

Report to the Tyne and Wear Trading Standards Joint Committee

16 February 2017

Report of the House of Commons. Environment, Food and Rural Affairs Committee. Animal Welfare in England: Domestic Pets

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Purpose of the report

To update the Committee on the report by the House of Commons, Environment, Food and Rural Affairs Committee of the review of Animal Welfare in England: Domestic Pets.

Summary

1. The UK is recognised as a nation of pet lovers. Approximately one in two households owns a pet amounting to around 21 million pets in all (excluding fish), including 8.5 million dogs and 7.5 million cats. The Animal Welfare Act 2006 provides for the welfare of all kept animals. In addition, a number of older pieces of legislation regulate particular animal activities, including breeding and sale. The report focused on dogs, cats and horses.
2. The Committee found that there are many flaws in the legislation, from licensing through enforcement and to sale, which lead to inadequate protection of animals. They have focused on the need for transparency, traceability and enforcement through the supply chain.

Key recommendations

3. Recommendations focus on the need for transparency, traceability and enforcement. There are many good, responsible breeders of dogs and cats in the UK. However, there are also a large number who think more of the financial rewards than the health and welfare of the animals they breed. In particular, the dog breeding industry can be extremely lucrative: it is easy for an unknowing member of the public to buy a puppy from unlicensed or illegal sellers. The process must be licensed and regulated, making the industry more transparent and ensuring that animals can be traced back to their breeders.
4. There is a need to improve enforcement of the licensing regime. The inquiry has highlighted the differing priority that is given to animal welfare across local government in England, and variation in the training and experience of licensing inspectors. The Committee believes that establishing a separate licensing body will provide the professional level of expertise that is needed for such a difficult role.

5. The Animal Welfare Act 2006 was an important step in animal welfare. However, not enough has been done since to make the Act as effective as it could. The Committee takes the view that it is unacceptable that no state organisation has statutory responsibility for enforcement of the Animal Welfare Act. The Committee believes that local government needs to be responsible for the enforcement of the Animal Welfare Act.

Secondary Legislation

6. The Animal Welfare Act 2006 has the potential to significantly improve levels of animal welfare. However, the effectiveness of the Act has been undermined by the lack of secondary legislation. Recommend that the Government set out a timetable for the secondary legislation that was foreseen ten years ago in the Animal Welfare Act 2006.

Progeny of dogs

7. The Committee recommends that the Government pass regulations to protect the genetic viability and welfare of offspring as well as adult dogs.

Awareness of the Act

8. The Committee recommends that the Government develop an ongoing partnership with animal welfare charities to educate the public in England about the Animal Welfare Act 2006.
9. The Committee recommends that the Government examine how animal welfare can be incorporated into citizenship classes as part of the school curriculum.

Breeding of dogs

10. The puppy market is extremely profitable. However, much of it works in the dark, with unlicensed breeders able to dominate the market. Transparency is vital, ensuring that appropriate welfare standards are in place. The current threshold at which breeders need to be licensed, which is set at five litters per year, could equate to some 40 to 50 dogs being produced by each breeder each year. The Committee considers that this threshold is too high. The Committee recommends that anyone breeding two litters or more per year should be licensed as a breeder.
11. The Committee further recommends that those falling below the threshold of a licensed breeder should be registered with their Local Authority.
12. Breeders have an important responsibility to provide for the social development and broader welfare requirements for puppies in their care. We recommend that the legislation governing the breeding of dogs should be updated with a licensing regime based on modern welfare standards.
13. The Committee takes the view that current enforcement of the licensing regime is unsatisfactory. Further the Committee recognises that some local authorities have developed expertise in animal welfare, but believes that the overwhelming majority of English local authorities lack suitably qualified inspectors. The Committee believes that a national inspectorate, which local authorities could

call upon, would enable expertise to develop and bring a consistency to the licensing process.

14. The Committee recommends that a national inspectorate should be established to liaise and support local authorities in enforcing the licensing regime, undertaking inspections and dealing with complaints.
15. The Committee believes that UKAS accreditation is a good thing, and it encourages its pursuit on its own merits. However, Committee does not believe that it is a substitution for local authorities' inspection. Therefore the Committee does not support the Government's proposal to establish a complete local authority licensing exemption for businesses accredited by the United Kingdom Accreditation Service.
16. The Pet Travel Scheme (PETS) is providing a vehicle for the illegal importation of puppies. The Government must ensure that negotiations regarding our future relationship with Europe include this issue. The age at which dogs are allowed to enter the United Kingdom under PETS should be increased to six months, thereby reducing their commercial value to smugglers.
17. The Committee recommends that the Government increase spot checks at entry points into the United Kingdom to enforce the rules on non-commercial trade on domestic animals. Also recommend increased working between government agencies and charities to understand how the puppy smuggling trade works and how to reduce it effectively.

Sale of dogs

18. Responsible breeders would never sell through a pet shop licence holder. The process of selling through a third party seller has an unavoidable negative impact upon the welfare of puppies. It also distances the purchaser from the environment in which their puppy was bred. Banning third party sales so that the public bought directly from breeders would bring public scrutiny to bear on breeders, thereby improving the welfare conditions of puppies. It would also bring a positive financial impact to breeders, allowing them to retain money that is currently lost in the supply chain. The Committee acknowledges that difficulties of public access, due to a rural location, security issues and diseases, may be challenging for some breeders. On balance, however, the Committee considers it is more important that animal welfare standards are ensured across all breeders.
19. The Committee recommends that the Government ban third party sales of dogs. Dogs should only be available from licensed, regulated breeders or approved rehoming organisations.
20. Puppies should not be bought online. Potential owners should see the young animals with their mothers and make sure they are at least eight weeks old. However we recognise that in the digital age, people will continue to use the internet to advertise, and legislation must be developed to provide effective regulation of that trade.
21. The Committee recommends that minimum standards should be made mandatory for all websites where pets are advertised and sold.

22. The Committee recommends that legislation should state specifically that those advertising the sale of animals on the internet should have a licence. It is essential that legislation remains relevant and effective in the digital age.
23. The Committee recommends that the Government make it compulsory that all internet advertisements should include the registration or licence number of the seller. Also recommend that the Government look at the new regime in France where the seller's tax code is included on the advertisement, to see whether such a regime could be put in place in the United Kingdom.
24. The Committee recommends that Defra establish a publicly accessible list of registered and licensed breeders and sellers.

Central reporting system

25. The Committee recommends that Defra work with local authorities to investigate the possibility of creating a central reporting system for complaints relating to the breeding and sale of pets.

Breeding of cats

26. Although the dog market is more lucrative, the Committee does not consider this a reason to do less to protect the welfare of cats. Although it is recognised that responsible breeders prioritise welfare conditions, many cats are bred in poor welfare conditions. The Committee recommends that breeders of cats of two litters or more should be licensed, with welfare conditions attached.

Sale of cats

27. The Committee recommends that the Government undertakes further research on the sale of cats and proposes recommendations to improve the trade.

Equine identification and traceability

28. The equine identification system needs to be made much simpler with higher standards. The Committee recommends that the Government systematically and significantly reduces the number of Passport Issuing Organisations, examining the possibility of establishing a single Passport Issuing Organisation.
29. Since the closure of the National Equine Database in 2012, it has been impossible to enforce the equine identification system. We are disappointed that the UK Government did not meet the EU's deadline of 1 July 2016 for creating a new database. The Committee expects that the Minister should respond to it to confirm that the database is working by 1 January 2017.

Formal investigatory and enforcement powers—local government and police

30. A major weakness of the Animal Welfare Act is that no state organisation is statutorily responsible for animal welfare. The Committee takes the view that it is unacceptable that in a modern society no state organisation is responsible for animal welfare.

31. The Committee recommends that the Government place a statutory duty on local authorities to enforce the Animal Welfare Act 2006. The Government must ensure that appropriate resources are made available to local authorities to support them in this extension of their statutory duties.

Role of the RSPCA

32. The RSPCA has an invaluable role in investigating allegations of animal mistreatment. The Committee recognises that the organisation fulfils a role in animal welfare not currently performed by local government. However, recent criticism has led to its reputation being diminished in the eyes of the public. The Committee welcomes the organisation's acknowledgment that it needs to be more transparent and accountable.

33. The RSPCA must ensure that its new complaints procedure is better publicised, including the external reviewer aspect, and made clear for members of the public.

34. The Wooler Report recognised that the RSPCA needed to make changes in terms of accountability and transparency before receiving statutory authority. We are surprised that some of these changes are only being put in place two years after the publication of the Report. At this time, Committee does not recommend that the RSPCA is given statutory status. The Committee recommends that the RSPCA swiftly, and fully, implements all recommendations of the Wooler review.

35. The Committee does not believe that the current model in England and Wales where the RSPCA brings private prosecutions alongside its investigative, campaigning and fundraising functions provides the necessary separation to ensure that there is no conflict of interest.

36. The Committee recommends that the RSPCA should continue its important work investigating animal welfare cases and working closely with the police and statutory authorities. It should, however, withdraw from acting as a prosecutor of first resort where there are statutory bodies with a duty to carry out this role. The Committee is not convinced by its arguments that it is in a better position than the CPS to prosecute animal welfare cases.

37. However, the Committee notes that the CPS would need to be suitably resourced and trained in the area of animal welfare to take on what will be an increased work load.

38. The Committee recommends that the Government look at amending current legislation to make the RSPCA a Specialist Reporting Authority.

39. The Committee believes that the RSPCA should retain the ability to bring private prosecutions where it reasonably believes that there is no statutory alternative and where such a prosecution would further its charitable objectives.

Sentencing

40. The current penalties for animal welfare offences in England are amongst the lowest in Europe. We recommend that the maximum penalty is increased to five

years. We recommend that Defra should start discussions with the Ministry of Justice by the end of the year to achieve this.

Animal Abusers Register

41. It is very difficult to track those who have been banned from keeping animals. An accessible register could play an important role in protecting animals, and prevent abusers from accessing animals.

42. The Committee recommends that the Government examines the potential for the establishment of an animal abuse register of those convicted of animal cruelty offences and who have been disqualified from keeping animals.

Recommendation

43. The Committee is asked to note the information.

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