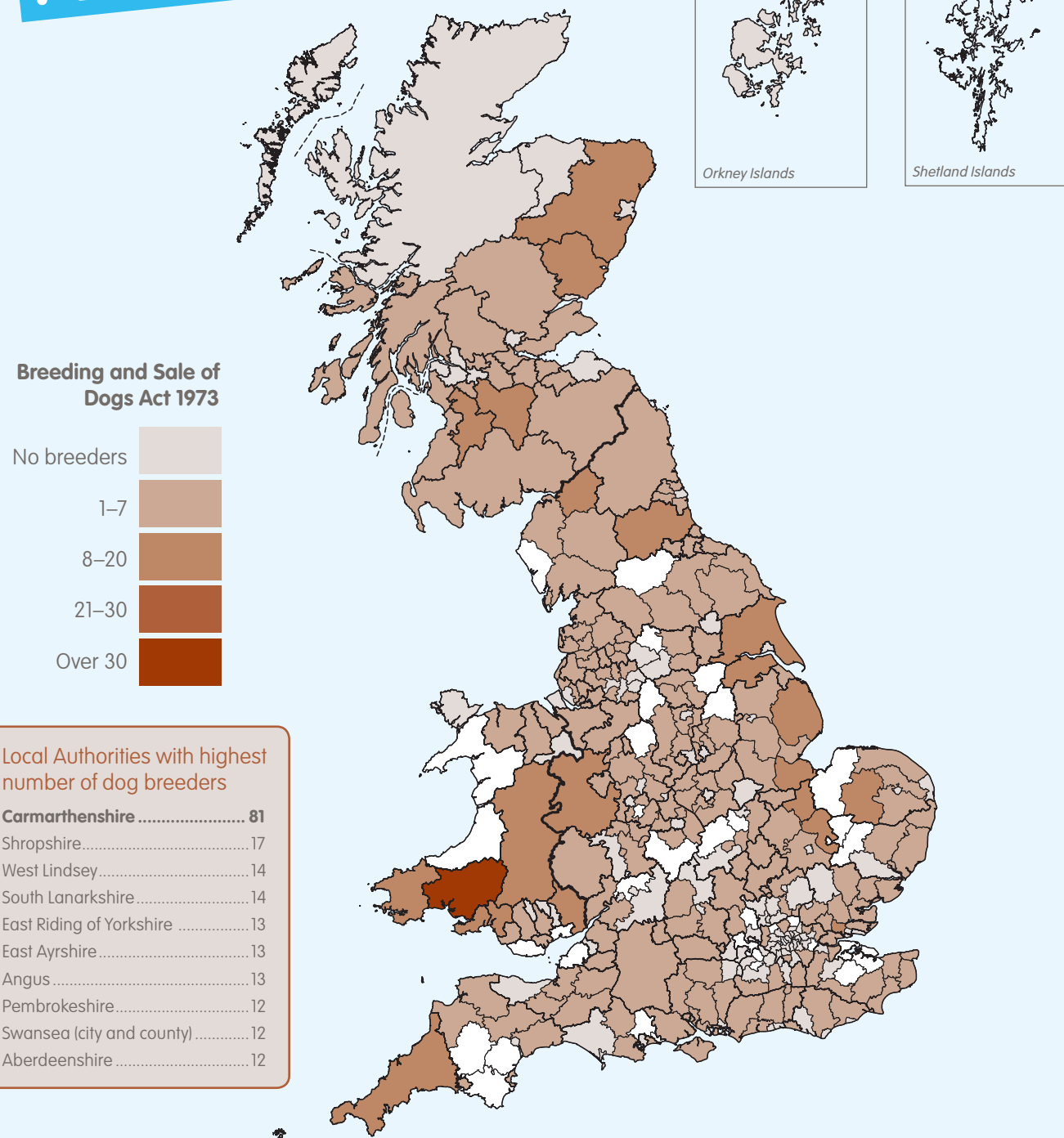
While other duties are not statutory they do play an extremely important role in encouraging responsible dog ownership in communities, and it's therefore essential that authorities publicise this area of their work. Carrying out these duties is expensive and we believe that Defra must increase funding for local authorities to be able to provide these services.

In an ideal world a dog warden service would operate as a community service, working in a flexible and reactive way to deal with the specific dog issues that local communities face. In the short term, and in the current economic climate, that will often mean working closely in partnership with the third sector to provide services such as microchipping clinics, behaviour services and neutering schemes. In the longer term, we advocate further research by Defra into sustainable ways to fund an effective dog warden service. This could include investigations into initiatives such as a levy on dog food or a reintroduction of the dog licence.

IF YOU HAD CONCERNS ABOUT STRAY DOGS, WHO WOULD YOU MOST LIKELY REPORT IT TO?



## LICENSED DOG BREEDERS AND PET SHOPS ACROSS GREAT BRITAIN



## LICENSING

“We have got a licensing system in theory, but in practice is it effective?”<sup>30</sup>

*George Eustice, Former animal welfare minister*

Following our freedom of information request, Blue Cross received details of 2,767 premises licensed under the Pet Animals Act 1951 and 816 premises licensed under the Breeding and Sale of Dogs (Welfare) Act 1999 in Great Britain. On average, each local authority was responsible for the inspection and licensing of nine premises in the business of selling pets or breeding dogs. One local authority was responsible for licensing 93 premises.



## SCALE OF UNLICENSED ACTIVITY

“With regards to licensing, [local authorities] only tend to license those that come through to us asking for licences rather than going out looking for those who should be licensed, as there is no resource to do this.”<sup>31</sup>

*Mark Berry, Companion Animal Focus Group*

The scale of unlicensed sellers – particularly dog breeders – is of huge concern. Estimates suggest that as many as 88 per cent of puppies born in Great Britain are bred by unlicensed breeders.<sup>32</sup> Furthermore, thousands, if not tens of thousands, are believed to be imported annually from European countries to meet public demand, with many of those sellers also likely to be unlicensed.

The rise in online sales of pets has changed the nature of dog breeding and pet sales. Sellers without visible high street premises are no longer clearly identifiable to those looking to enforce pet breeding and vending legislation, meaning that many online sellers are circumventing the law.

While we still have concerns about the licensed trade of animals, at least it provides an element of visibility and inspection of premises – there is no such process in the unlicensed trade, and welfare concerns go largely unchecked. The sheer scale of this illegal trading has proved extremely difficult for local authorities to tackle, with many licensing officers surveyed suggesting that they lacked resources to identify and investigate sellers operating solely online.

We are concerned by the significant lack of investigation into suspected unlicensed premises by local authorities. Our research shows that in 2015, 486 investigations were made into premises suspected of needing a licence, averaging just two cases per authority. On average, local authorities carried out four investigations over the past three years. But 44 per cent of local authorities did no investigations at all in 2015, while 33 per cent conducted none in the last three years.

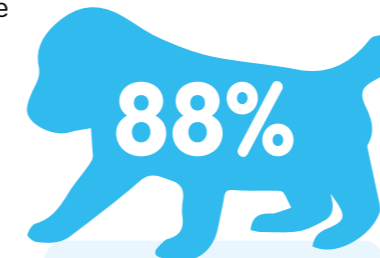
Some local authorities are making serious efforts in addressing unlicensed sellers. In March 2016, Kettering Borough Council successfully prosecuted an individual under the Pet Animals Act 1951 for operating commercially without a licence, stating: “The use of evidence from internet and social media sites can be used to support successful prosecutions and we will be monitoring these sites for any evidence of illegal sales.”<sup>33</sup>

While we recognise the budgetary constraints local authorities are working within, it’s essential that a concerted effort is made to deal with this growing problem to prevent animals from suffering.

“Difficult to check, this area is poorly monitored”

“We believe we have approximately 80 unlicensed dog breeders in our borough – we have two which have been licensed for several years. We need more powers, especially powers of entry into unlicensed premises”

*Anon, licensing officers*



OF PUPPIES BORN IN GREAT BRITAIN ARE BRED BY UNLICENSED BREEDERS

“Identifying those dog breeders who sell online is extremely difficult”

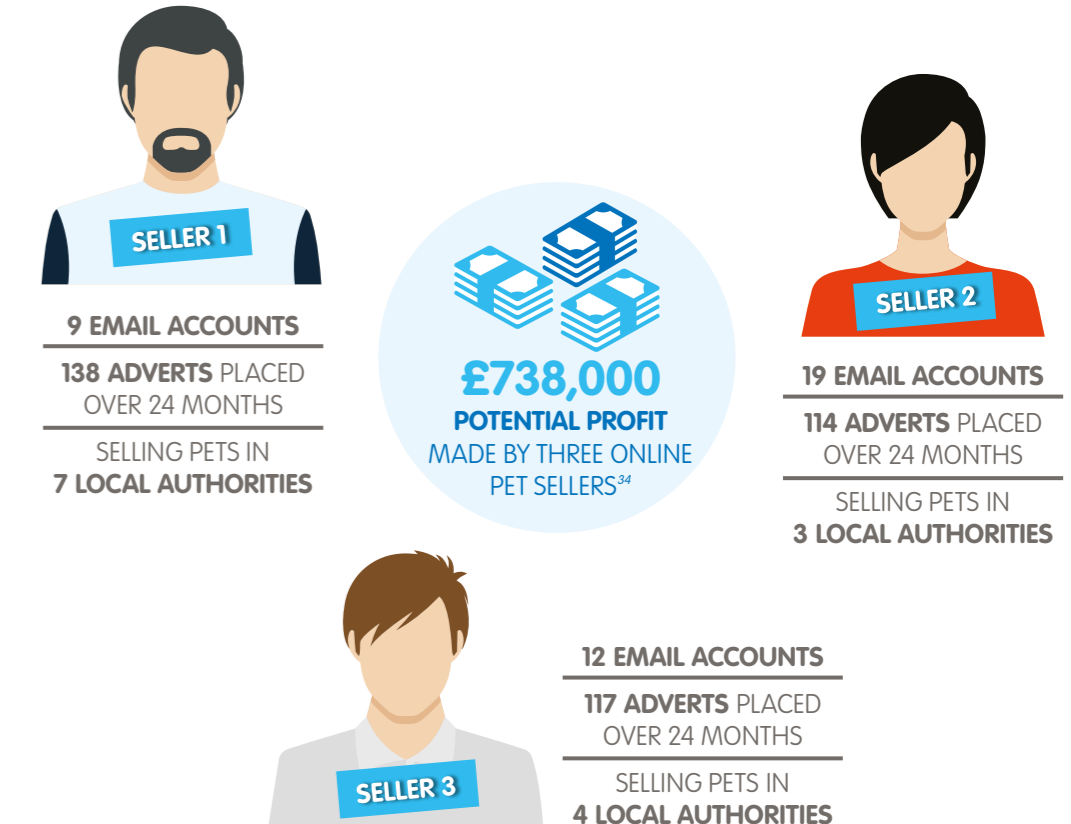
“It is difficult to identify breeders who sell online as most are through mobile phone numbers on multiple websites”

*Anon, licensing officers*

## LARGE-SCALE MARKETPLACE

The online marketplace offers a good insight into a pet sales industry operating on a large scale and without regulation. Gumtree is a popular classified advertising website that, using filters, is able to track repeat advertisers by looking at the phone numbers and device IDs used to place the adverts.

Gumtree provided us with a sample of 41 users who were suspected of repeatedly selling dogs and puppies in England, Scotland and Wales.



The information provided by Gumtree highlights the problems encountered by local authorities when trying to enforce licensing legislation; if sellers are operating from a number of different geographical locations and council jurisdictions, it’s impossible for enforcers to ensure breeders are keeping within the legal threshold for the number of puppies bred. It also highlights the potential scale of the unlicensed trade.



Common issues included high volumes of ads, sellers using different email addresses, and sellers using different postcodes across widespread areas. We also found:

- The average seller was advertising puppies in three local authority areas, although two sellers listed postcodes across 10 different local authorities
- Between them, the 41 sellers had placed 5,102 adverts for dogs – and multiple animals could be listed in each of them
- On average, the adverts were placed over an 18-month period, with each seller listing an average of 124 ads in that time period
- An average of 15 email addresses were used to post the ads
- Ten per cent of our sample were selling puppies in England and Scotland or England and Wales
- In total, sellers were advertising puppies in over 106 local authority areas, which include areas where no licences have been issued:
  - o Over a quarter of those 106 local authorities stated in a recent freedom of information request that they didn't license any premises under the Breeding and Sale of Dogs Act 1999<sup>35</sup>
  - o 16 local authorities that do not license any breeding premises also conducted no investigations in 2015. Eleven had conducted no investigations between 2013-15

## CASE STUDY

### RWAF INVESTIGATION INTO UNLICENSED ONLINE SELLERS

The Rabbit Welfare Awareness Fund (RWAF) monitors online sales of rabbits to try to identify repeat sellers.

RWAF identified a seller who advertised rabbits on a classified website over an 11-month period. During this time 24 adverts were placed offering various litters of different breeds. Based on the prices listed, RWAF estimated the seller could make a gross profit of around £2,345. The evidence was passed on to the local authority to seek confirmation as to whether the individual was licensed. The local authority advised that the seller was a hobby breeder and did not require a licence.

When a gross profit of over £2,000 is made, it's clear that the seller is in the business of breeding pets for sale and should be subject to the requirements of the act.

## ADDRESSING THE INTERNET PROBLEM

More should be done to ensure that those making a profit from selling or breeding pets – regardless of the scale of the income – are brought into the licensing framework. This is the only way to ensure that potential pet purchasers have some sort of recourse when they buy a sick animal.

A scheme that requires anyone breeding or selling any pet to have a licence and meet set standards when it comes to welfare is vital. This needs to go hand-in-hand with a national database accessible to both local authorities and members of the public. Not only will this make it easier to identify unlicensed sellers, it will also help HMRC identify potentially large amounts of missed income. We know that the government has been doing extensive work on the hidden online economy, and a compulsory system of registration will make it harder for those selling animals to hide profits which can reach tens of thousands of pounds, often falling into the hands of criminals.

With sellers and buyers exploiting the power of technology, it's important that local authorities make the best use of technology in order to better track and investigate these sellers. The Pet Advertising Advisory Group (PAAG) has already done extensive work with classified websites to improve the standards of advertising and educate them on welfare issues. There is, however, more work to be done to ensure that classified websites can work more closely with local authorities in terms of sharing information and intelligence. Local authorities need to be more proactive in terms of monitoring internet sales sites and social media for unlicensed activities, but in order to do this effectively they must be provided with both the resources and training needed by Defra in partnership with PAAG.



## CASE STUDY

### ONLINE SALES VICTIM

Hours after a sick puppy at death's door was handed over to his new owner on a train station concourse, Blue Cross vets were working hard to save his life.

Husky puppy Shadow was sold after being advertised on a classified website and was suffering from severe dehydration.

The seller gave Shadow's new owner no advice about caring for a puppy, and didn't tell them that he was sick. Thankfully, we were able to save Shadow's life, but there could have been a very different outcome for this internet pup.



## CASE STUDY

### IPSWICH BOROUGH COUNCIL

Some local authorities are making a concerted effort to investigate repeat online sellers. Ipswich Borough Council keeps a close eye on dogs advertised for sale via the internet, especially where people are regularly advertising puppies. Their evidence reveals that people who are not licensed as dog breeding establishments may still be breeding dogs commercially or importing puppies for sale.

The licensing enforcement officer compiled a huge amount of information over two years from various websites. The objective was two-fold. First, to see if there was a pattern showing the same people involved each time. Second, to find out if certain breeds were being advertised at a frequency that suggested a business existed. Where there was reason to believe a business was operating without a licence, an officer visited. In one case the investigation led to someone applying for a licence, while in another an unauthorised operation was identified and is part of an ongoing investigation.

BLUE CROSS would like to see a registration and licensing system for anyone breeding or selling animals through any means: from home breeders to large-scale breeding establishments, pet shops and online sellers.



## WELFARE CONCERNS AT LICENSED PREMISES

It remains too easy for those with little concern for animal welfare to undermine its objectives. This is particularly so in respect of the breeding, advertising, and supply of animals. This area is by far and away the most important focus for animal welfare, but the most poorly regulated.<sup>36</sup>

*Mike Radford, Aberdeen University*

What must not be forgotten is that the pet trade's products are "protected animals": sentient creatures with welfare needs that must be met, both ethically and legally. Different species have their own requirements, but all must be kept in suitable accommodation and should experience enrichment if they are to have a good quality of life.

Great efforts should be taken with puppies in particular, as the experiences of the first 12 weeks of a dog's life will largely dictate their future temperament and sociability. Puppies spend this crucial stage of their development in the care of licence holders, and those that receive a poor standard of care are far more likely to grow into adult dogs with fear, anxiety or aggression issues: problems that are quite preventable.

Unfortunately, many of the inspection reports we reviewed reveal that some pet shop and dog breeding establishment licensees are ignorant of, or indifferent to, even basic welfare requirements. We asked a panel of Blue Cross and Dogs Trust veterinary experts to review remarks related to welfare recorded on inspection reports. A "traffic light" system was used to determine the seriousness of the comment, with red being the most concerning, and green being the least. Our panel found:

- Of the 115 comments related to welfare recorded on the pet shop inspection reports 87 per cent indicated serious concerns for the welfare of the animals at the premises.
- Of the 81 comments related to welfare recorded on dog breeding inspection reports 82 per cent indicated serious concerns for the welfare of the puppies and breeding parents kept at the premises.

While local authorities do have powers of enforcement, their use varies across the country, both in terms of standard and frequency of inspections and the number of investigations or licence refusals. Although many inspection reports made comments and asked for improvements, very few actually revoked a licence or refused to issue a licence despite welfare concerns.

# TOP 10 MOST SHOCKING PET SHOP INSPECTION REPORT COMMENTS

“Dead animals not removed causing maggots in water”  
DEAD ANIMALS

“Certain bird species were inappropriately kept together”  
INABILITY TO GET AWAY FROM OR BE WITH OTHER ANIMALS

“Baby snakes in small boxes with no UV provision”  
ENVIRONMENTAL DEPRIVATION

“Caged finches – it is my opinion that these birds are kept in much too small a cage and I also have a concern about the lack of ventilation in the unit”  
WELFARE-COMPROMISING ENCLOSURE SIZE

“Concerns raised over the feeding times of the kittens”  
LACK OF FOOD / WATER

“Staff did not have correct knowledge”  
CONCERNS ABOUT THE KNOWLEDGE OF STAFF

“During my inspection it was found that one of the canaries had growths/ damage on its wings... the damage was caused by self - mutilation due to stress. At my insistence, you finally took the canary to the vets, and the bird was euthanised”  
SIGNS OF STRESS

“All stock with the exception of one male rabbit appeared in good condition. This animal was humanely destroyed whilst we were present”  
“Discussed two complaints re puppies sold with parvo”<sup>37</sup>  
EVIDENCE OF DISEASE / SICKNESS

“The standards for exotics were not up to a satisfactory standard and I suspect there may be a breach of the Animal Welfare Act”  
CRUELTY / UNNECESSARY SUFFERING

“Cage and pots were found to be dirty, a discussion was had in regards to the necessity for there not to be a build-up of faeces and dirt in cages, on perches and on food and water pots”  
LACK OF CLEANLINESS & HEALTH ISSUES

132 LOCAL AUTHORITIES  
1,125 INSPECTION REPORTS

“We rely on paying a vet if we need an expert or if there is a complaint; otherwise we have to trust the apparent expertise of the shop owner as we aren't trained in what to look for”

*Anon, licensing officers*

## PET SHOPS

Under the Pet Animals Act 1951 local authorities can attach conditions to a licence, inspect the licensed premises at all reasonable times, and may refuse a licence if standards are unsatisfactory or withdraw it if the terms of the licence are not being complied with.

But a 2016 survey by the Ornamental Aquatic Trade Association (OATA) found that only 76 per cent of local authorities conducted annual inspections of licensed pet shops, while 97 per cent would inspect a premises if a complaint was made<sup>38</sup>.

Many of the inspection reports we received raised significant concerns. Licensed sellers are responsible for providing “suitable advice”<sup>39</sup> to members of the public, yet many are failing to provide basic welfare provisions outlined in the Animal Welfare Act 2006<sup>40</sup>.

Such a high number of welfare concerns is extremely shocking; if premises cannot meet the basic welfare needs of the animals they are breeding or selling then serious questions should be asked as to why local authorities are issuing a licence.

Local authorities must be empowered to revoke licences to prevent unnecessary suffering. We believe that where officers identify serious welfare concerns they should set a clear timescale for premises to put in place the changes they need to undertake before a licence is issued. We know that some authorities are already doing this, but many are not.

The suitability of the officers responsible for inspecting pet shops is also of potential concern. OATA found that while 25 per cent of local authorities had a veterinary surgeon carry out the pet shop licensing visit, the remaining 75 per cent gave this task to officers with varying job titles and responsibilities. In some cases, officers responsible for food, safety or public protection were doing the inspections.<sup>41</sup>

BLUE CROSS would like to see all local authorities make use of a veterinary specialist who has the expertise required to properly assess whether the needs and requirements of the exotic species are being met at premises licensed under the Pet Animals Act 1951.



ONLY 76% of local authorities conducted annual inspections of licensed pet shops

The legislative framework that licensing officers have to work with is both complex and confusing. Blue Cross asked licensing officers if they felt the animal licensing role had changed in the last five years. Forty three per cent of respondents either strongly agreed or agreed that the role had changed. While some believed that the role had changed for the better with improved legislation and conditions, others suggested that legislation remained out-of-date and enforcement was becoming increasingly difficult.

We believe a risk-based approach to pet shop licensing is the best way to ensure animals' welfare needs are met. It should require officers to be given specific training before making inspections.

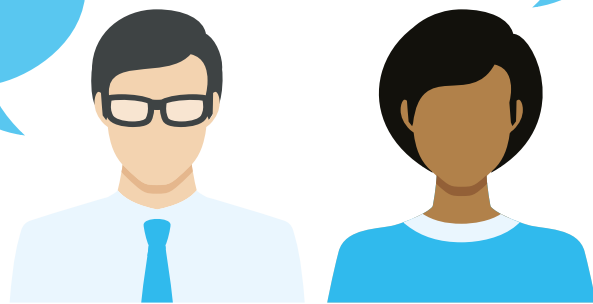
For example, although we would like to see a total ban on pet shops selling puppies and kittens, while the practice is still legal, we believe they should be inspected regularly by an officer who is fully aware of the welfare and socialisation needs of the animals. This change is vital considering the welfare implications for these animals, and we believe this should happen urgently. We also advocate the mandatory use of a veterinary expert when it comes to inspections of pet shops selling exotic species to help interpret complex licence conditions on environmental needs such as space and humidity.

From my understanding the people making these assessments often have very limited knowledge and support to do so. No inspector can be expected to know all the details for keeping the huge range of exotic species that are sold in pet shops, therefore personally I feel they need professional training, support, checklists to work from and the attendance of a veterinary expert at inspections"

*Josie Kirk, Blue Cross Deputy Nurse Manager*

Blue Cross asked licensing officers whether they felt equipped to license and inspect pet shops that sell exotic animals...

35% said they felt they were not equipped to licence and inspect pet shops that sell exotic animals



65% left comments stating they only felt equipped because a specialist or vet was present at the time of inspection

Many officers are simply relying on the knowledge of shop owners to inform their decisions.

It is difficult to find out how some exotics should be kept; even amongst breeders and pet shops there is disagreement"

Not enough training available for officers to deal with exotics; often the applicant knows more about the animal than the officers"

*Anon, licensing officers*

# TOP 10 MOST SHOCKING DOG BREEDER INSPECTION REPORT COMMENTS

I never saw any water bowls"  
LACK OF FOOD / WATER

The smell of ammonia in this area was at times unbearable"  
LACK OF CLEANLINESS

The room was unventilated and unheated. The pups and bitch were kept in raised rabbit hutch-type wooded cages, unsuitable for dogs"  
CRUELTY / UNNECESSARY SUFFERING

The left hand kennel requires a larger sleeping area to allow dogs the ability to lie down, turn around and stand comfortably"  
WELFARE-COMPROMISING ENCLOSURE SIZE

Numerous behavioural science studies tell us that appropriate socialisation before the age of 12 weeks is an absolute necessity for puppies. Anyone breeding or selling a puppy has failed in their responsibilities to that animal if they do not make efforts to ensure their happiness and ability to cope with life"

*Ryan Neile, Blue Cross Senior Animal Behaviourist*

No stimulation was available for any pup to play and they sat in cages, bored, displaying no typical inquisitive puppy behaviour"  
ENVIRONMENTAL DEPRIVATION

Some animals were noted to have keratoconjunctivitis, some with cherry eye and some with tartar build up"  
EVIDENCE OF DISEASE / SICKNESS

Admitted to having two litters in a 12-month period"  
IRRESPONSIBLE & ILLEGAL BREEDING

One westie circulating on yard, cockers circling, one young yorkie a bit timid, one schnauzer a little timid"  
BEHAVIOURAL ISSUES

Few more beds to be added to pens with more dogs"  
INABILITY TO GET AWAY FROM OR BE WITH OTHER ANIMALS

Currently vaccinates their own animals using a vaccine which is manufactured in the United States and bought online. Was made aware that this is illegal"  
CONCERNS ABOUT THE KNOWLEDGE OF STAFF

132 LOCAL AUTHORITIES  
1,125 INSPECTION REPORTS

## DOG BREEDERS

As with pet shops we have real concerns about the large numbers of welfare issues identified in dog breeding inspection reports. In our opinion, certain inspections showed that premises were unsuitable for breeding dogs, yet were issued or re-issued with a licence by the local authority.

Before they grant or renew a licence, local authorities must be sure that any breeding establishment requiring a licence under the Breeding and Sale of Dogs Act 1999 meets certain conditions relating to welfare, socialisation and disease prevention. They have the power to revoke a licence if these conditions are not being met, but a freedom of information request carried out by the Kennel Club showed that only one dog breeding licence was revoked in the whole of 2014 and 2015<sup>44</sup>.

Defra has provided guidance to local authorities on the five freedoms in the Animal Welfare Act and model licence conditions. But all authorities need to ensure that officers base any decisions on dog breeding establishments on these key cornerstones. Without these, there is a clear and very real risk of suffering, as the comments above illustrate.

We know that as part of the Defra consultation on a single animal establishment licence, the government has looked at the possibility of some sort of exemption for UKAS-accredited schemes such as the Kennel Club Assured Breeder Scheme. We have real concerns about this. Currently we know that there are breeding premises that are licensed and inspected which are failing to meet the basic welfare needs of the puppies bred there and their bitches and sires. If a significant number of premises are outside the inspection regime, we are relying on an outside body to properly identify and rectify welfare concerns without any oversight.

As has been done in Wales, we would like to see legislation implemented which requires breeders to put in place enrichment and socialisation plans for pets. However, correct training is essential so that officers make a proper assessment of these plans when submitted by breeders as part of the licensing process. Enrichment and socialisation are essential for ensuring a well-rounded puppy that will go on to make a good family pet. Where puppies do not receive this, we know that there can be real long-term implications not only for the welfare of the puppy, but also for the owners in terms of the additional cost of training and behaviour expertise.

BLUE CROSS would like to see English and Scottish legislation and guidance on dog breeding updated to bring it in line with Wales. In future, we would like all devolved administrations to work together to ensure dog breeding legislation adequately protects the welfare of puppies and breeding parents.

RECOMMENDATION



© Puppy Love Campaigns

## CASE STUDY

### POMERANIAN WELFARE


When a man rushed a tiny Pomeranian puppy into our Blue Cross Victoria animal hospital, we feared the worst. He had just bought her from an online seller and she was seriously ill, suffering from parvovirus. Sadly, our team of vets and nurses were unable to save the puppy and advised the owner not to buy pets online due to the high risk of ending up with another sick animal.

Just two weeks later, the man returned with another tiny Pomeranian – bought via the same website, but this time from a different seller. He knew this puppy was sick when he bought it and was in fact given a discount because she was ill – the price was reduced from £300 to £100. He had brought her straight to us for treatment, but this puppy also died just a couple of days later.

The man hadn't visited either of the puppies in their home to see them with their mums. Both had been handed over in a public place.



## WHAT SHOULD BE DONE ABOUT THE LACK OF CONSISTENCY AND CLARITY IN ENFORCEMENT?

 Animal welfare enforcement throughout the country is a patchwork – the system is dysfunctional and there are gaps with animal welfare enforcement.”<sup>45</sup>

*RSPCA Chief Inspector, Dermot Murphy*

We looked at 378 local authorities across Great Britain; the variation among these authorities when it comes to the enforcement of animal welfare legislation is huge.

## LICENCE FEES

A key problem when it comes to consistency is the licence fee for animal-related establishments. A search of council websites reveals licence fees vary significantly.

**£23 > £688**  
TO ACQUIRE A  
**DOG BREEDING**  
LICENCE



**£23 > £782**  
TO ACQUIRE A  
**PET SHOP**  
LICENCE

While we are not arguing for one set licence fee, we would like to see a system whereby the licence fee is directly relatable to the cost of inspection and enforcement.

In our recent survey of licensing officers, 48 per cent of officers stated that their department did not receive enough funding to adequately enforce and implement current statutory animal-related legislation. This lack of funding is likely to have significant implications on an authority's ability to effectively enforce and investigate. While there is the capacity to deal with licensed premises and those in application, there are little resources to deal with premises suspected of needing a licence.

We suggest a national scale for licence fees is the best route to take; this would mean that different types of premises would have different levels of licence fee depending on their level of risk. For example, the licence fee for a large-scale commercial puppy breeding operation should be higher than that of a small-scale home breeder who only breeds one litter annually.

We know that some authorities have already adopted this type of approach; for example, our research shows that at least seven local authorities already vary their licence fee for dog breeding premises based on the number of pets bred. We found eight local authorities set higher licence fees for pet shops selling exotics or puppies, or based fees on the size of the premises. We applaud these, but we believe more needs to be done by Defra to ensure there is a national scale based on a risk register approach that all local authorities can adopt.

When licence fees directly correlate to the cost of both inspection and enforcement, local authorities will be left with more money to proactively investigate both welfare concerns in current premises and the enormous problem with unlicensed premises operating across the UK.

**48% of licensing officers stated that their department did not receive enough funding to adequately enforce and implement current statutory animal-related legislation**



“ Training is a day course every few years”

“ Animal welfare/enforcement training very occasional for no more than one day or just for several hours at each training session”

*Anon, licensing officers*

## TRAINING

The role of licensing animal establishments is a complex one requiring the most up-to-date knowledge on welfare as well as relevant legislation. As trends in pet keeping and breeding change regularly, so do the quantities of certain types of animals being bred and sold across the UK.

It's therefore disappointing to see that many local authority licensing officers have received no training at all: 36 per cent according to a recent Blue Cross survey. More worryingly, 26 per cent of those that had received training said it only amounted to a one-day course.

Blue Cross advocates a national set of standards when it comes to training. All licensing officers should receive a baseline level of training which can be topped up with a regular programme of continuing professional development (CPD). When it comes to training, Blue Cross recognises that there is a role to be played by the third sector in terms of providing up-to-date knowledge and training on the latest developments in animal welfare.

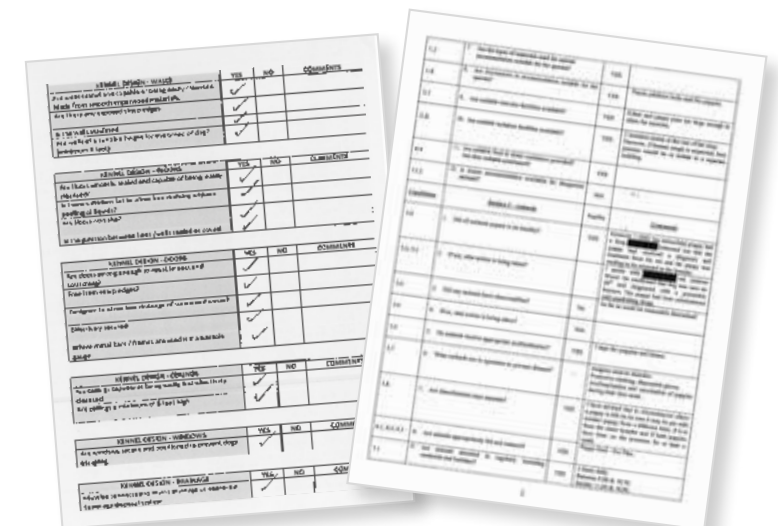
**26% of licensing officers that received training said it only amounted to a one-day course**



## STANDARDISED INSPECTION FORMS

Blue Cross received copies of the most recent inspection forms for pet shops and dog breeders from 132 local authorities: a total of over 1125 reports. The variation in the standard of inspection forms we received was huge, from one-line emails to extensive, multiple-page reports covering all aspects of the model licence conditions.

WE RECOMMEND that all local authorities should be using a standardised inspection form issued by Defra, and we would like to see this based on an updated form of the 2013 model licence conditions.



## DATA RECORDING

Our research shows that there are real inconsistencies in the way that local authorities record data across the board. This makes it very difficult to build up a national picture on important issues such as dog breeding, responsible dog ownership and the scale of the pet trade. Without this national picture it's very difficult for effective new legislation to be made.

We know that Defra are heavily reliant on the third sector for data and, as shown at the recent Environment Food and Rural Affairs (Efra) inquiry, it's doing very little in terms of monitoring "how many breeding establishments are out there and what is happening". The chairman of the select committee went on to suggest that Defra weren't "monitoring what the local authorities are doing".<sup>46</sup> We would go as far as to suggest that the reason Defra are unwilling or unable to monitor what local authorities are doing is that there is no set national framework for the type of data that local authorities should be recording and no single centralised database for the data to be stored on. Long-term, comprehensive and accurate data will help the government to make meaningful and effective legislation that will really impact pet welfare.

## PUBLIC AWARENESS

With multiple enforcement agencies dealing with issues of animal welfare it can sometimes be a confusing picture, not only for enforcers, but also for members of the public in understanding exactly who is responsible for different elements of the system.

Welfare information for pet owners on council websites is also extremely inconsistent. Some local authorities provide large amounts of useful information, others provide very little or make it very difficult to find. Blue Cross would like to see all authorities include standardised information on a range of pet welfare issues as well as prominent links to charity or trade information on their websites.



INCLUDING **DOG TRAINING CLASSES, DOG CONTROL MEASURES, EDUCATIONAL TALKS** ABOUT DOG OWNERSHIP AND **WINTER ADVICE** FOR PET OWNERS

## JOINED-UP THINKING

With multiple agencies dealing with animal welfare issues, it can sometimes be a confusing picture. A perfect example of this comes when we are looking at the issues around dangerous dogs. While serious incidents remain the remit of the police, local authorities have a role to play in tackling lower level incidents and stopping behaviour at an early stage before it develops into something more serious. Defra itself, in guidance issued to enforcers on dangerous dogs, advocates a "good working relationship between the police, local authorities and other bodies with defined responsibilities and possibly setting up of service level agreements".<sup>47</sup>

We know that in some areas of the country there is a good working relationship between the local authorities and the police. These good working relationships allow for a proactive response to issues involving dangerous dogs.

The nationwide approach to enforcement also needs to be more cohesive. While we believe that the devolution of animal welfare to the Scottish parliament and the Welsh and Northern Irish assemblies has brought many positive changes for animal welfare, we are worried that Westminster is often lagging behind in terms of making changes that benefit pet welfare.

We know that Defra currently has no plans to bring the Breeding and Sale of Dogs Act 1999 in line with the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.<sup>48</sup> We would like to see these aligned to ensure all devolved administrations work together to ensure that dog breeding legislation is consistent and adequately protects welfare across Britain.

We know that the Scottish government has also proposed a review of the exotic pet trade which could potentially make changes to the Pet Animals Act, but we would like to see a consistent approach to the issue of exotic pets taken across the whole of Great Britain.



© Blue Cross





“The legislation is out of date with regards to both the breeding of animals and pet shops”  
*Anon, licensing officers*

## OUT-DATED AND INCONSISTENT LEGISLATION

Not only is much of the legislation outdated, definitions and terminology included within the legislation can actually add to the confusion for enforcers rather than assist them in interpreting it. For example, terms such as “hobby breeder” included within the Pet Animals Act can be interpreted very differently by differing authorities, meaning that across the country some sellers are licensed and others not.

This is also true when it comes to dog breeding legislation. Within the Breeding and Sale of Dogs Act there is a confusing statement referring to the number of litters which constitute a “business”. It suggests that five litters or more constitute someone in the “business” of breeding dogs for sale. This was meant to help authorities identify which breeders would need a licence, but Defra admits that it has led to confusion amongst local authorities regarding thresholds. It says: “Some confusion still remains about the threshold and how it should be used in practice. Some may still regard the five litter test as the threshold, and not apply the business test for those producing fewer litters.”<sup>49</sup>

While Defra has indicated it intends to make changes to the legislation on thresholds, we do not think this is the best way to clarify the law.

*Blue Cross believes that local authority licensing officers would find it much simpler to identify those that need a licence if the legislation required anyone breeding for sale to apply for a licence, regardless of litter thresholds or hobby breeder exemptions. Then, local authority officers would not be left to interpret the legislation.*

## UTILISING EXISTING MODEL LICENCE CONDITIONS EFFECTIVELY

Model licence conditions exist for both dog breeding and pet shop licensing to aid local authorities in ensuring high levels of welfare. These conditions have been drawn up jointly by government and the welfare sector and, although we believe they could go further, we feel they are an extremely useful tool for authorities when setting the licensing conditions. It’s therefore concerning to see that not all local authorities are using them or have the most up-to-date versions.

While we recognise the value in local authorities going above and beyond the model licence conditions where they feel it appropriate, we would argue that the model licence conditions should act as a statutory starting point for all authorities across the UK.

## WHAT'S NEXT?

WE URGE POLITICIANS TO WORK TOGETHER TO INTRODUCE EFFECTIVE LEGISLATION THAT ENABLES ENFORCERS TO TACKLE THE LARGE ARRAY OF PET RELATED ISSUES.

It is essential that local authorities are provided with the training and resources required to competently carry out their duties.

We hope that the recommendations outlined in this report are a first step towards achieving meaningful solutions for pets and pet owners across the UK.



# APPENDIX

UNDER THE FREEDOM OF INFORMATION ACT 2000 AND FREEDOM OF INFORMATION (SCOTLAND) ACT 2002, I WOULD LIKE TO MAKE THE FOLLOWING REQUEST FOR INFORMATION RELATING TO THE ANIMAL SERVICES PROVIDED BY YOUR LOCAL AUTHORITY.

## DOG WARDEN SERVICE

1. Does the local authority employ a dog warden or outsource the role? If the role is outsourced, who is responsible?
2. What has been the local authority's annual spend on the dog warden service for the last three years? Either for in-house or outsourcing the role.

2013	2014	2015

3.A) Provide the number of individual instances where the dog warden service has been called out in the last three years.

2013	2014	2015

B) Please indicate which type of instance received the most call outs in 2015:

Stray	
Lost dog	
Dangerous dog	
Other (please expand)	

4. Please indicate if the dog warden service is 24 hours.

Yes – dog warden is available 24 hours	
Yes – phone line only	
No – service is set times in the day	
Other (please expand)	

# APPENDIX (cont'd)

## ANIMAL LICENSING SERVICE

1. Please provide details of the number of premises licensed under the Pet Animals Act 1951 and Breeding of Dogs Act 1973.

Premises licensed under the Pet Animals Act 1951	
Of the premises licensed under the Pet Animals Act 1951, how many sell puppies?	
Premises licensed under the Breeding of Dogs Act 1973	

2. Please provide copies of the most recent inspection report(s) for all such licences. If no written reports are available, please indicate the date on which the most recent report was conducted, and by whom (job title, not personal details).
3. How many licensed premises have required further investigation due to public complaints or concern about animal welfare issues following an inspection between January 2013 and December 2015?

Jan – Dec 2013	
Jan – Dec 2014	
Jan – Dec 2015	

4. How many investigations have been made into premises suspected of needing a licence between January 2013 and December 2015?

Jan – Dec 2013	
Jan – Dec 2014	
Jan – Dec 2015	

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If you had concerns about each of the following, who would you be most likely to report it to?

The police/ the RSPCA / the local council / Other, please specify / I would not report this / I would not know who to report this to:

- a) An animal advertised online
- b) An animal for sale in a pet shop
- c) The welfare of another individual's pet in your local community
- d) Stray dog
- e) An individual irresponsibly breeding dogs

# REFERENCES

- 1 Pet Food Manufacturers' Association (2016). Regional Pet Population 2016.
- 2 Dangerous Dogs Act 1991. Available at <http://www.legislation.gov.uk/ukpga/1991/65/section/1>
- 3 Defra (2012). Zoo Licensing Act 1981: Guide to the Act's Provisions. Available at <https://www.gov.uk/government/publications/zoo-licensing-act-1981-guide-to-the-act-s-provisions>
- 4 Defra (2013). Animal welfare – guidance. Available at <https://www.gov.uk/guidance/animal-welfare-legislation-protecting-pets>
- 5 Pet Animals Act 1951. Available at <http://www.legislation.gov.uk/ukpga/Geo6/14-15/35>
- 6 Reed, J (2015). RSPCA prosecution powers 'to be examined by MPs'. [online] Available at <http://www.bbc.co.uk/news/uk-34314004> [accessed 21st September 2016]
- 7 Environment, Food and Rural Affairs Sub-Committee (2016). Oral Evidence: Animal Welfare: domestic pets HC655.
- 8 Environment, Food and Rural Affairs Sub-Committee (2016). Oral Evidence: Animal Welfare: domestic pets HC655
- 9 Criminal proceedings initiated by an individual or private organisation e.g. RSPCA, League Against Cruel Sports
- 10 Environmental Protection Act 1990. Available at <http://www.legislation.gov.uk/ukpga/1990/43/section/149>
- 11 Defra (2013). Anti-social, Behaviour, Crime and Policing Bill. Fact sheet: Overview of dangerous dogs measures.
- 12 Home Office (2014). Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers; statutory guidance for frontline professionals.
- 13 Defra (2015). Consultation on the review of animal establishments licensing in England.
- 14 Defra (2013). Animal welfare – guidance. Available at <https://www.gov.uk/guidance/animal-welfare-legislation-protecting-pets>
- 15 Defra (2013). Animal welfare – guidance. Available at <https://www.gov.uk/guidance/animal-welfare-legislation-protecting-pets>
- 16 Battersea Dogs and Cats Home (2015). Licensed Dog Breeding in Great Britain.
- 17 Defra (2015). Consultation on the review of animal establishments licensing in England.
- 18 APGAW (2014). Minutes from enforcement of animal welfare legislation meeting. Available at <http://www.apgaw.org/Data/Sites/1/20th-january-2015-minutes.pdf>
- 19 APGAW (2014). Minutes from dog welfare meeting. Available at <http://www.apgaw.org/Data/Sites/1/2nd-december-2014-minutes.pdf>
- 20 RSPCA (2010). Improving dog ownership: The economic case for dog licensing.
- 21 Sefton Metropolitan Borough Council. Dog Warden [online] Available at <https://www.sefton.gov.uk/environmental-protection/pests,-pollution-and-food-hygiene/dogs.aspx> [accessed 22nd September 2016]
- 22 National Dog Warden Association (2012). Written evidence submitted by the National Dog Warden Association. Available at <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenvfru/575/575vw14.htm>
- 23 All-Party Parliamentary Group for Animal Welfare Sub-group for Dogs (2014) Review and Recommendations for Developing an Effective England wide Strategy for Dogs. Available at <http://www.apgaw.org/Data/Sites/1/the-dog-strategy-.pdf>
- 24 BBC (2015). Rise in 'dog bite' hospital admissions. Available at [www.bbc.co.uk/news/uk-32912084](http://www.bbc.co.uk/news/uk-32912084)
- 25 HL Deb (2014). C99
- 26 Defra (2014) Dealing with irresponsible dog ownership. Practitioner's manual.
- 27 HC Deb (2015). cW
- 28 National Dog Warden Association (2012). Written evidence submitted by the National Dog Warden Association. Available at <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/95/95vw36.htm>
- 29 Haile, T (2014). What you think you know about the web is wrong. [online] Available at <http://time.com/12933/what-you-think-you-know-about-the-web-is-wrong/>
- 30 Efra oral evidence session (2016). Animal welfare: domestic pets HC655
- 31 APGAW (2014). Minutes from enforcement of animal welfare legislation meeting. Available at <http://www.apgaw.org/Data/Sites/1/20th-january-2015-minutes.pdf>
- 32 Battersea Dogs and Cats Home (2015). Licensed Dog Breeding in Great Britain.
- 33 Pet Business Insurance (2016). Unlicensed pet shop prosecuted. [online] Available at <http://www.petbusinessinsurance.co.uk/news/unlicensed-pet-shop-prosecuted/> [accessed 21st September 2016]
- 34 Figures are based on an average litter of four puppies with an average cost of £500 per puppy
- 35 28 local authority areas, equalling 26 per cent of areas surveyed
- 36 Cooke, F, Crispin, S & Radford, M (2016). Efra written evidence (AWF 274)
- 37 Parvovirus is a fatal disease that is easily preventable with routine vaccination
- 38 OATA (2016) Freedom of Information Request on Pet Shop Licensing 2016.
- 39 The Chartered Institute of Environmental Health (2013). Model Conditions for Pet Vending Licensing 2013.
- 40 Animal Welfare Act 2006. Available at <http://www.legislation.gov.uk/ukpga/2006/45/contents>
- 41 OATA (2016) Freedom of Information Request on Pet Shop Licensing 2016.
- 42 See Ryan Neile quote, page 39
- 43 The legal maximum is one litter in 12 months per bitch, as stated in the Breeding and Sale of Dogs (Welfare) Act 1999
- 44 Kennel Club (2016). Supplementary written evidence from the Kennel Club. Assured breeder scheme members self regulation in practice (AW297).
- 45 APGAW (2014). Minutes from enforcement of animal welfare legislation meeting. Available at <http://www.apgaw.org/Data/Sites/1/20th-january-2015-minutes.pdf>
- 46 Efra oral evidence session (2016). Animal welfare: domestic pets HC655
- 47 Defra (2009). Dangerous Dogs Law; Guidance for Enforcers.
- 48 Environment, Food and Rural Affairs Sub-Committee (2016). Oral Evidence: Animal Welfare: domestic pets HC655.
- 49 Defra (2015). Consultation on the review of animal establishments licensing in England.
- 50 ComRes interviewed 2,046 GB adults between 19 and 21 August 2016. Overall data were weighted to be representative of all GB adults aged 18+. ComRes is a member of the British Polling Council and abides by its rules.

