

P-05-939 Immediate embargo on new dog breeding licences, licence renewals and planning applications until regulations are fit for purpose and enforceable.

Y Pwyllgor Deisebau | 25 Chwefror 2019
Petitions Committee | 25 February 2019

Reference: RS20/11539-2

Petition Number: P-05-939

Petition title: Immediate embargo on new dog breeding licences, licence renewals and planning applications until regulations are fit for purpose and enforceable.

Text of petition: Following the BBC One Wales documentary on Monday 30th September 2019 highlighting the appalling state of the licensed, legal, regulated puppy farming trade in Wales, the failures of the inspection process, the inconsistencies and inaccuracies of Council licensing inspection reports and the often disturbing guidance provided to licensing inspectors (who are not animal welfare experts) by vets on the fitness of dogs to be bred from, we are calling on the Minister to intervene with immediate effect and instruct all Welsh Councils to embargo any further licensing, licensing renewal and planning applications relating to dog breeding until such time as there has been a full inquiry into these failures: Failures that we have been providing evidence on for years to both the Welsh Government and councils and which has summarily been ignored or dismissed. There is absolutely no point in the further issuing of dog breeding licences under the circumstances we have cited. To do otherwise would be to condone a broken licensing system, endanger the welfare of breeding dogs and puppies in these establishments and provide the public with a false sense of security believing that licensing as it stands means an establishment is satisfactory to purchase a canine companion from. It is clear that there is little for the public to discern between a licensed and unlicensed puppy farm and as the Minister has herself made a commitment to run puppy farming out of Wales it stands to reason that she will be of a mind to take the most urgent and appropriate action to see that this happens now. Whilst we welcome the promised urgent review of the current licensing system, this does not go far



enough. Until such time as new, robust, fit for purpose regulations are laid by the Welsh Government, no further licensing, licence renewals or planning applications for new dog breeding establishments or extensions to existing breeding establishments should be approved.

1. Background

Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

The Welsh Government introduced the *Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014* ('2014 Regulations') with the aim to improve standards of dog breeding. The Regulations came into force on 30 April 2015. The 2014 Regulations replaced the *Breeding of Dogs Act 1973* in Wales and introduced stricter welfare criteria for dog breeding. The 2014 Regulations:

- require the licensing of breeders who keep three or more breeding bitches and either breed, sell, supply or advertise breeding or puppies for sale from their premises;
- introduce stricter welfare standards for breeding establishments;
- require breeders to adopt socialisation, enhancement and enrichment programmes for their animals; and
- create a minimum staff to adult dog ratio.

Enforcement of the Regulations is undertaken by local authorities. In April 2018, the Welsh Government published [Dog breeding establishments: guidance for local authorities](#). There have been examples of [prosecutions](#) where breeders have continued to breed and sell puppies without a licence.

Several animal welfare charities are concerned that the current Regulations do not go far enough to protect the health and welfare of the dogs. For example RSPCA Cymru's [Delivering for a decade: 10 years of the Animal Welfare Act in Wales: 2007-2017 \(PDF 1.37MB\)](#) (page 16) outlines the RSPCA's continued concerns around dog breeding, particularly around staff to dog ratios. It sets out a recommendation:

While a positive step forward, the minimum one staff member to 20 breeding bitches ratio threatens to undermine the purpose of the regulations. Sadly, this ratio excludes puppies. Given that one breeding bitch could have a litter of up

to 10 puppies, RSPCA Cymru fears this ratio will provide a legal safeguard to a situation whereby one attendant faces the prospect of caring for more than 200 dogs and puppies at once – allowing little over 120 seconds to provide for each animal in a working day. RSPCA Cymru has long argued that any minimum staffing ratio should take into account puppies, studs and bitches.

Respondents to the Welsh Government’s consultation on [Third Party Sales of Puppies and Kittens](#) (February 2019) referred to the ‘inability’ of local authorities to ‘properly inspect’ licenced breeding establishments because of a ‘lack of resources and limited training’.

There have been renewed calls for regulation of puppy farms following a [BBC documentary](#) which highlighted welfare issues in some breeding establishments.

This petition is calling for a ban on dog breeding until the Regulations are ‘fit for purpose and enforceable’. It is important to note that this is different from the high profile [Lucy’s Law campaign](#) which relates to a third party sales ban which would mean that pet shops, pet dealers and other outlets and licensed sellers of puppies and kittens would be unable to sell these pets unless they had bred them themselves.

2. Welsh Government action

The Welsh Government has committed to reviewing the 2014 Regulations. Following the aforementioned BBC documentary, the [Minister for Environment, Energy and Rural Affairs made a written statement](#) on 9 October 2019 setting out further urgent action to regulate the industry:

I have written to the Wales Animal Health and Welfare Framework Group to accept their offer of help and request an urgent and immediate review of our dog breeding regulations. The review will include full consideration of any current barriers to enforcement and how impartial veterinary advice is provided during the licensing and inspection process.

I have written to all Local Authority CEOs to raise concerns and invite relevant representatives to a meeting with the Chief Veterinary Officer for Wales to discuss the licensing process, enforcement and barriers to it.

The Chief Veterinary Officer for Wales immediately referred the BBC programme to the Royal College of Veterinary Surgeons.

Officials are developing a campaign aimed at members of the public who may be considering purchasing a puppy highlighting the importance of sourcing responsibly.

In correspondence with the Climate Change, Environment and Rural Affairs (CCERA) Committee (item 4.2) (17 January 2020) the Minister set out timescales for the review:

The report of the review of the Animal Welfare (Dog Breeding) (Wales) Regulations 2014 was originally due on 31 December 2019. Following a slight delay it was submitted on 7 January. My officials will submit recommendations on next steps to me after full analysis of the report. At this stage, I can confirm the report has recommended a revision of the 2014 Regulations. This includes many of the issues you have raised such as reviewing the current inspection system, staff to adult dog ratio, tackling illegal breeders and addressing barriers to enforcement.

In the Minister's letter to the Petitions Committee (15 January 2020) she says (emphasis added):

Any changes to legislation or to enforcement must be proportionate and evidence based. Dog breeding is a legitimate business and the majority of breeders meet the required welfare standards. **There are approximately 260 licenced breeders in Wales and it would not be appropriate to implement a moratorium which would penalise lawful breeders for the actions of others.**

3. National Assembly for Wales action

The Petitions Committee has recently considered two related petitions:

- P-05-915: Call for better enforcement of puppy farms in Wales: and
- P-05-856: Ban the sale of puppies by pet shops and all commercial 3rd party dealers in Wales.

The issue of dog breeding has been the subject of discussion in Plenary several times in recent years. This has included calls for the Welsh Government to review the 2014 Regulations.

The issue was most recently discussed in Plenary on 29 January 2020 when the Minister committed to publishing a report and recommendations of the Animal Health and Welfare Framework Group following February recess. She said:

The recommendations are comprehensive and include enforcement, training of local authority officials and vets, amendments to licence conditions, as well as consideration of other legislation linked to the breeding and selling of dogs.

The CCERA Committee has raised the issue of animal welfare and dog breeding several times. The Committee questioned the Minister on this policy area most recently during budget scrutiny on 16 January 2020. The Minister recognised there could be additional financial implications for local authorities in the enforcement of further regulation. However, these would vary depending on the number of puppy farms in the region. She suggested this could be mitigated through collaboration by local authorities in order to maximise resources and expertise. The Minister acknowledged that additional funding for local authorities might be necessary eventually after all such opportunities had been exhausted.

The CCERA Committee recommended in its budget report that:

The Minister should report back to the Committee on any discussions she has had with the Minister for Local Government and Housing and local authorities about how the costs arising from her proposed animal welfare interventions will be met.

The CCERA Committee is awaiting a response to its report.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.