

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

In principle we would agree with the concept of a single Animal Establishment licence. We would like to see assurances from Defra that the single establishment licence will not reduce the degree of protection to animals that the current regime conveys. Furthermore, we feel that the Model Licence Conditions would need to be re-examined to ensure that they are fit for purpose. If licences are issued then the associated conditions should ensure that they are sufficiently relevant to the welfare needs of the specific species of animals involved in the regulated activity. (see response to question 2.)

Proper enforcement across all local authorities is crucial. A generic licence should, in theory, allow more consistent application of the same standards across all local authorities. This could be augmented by issuing standardised inspection forms to LAs as well as ensuring that local enforcement officers are given specific training to ensure that they can competently carry out their role. Inspections of animal establishments is a qualitatively distinct activity from inspecting other establishments which require a licence. The specialised and varying needs of individual species require that inspectors specialise in animal welfare establishment inspections.

Inspections carried out by officers that lack the requisite knowledge risks the licence regime effectively becoming a rubber stamp exercise and will render the regulatory system less effective. Inspections should be carried out by a qualified vet that has experience of the species in question. The licence fee is intended to be cost neutral. The increase in cost of inspections by qualified vets should be reflected in the licence fee.

There should be a requirement to apply for a new licence in the event of a change to the business or to business activities, including branching out to other species or to breeding as well as selling. Any such changes should not be regarded as an extension of a currently licenced activity but a new activity in its own right with possible welfare implications that need to be addressed.

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

We agree that the issuing of a licence should come with associated conditions that ensure a high standard of welfare for the animals involved. The model licence conditions as proposed however, are not robust or detailed enough to be considered adequate. An article in the Journal of Animal Welfare, Science, Ethics and Law Veterinary Association<sup>1</sup> pointed out the various inadequacies of the current model licence conditions. This guidance does not reflect up to date scientific knowledge of animal husbandry and, in some circumstances, could clash with current animal welfare legislation, including the Wildlife and Countryside Act 1981 (birds unable to fully extend their wings in size of cage detailed in the conditions) and the Animal Welfare Act 2006. If such conditions were to remain the standard, the welfare of animals, particularly of certain types of exotics, would be compromised. We would seek a full revision of the conditions that fully takes account of peer reviewed science, with input from animal welfare specialists to ensure that the document is fit for purpose and reflects current scientific knowledge of animal welfare. We would like to see conditions that guarantee good rather than absolute minimum welfare standards.

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[https://www.researchgate.net/publication/268507715\\_Model\\_Conditions\\_For\\_Pet\\_Vending\\_Licensing\\_2013\\_Chartered\\_Institute\\_for\\_Environmental\\_Health\\_32pp](https://www.researchgate.net/publication/268507715_Model_Conditions_For_Pet_Vending_Licensing_2013_Chartered_Institute_for_Environmental_Health_32pp)

**3) To what extent do you agree or disagree with the proposal to prohibit the sale of puppies below the age of 8 weeks?**

We agree with this proposal but would like to see further measures. In 2013 the Pet Advertising Advisory Group (PAAG) launched a set of Minimum Standards for classified advertising websites. These were endorsed by Defra and adopted by 6 UK websites. As part these standards, PAAG already requires classified websites to ensure that no puppy is advertised as ready to be transferred to a new owner under eight weeks. In addition to this requirement, we would also like to see all adverts displaying the age of the animal advertised. There should be an obligation for breeders to ensure that the puppy is not separated from its mother until it is older than eight weeks old and the model conditions should emphasise the importance of properly socialising puppies.

The conditions should stipulate that puppies must not be sold without their mothers being present where possible. We recognise that there may be circumstances where a breeding female has died as a result of an unavoidable circumstance and not related to the standard of care received. If a mother has died for whatever reason, it is essential that this be catalogued as part of a comprehensive register of births and deaths of animals being bred or kept. This register should be submitted annually to the licencing authority and be used as part of the licence review process. Not only will this provide evidence of why a puppy is sold without its mother being present, it will also be useful in assessing any establishments that may have a statistically higher mortality rate which could merit a site inspection.

As well as applying this prohibition to the sale of puppies, we would like to see a similar prohibition on selling kittens that are under the age of 8 weeks as they are also known to be susceptible to behavioural problems if not properly socialised.

**4) To what extent do you agree or disagree with the proposal to make clear that the statutory licencing threshold for dog breeders is set at three or more litters per year?**

We support a move to lower the statutory licencing threshold for dog breeders, particularly as this will make it easier for classified websites to identify commercial sellers. We would consider, however, that the litter threshold should be changed to anything over one litter per year. Ideally, anyone selling a puppy that is born from a mother they own should be classed as a breeder and consequently registered, however we believe that limiting the threshold to more than one litter per year is an appropriate compromise between the need to regulate commercial breeders and the desire to limit the regulatory burden on pet owners who did not intend to produce, and are not looking to profit from breeding in the future. For such owners, a lighter registration system should instead be created. As mentioned in the answer to question 3, we would recommend a registration process for all births and deaths of animals going through an establishment. This would not only increase regulatory effectiveness by providing an accessible and conferrable source of information for inspectors and licensors, it would also provide clear evidence of business activities. Fraudulent auditing should be able to be penalised by revocation of the licence, or the addition of further conditions such as more regular reporting or a higher licence fee.

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

PAAG Minimum Standards already require websites to display prominent links to advice on buying and selling a pet. We welcome the proposal to legally require sellers to provide information. We feel, however, that current industry care information materials that are provided to customers are not of a uniform standard across the industry. Care and welfare information of the same quality and

standard available for dogs and cats should also be available for exotic species. Where this can't be provided because of a lack of scientific knowledge of how to meet the welfare needs of the animals, we would suggest that it is not appropriate to sell them. The welfare needs and the risks to the welfare of the individual animal must be the principle factor in determining whether or not it is appropriate to keep an animal of a particular species.

Welfare codes currently contain a minimum amount of information. They should include information on the legal responsibility of owners and include all essential care information required to meet the welfare needs of the animal. Industry care guides can vary in quality and do not always represent good practice. Given the quality of care guides that have been produced by industry bodies, it is essential that information that is provided is sourced from independent and impartial animal welfare experts. Any care sheets produced by the industry should clearly state that the advice contained within them is not comprehensive and that consumers should seek independent advice on the care of the particular species they are purchasing.

## **6) What other proportionate measures could address concerns around the care of exotic animals?**

Positive List:

In the age of the internet and a major shift towards online sales of pets, it is easier than ever to purchase exotic animals, whether they have been bred in the UK or taken from the wild. There are some species of animals that are not suitable to be kept as pets. In the absence of objective scientific evidence that an animal can be kept reasonably easily as a pet without compromising good welfare, it should not be legal to keep it as a pet. If the scientific community does not have the required information to care for a particular species in captivity, then a consumer cannot be expected to have any more relevant knowledge. The Blue Cross and Born Free Foundation's report, "One Click Away"<sup>2</sup> highlights many of the issues related to the exotic pet trade. The ease by which an exotic animal can be purchased, combined with the fact that they are not animals that have been bred by man for very long and are less similar to us compared to dogs or cats, makes it more likely that welfare issues may go unrecognised, leading to more serious issues. Some exotics have needs that are particularly specialised, making it more difficult to keep welfare standards high, even with relevant knowledge. A positive list system, as effectively demonstrated in Belgium and the Netherlands, which prescribes the species that can legally be kept as pets, should be implemented as soon as is practicable. This system has many benefits over the current regime. For any species on the list, it should be demonstrated through scientific, peer reviewed evidence that it can be kept relatively easily in captivity whilst maintaining good welfare. In addition to being the most effective way of increasing the level of protection of exotic species, the positive list system carries with it a number of technical advantages as well. The reduction in the number of species that are permissible should be effective at reducing the administrative burden of enforcement, making it easier for standardised inspection documentation to be produced for local authorities to disseminate to inspectors, reducing the number of exotic species that inspectors are required to have knowledge of and making enforcement a more efficient exercise.

Regulate online adverts:

The Pet Advertising Advisory Group provides its engaged websites with a list of these species so that any adverts can be filtered out and banned. These can be animals that are illegal to be sold, or are

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<sup>2</sup> <https://www.bluecross.org.uk/sites/default/files/downloads/one-click-away-full-report.pdf>

dangerous, endangered or because of welfare concerns and/or complex welfare needs. We believe that PAAG's list should be applied to all online and offline establishments and incorporate all relevant species, not just exotics.

When advertising any pet online, sellers should be required to specify the species they are selling in order to allow purchasers to do their research in the same way as they can for other species. This will help purchasers to identify the specific needs of the species they are purchasing, as well as any health risks the animal may pose.

Qualification of business owner:

Owners of pet vending businesses should be required to hold a relevant qualification to ensure that they possess the requisite knowledge when selling pets. The qualification should be specific to the species that the business deals with. In order to extend an establishment licence to additional species, the issuing body should seek evidence of further qualifications for the new species if this is not covered by the qualification that was relied upon to secure the licence originally.

Register of sellers:

We would suggest the creation of a centralised, publicly accessible list of registered and licenced sellers. PAAG would also like to see this implemented by all devolved governments. This would allow a simplified system that would be user friendly and easily accessible for purchasers to verify the seller. In conjunction with this, websites should require that potential sellers fill out a mandatory field where they must enter their licence number, so that potential buyers can verify their identity independently. This could be an effective way of tightening the regulation of the online pet trade.

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

We would not have any objections to this proposal.

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

We do not agree with this proposal. Licencing of animal establishments carries with it implications for the welfare of living creatures that are capable of experiencing negative emotions, pain and suffering. It is important that the regulatory framework reflects the serious nature of protecting the welfare of animals used in commercial operations. The regulatory framework should recognise and adequately mitigate the risks to animal welfare that this relationship entails through close monitoring of establishment standards and practices. The responsibility that we have for the welfare of animals over which we declare ownership demands a strict regulatory regime that prioritises animal welfare as the central consideration. Extending the licence period limit to up to three years on its own would weaken the protection of animals in these establishments. Furthermore, standards could change very quickly, with serious consequences for welfare. If the maximum licence period is increased to three years, then it is crucial that at least one unannounced inspection per year is carried out on the premises by a qualified specialist inspector who has knowledge of the specific species on the premises. Refusal to allow inspectors access during unannounced site visits should be considered a serious breach of licence conditions with the potential consequence of licence revocation.

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

We object to this proposal. The consultation document does not state what is required for the local authority to approve a licence transfer. Any licence transfer that does not carry with it the same degree of assessment of the new owner's suitability as a new licence application would undermine the strength of the licence regime and would not adequately protect animal welfare. Any transfer of licence should require an assessment of the qualifications and suitability of the new owner. The point at which a licence is transferred/renewed would be an appropriate time to inspect the premises again and highlight any changes that need to be made by the new licence holder in order to comply with licence conditions. This would prevent bad practices taking hold from the outset or being carried over from the previous licence holder.

**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 a change of premises or scale of activities?**

We agree in principle that licence holders should be required to notify the local authority of any material changes. This will facilitate more effective decision making by the licence issuing body. The reporting facility must not, however, be seen as replacing the need for regular inspections of premises by qualified inspectors. Notification of major changes should be used to readjust the risk assessment of a particular establishment. The system of inspections should be flexible enough to respond to material changes that may impact on the nature or degree of care that is required by the establishment holder. Notification of changes should carry with it a requirement for the licence holder to submit an animal-welfare-focussed risk assessment of the changes. Unsatisfactory risk assessments, or a major change that has significant potential to impact on welfare, such as new premises, a diversification of species or a scaling up of the business, should require an inspection in the same way as the standard licence issuing process.

**11) To what extent do you agree or disagree with the proposal to maintain the registration requirement for performing animals?**

We are of the view that there are particular welfare concerns around the use of performing animals. For years we have been campaigning for a ban on the use of wild animals in circuses and would like to see an end to the delays on this issue (see our consultation response on this matter from 2010).

In terms of the registration requirement, the very nature of the activities performing animals are being made to carry out for many performances is at odds with their nature. The risks to the welfare of these animals is particularly high. As such, we would like to see such activities brought into the licence regime rather than a mere registration of activities, with no specific conditions relating to animal welfare. If this is to happen, establishments should be subject to more stringent and frequent inspections with strict licence conditions pertaining to appropriate methods and length of training, as well as stipulations as to minimum rest, exercise and mental stimulation programmes where relevant, specific to the welfare needs of the species. An objective assessment of the type of performance should result in the issuing of licence conditions that take into account any aspects of the performance that are likely to result in stress, such as the number of people in the audience, consequent noise levels, any temporary confinement, potentially aversive handling practices during and out with performing and training sessions and other environmental conditions.

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

If a decision was made to remove regulation of performing animals because, “the rationale would be that there are relatively few activities that fall under this Act.” and simply rely on the Animal Welfare Act 2006, there would be no facility for inspections of premises unless there was evidence of a breach of the law. The lack of registration will result in these activities becoming even more difficult to track, which will in turn make gathering evidence of breaches to the Animal Welfare Act 2006 even more difficult. This is a highly inadequate approach and, if implemented, would fail to demonstrate that animal welfare considerations have been given sufficient gravity. Disregarding a particularly vulnerable group of animals that are more likely to experience stress and suffering due to the unnatural activities they are trained to perform, on the basis that it is a relatively niche activity, is unacceptable. It is also an assertion that does not recognise the number of businesses that make use of performing animals, including mobile petting zoos and film and TV productions. The numbers are larger than the consultation paper has acknowledged. This assertion fails to recognise the higher risk to the welfare that this class of activity presents. Relying on the Animal Welfare Act 2006 to prevent suffering is particularly difficult in the context of circus animals due to the fact that they are often transported regularly to different locations, with access to them very restricted when they are not performing, making investigation of reports made to the RSPCA without a warrant very difficult in many cases. We feel that it is crucial that unannounced spot checks are carried out to ensure that good welfare standards are being maintained, with the Animal Welfare Act 2006 acting as an enforcement tool in the event that the inspection reveals a breach of the Act. The removal of a mechanism to identify bad practices before they lead to great suffering would be a worrying regression.

As with question 11, we would like to see the regulation of performing animals brought into line with the licencing of animal establishments. The changes already discussed in question 1 should homogenise the licencing system across local authority areas. The issuing of a licence must require a full schedule of locations, dates and times that performances shall take place. Changes to the itinerary should be regarded as a material change which should require notification to the local authority or authorities if the change in location takes it across an LA boundary. Licences should be held on a central database which can be easily accessed by all local authorities so that travelling between local authority areas does not obfuscate the business activity. Local Authority licence bodies should be able to easily search for licences issued by other local authorities and should also have the authority to apply further conditions for licenced activities taking place within their region at their discretion.

**13) To what extent do you agree or disagree with these proposals on powers of entry?**

We do not have any comments to add here.

**14) To what extent do you agree or disagree with the proposal to allow an exemption from licencing requirements for businesses affiliated to a body accredited by UKAS?**

We would disagree with this proposal.

We have concerns around the creation of a two tier system for different establishments. If UKAS accreditation is used to assess self-regulation of particular establishments, this should be in addition

to the licencing regime. UKAS accreditation only assesses the system of self-regulation. The controversies around the Greyhound Board of Great Britain's system of self-regulation has demonstrated that UKAS accreditation is not an effective or sufficient method of protecting the animals being used in the business activity. Additionally, UKAS accreditation of the GBGB only covers the racing tracks and does not cover other areas of related business activity where there are still risks to animal welfare, such as the kennels where the greyhounds spend most of their time. A licencing system to promote animal welfare must actually be focussed on welfare, which does not necessarily fit with the arbitrary classifications (in welfare terms) of business activities that the regulatory system may choose to deal with. UKAS accreditation should apply to all premises relating to the use of the animal.

We have reservations over certain organisations that may seek to become UKAS accredited. The Ornamental Aquatic Trade Organisation, for example, has campaigned against regulation of the trade of certain non-native invasive species such as apple snails, the import of which is now prohibited in the EU. Guidance documents on animal welfare issued by exotic pet trade bodies have, as previously discussed, been criticised as being inept and demonstrating insufficient knowledge of animal husbandry or animal welfare law.

We are also concerned that accreditation may be seen by the public as implying a high standard of animal welfare. The general public are likely to view accreditation as implying a higher standard of welfare than is actually the case. They may see it as an acknowledgment of high welfare standards, rather than merely an assessment of the regulatory framework itself. Furthermore, accreditation rather than licencing removes a democratic element of the process. Without a system of licencing with conditions attached, members of the public who wish to report animal welfare concerns will be less able to convey these concerns to their local authority and expect these concerns to be followed up. A system of self-regulation is entirely inappropriate when it has already been demonstrated not to work effectively in the context of protecting animal welfare.

**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?**

A UKAS accreditation scheme may be more appropriate in certain circumstances, such as dog trainers and behaviourists. There is currently no regulation of dog trainers, resulting in varying quality of advice and training methods, with consequent animal welfare implications. OneKind recently carried out a survey of dog trainers across Scotland to determine their views on the use of electronic training devices such as shock collars. This survey fed in to our consultation response on the regulation of these collars in Scotland. Whilst the overwhelming majority of trainers supported a ban on electric shock collars (91%) there was still a small contingent who strongly advocated the use of electric shocks to train dogs with particularly entrenched behavioural problems. These attitudes demonstrate a lack of understanding of modern training methods and current scientific understanding of canine psychology and behaviour. Despite these concerns, we feel that a licencing system in this context would be too onerous and burdensome, given the very small size of many of these businesses and accepting that the act of training a dog in this context is not inherently exploitative as are, for example, greyhound racing or breeding animals for sale. Dog grooming services would also fall under this category and could benefit from a system of UKAS accreditation.

We feel that this is a very broad topic and would like to see a separate review of the issue of UKAS accreditation of currently unlicensed areas.