

Dear Sirs

The proposals contained in this consultation have the potential for reducing massively the number of unwanted dogs and improving canine welfare beyond measure, but only if they are addressed in context and only if sufficient resources exist to monitor and police transgressions. Proposed new legislation must be seen in the light of the 50+ existing statutes that mention dogs which are largely, at present, ignored and which mean that unlicensed boarding, very poor welfare standards in breeding (including amongst KC Assured Breeders), illicit import of dogs, poor ownership and handling practices and pandemic obesity continue with impunity.

The ability of local authorities to tackle illicit unlicensed pet sales activity

The policing of this would require considerably more resources to be put into the Dog Warden services which should be compulsory for all local authorities and which should be available 24/7/365 in the light of the removal of the requirement of police to handle strays. Although vets can play a role in monitoring requirements and educating and advising their clients, it is important that any policing and enforcement is not undertaken by clinical staff so as not to contaminate the relationship between the healthcare professionals and the owner and that may deter owners from seeking and obtaining treatment.

Local authorities are not compelled to employ dog warden services and, even where they do exist, they have often been reduced due to budgetary constraints. It is now much harder for a member of the public to handle a stray especially if found out of office hours. The real need for dog wardens extends also, far beyond the control of strays. Initially, demand on the services would be high if they were to police breeding and sales in conjunction with local authorities and trading standards, but this would decrease as the easy availability of dogs is stemmed and free resources to police boarding, for instance.

How the absence of licensed third party sellers will affect supply

The absence of licensed third party sellers would in all likelihood have an impact on the price of puppies and kittens, on dog theft and on the extent of unlicensed dog breeding, but the fact remains that most dogs are presented for sale as if they were being sold directly by the breeder or rehomed even when that is not the case. Puppy farmers use many ruses to sell dogs including presenting them as home-bred. This can only be stopped if all breeding is licensed effectively. Much dog theft can be prevented by effective education campaigns that mean that owners no longer leave dogs unattended in cars and outside shops etc. This could be reinforced by insurance companies making it a condition of paying out that the owner prove that dog had not been left unattended in public the event of a theft.

Impact on animal welfare due to commercial third party sales

Legitimate breeders operating with high standards of welfare and selling their dogs with full safeguards usually charge considerably less than puppy farmers and back street breeders. Most breed dogs principally as a hobby and do not rely on sales as a sole source of income. They may not always even cover the cost of breeding, let alone the additional services and support offered to potential and new owners. It is unlikely therefore, that removing third party sellers would push up the price of dogs sold legitimately and responsibly. There is already a large "black market" in illicitly imported and poorly bred dogs and it is difficult to see how this could be made much worse.

The role of the RSPCA in enforcing a ban needs to be considered extremely carefully. Recent scandals embroiling the organisation with regard to corporate governance, the difficulty that the organisation has had in retaining a CEO, abuse of data resulting in a prosecution and fine for breach of the Data Protection Act and the large amounts of donors' money spent on what many see as a political animal "rights"-led agenda rather than one of animal welfare, amongst other issues, mean that many animal professionals and members of the public no longer hold the charity in high esteem. The fact that the organisation can and does still act as judge and jury when deciding whether to bring prosecutions rather than passing cases for consideration to the CPS leaves many in doubt as to its independence and integrity. All of these factors mean that the RSPCA is something of a "toxic" brand.

The impact on rescue and rehoming organisations

Traders already set themselves up as rescue and rehoming organisations in order to dupe potential owners. This is one of the reasons why these proposals need to be considered in the context of all major problems regarding canine welfare. This is also an area that needs effective regulation, not only to prevent bogus presentations, but to deter well-meaning but incompetent individuals from setting up inadequate rescue and rehoming facilities. Many potential owners think that it is preferable to give an unwanted dog a home, not least because of in-breeding and conformation scandals affecting KC breeders. However, they take on damaged dogs, rehomed with limited support (and this includes the major rehoming organisations) and many become "boomerang" dogs caught in perpetual cycle of dumping and rehoming. For complex reasons, many problem behaviours only become apparent once the dog is away from kennels. Until the over-supply of dogs is addressed via curbing breeding and imports etc, even major rehoming charities will be pressured into achieving a high turnover and lack the resources to provide full support services for new owners before and after rehoming even where they possess the capability.

The impact on the pet industry

Commercial third party sales of puppies and kittens should be banned.

Part of the reason that fewer than 2% of pet shops sell puppies is that their role has been taken over by websites such as Gumtree, eBay and pets4homes. They and other web sites facilitate the mass farming of puppies. Recent investigations such as those highlighted by the television documentary *The Dog Factory* explain

the mechanism by which puppy farmers pose as multiple vendors and use a house as a front to sell puppies. Although legally it is right that companion animals are regarded as chattels, the increasing commodification of dogs in particular is fuelling welfare problems. Any legislation needs to preserve the status of dogs in law whilst recognising that live animals cannot be treated in the same way as, for example, white goods, nor indeed in the same way as livestock. (Horses kept largely as companion animals are the exception to the latter case, but beyond the remit of this proposal).

If the breeding and sale of puppies were to be controlled by mandatory education, training and licensing and effective enforcement of all three, it would be possible to facilitate the continuing sale of puppies by large pet shop franchises by creating a qualification that is similar to the SQP designation which facilitates the sale of veterinary medicines. However, none of these facilities could provide an ideal environment for a puppy which should be rehomed at 8 weeks, before which it should be with its dam and litter mates. There is evidence to show that puppies rehomed even a week or two after this optimal time have a greater tendency towards behavioural problems. The same is true of hand-reared and singleton pups that are rarely suitable for rehoming with the average owner. The latter is particularly pertinent for small/brachycephalic/anchondroplastic dogs which are more likely to have been born via C-section and as singletons.

There are currently 332 fully recognised and provisionally recognised canine phenotypes (breeds) designated by the *Fédération Cynologique Internationale*. Each will have specific characteristics which need to be addressed by vendors and potential owners to ensure that the dog has the best chance in life. Specialist breeders, often with long histories in their chosen breed/s, are in a much better place to produce pups and advise on suitable homes than a generalist pet shop.

Other measures that could have a similar effect in restricting problematic sales

Training and examination via accredited organisations should be a requirement for all breeding, regardless of the number of litters in any given period, and should include instruction on basic genetics, behaviour and welfare as a minimum.

Compulsory domestic passports (similar to those required for horses and chargeable to the new owner) should be issued for all dogs sold or given as a gift, including those animals being re-homed. These should be in addition to PETS Passport documentation intended for overseas travel. The passports should contain a log including details of the origin of the dog. Where the dog comes from a breeder, full details of that breeder should be included in the passport to allow for traceability. A similar declaration should be made by any organisation re-homing a dog.

Where an individual may make a private sale or gift of a dog, the passport should be handed over and details of the sale or gift added to the log.

Owners should be required to state at the point of purchase whether they intend to keep the animal entire in a similar manner to the requirement for declaring whether a horse is intended for slaughter for human consumption. Breeders, vendors and

anyone gifting a dog should note the recommended age for neutering (usually 6 months) in the passport and should be able to place a restriction on breeding the animal if they so desire, to be noted in the passport at time of purchase. If an animal is considered, in the opinion of a registered Veterinary Surgeon, to have any form of defect which would suggest that breeding is not in the interests of the welfare of that animal or any resulting offspring, then the passport must be marked accordingly at the time that the advice is given and the animal neutered as the nearest possible opportunity. A similar exemption should be allowed if the animal is considered at risk from neutering, such as, for instance, where general anaesthesia is contra-indicated by an underlying disease process.

Any animal kept entire for the purposes of breeding must be owned by an accredited breeder. The leasing or temporary gift of animals for the purposes of breeding should be prohibited.

Ban on third party sales extending to other types of companion animal

Although their requirements are different in detail, many of the arguments that apply to puppies also apply to kittens and the ban should therefore include kittens.

There is a strong argument for it to include all mammals. There are grave concerns (see PDSA PAW Report 2017) concerning rabbit welfare which extend to all small mammals commonly sold as companion animals, often intended for children. (They are commonly referred to as "small furrries" by the veterinary profession). Regulation needs to be policed with regard to the sale of exotics such as mygalomorphs (tarantulas) and reptiles to ensure optimal welfare whilst awaiting sale and following purchase.

Ban on third party sales apply in addition to adult dogs and cats

Neither cats nor dogs are fully mature at 6 months of age, although most are able to reproduce. Some breeds of dog are not considered to be fully adult until up to 3 years of age. However, welfare concerns apply to companion animals of all ages, and a ban on third party sales should extend to all accordingly.

Applying a ban on third party sales

The ban on third party sales should include a "grace period" allowing for existing stock to be disposed of legitimately. All third party vendors should be required to declare their current level of stock (subject to spot checking) and it should be illegal for this number to be increased before the full ban is due to be implemented.

Trading standards could serve notice of violations.

Specific measures to be adopted

An extensive public education campaign should be initiated and could include owner obligations under the AWA 2006 which are not well disseminated or comprehended where they are known (see PDSA Paw Report 2017). Dog clubs, trainers, activity specialists, veterinary practices and other canine professionals and park authorities could be included to disseminate information.

Other factors for consideration

Legislation will only be effective if sufficient resources exist to disseminate information and police it effectively.

If all licensed dog breeders and sellers of all companion animals are to adhere to enhanced strict statutory minimum welfare standards linked to the needs set out in the Animal Welfare Act 2006, the Act as is and consequential enhancements would have to be enforced much more strictly than at present.

It seems unlikely that additional legislation would be policed and enforced without considerable enhancements to existing resources. There needs to be a clear definition of roles between organisations and authorities to ensure that responsibility for problems is "owned" by a leading body, although it may involve more than one. This would prevent the problem where problems are perpetuated and welfare violations remain un-investigated and un-punished because each authority claims that it is the responsibility of the other.

Requirements as proposed for licensing companion animal vendors can be abused easily and again, resources are unlikely to be available to police it. Very few potential owners cross-check details or even care, as evidenced by the PDSA PAW Report 2017 survey into the lack of research undertaken by owners prior to purchase . Where research is undertaken, it is frequently being sought from sources that are neither professional nor accredited.

The plain fact is that many people want the immediate gratification that is enabled by the "click and collect" facility that websites offer or the ability to take a dog away as soon as it is seen, maybe on impulse, in a pet shop. Responsible breeders are likely to have lengthy waiting lists that can be up to 2 years and of course, cannot guarantee litter sizes, gender mix and - because it's true that people are this superficial even when buying a live animal - colour.

Requiring the sale of a dog to be completed in the presence of the purchaser on the premises where the licensed seller or licensed breeder has been keeping the dog is difficult to prove and police. Puppy farmers already get round this by showing puppies in a home, sometimes with another dog present that is not the dam, or by claiming that the bitch died or the dogs are from a rescue organisation. Purchasers rarely ask for documentation which in any case can be faked easily. This has been shown by the amount of false paperwork claiming that dogs are "Kennel Registered" and similar which purchasers believe to mean that they have Kennel

Club registration. Even where legitimate KC papers are issued, owners often don't bother to update the ownership details.

Ensuring that licensed dog breeders show puppies alongside their mother before a sale is made and only sell puppies they have bred themselves again would be impossible to prove and police. Only a DNA test can prove parentage and would obviously have to be undertaken by the potential purchaser to prevent fraud. The purchaser would then have to wait for the results before agreeing to a sale. Puppy farmers frequently import unrelated bitches to be shown alongside puppies. It would not be possible to compel purchasers to buy just on the basis of proof of parentage, making the cost of testing in all likelihood prohibitive if the onus is placed on the vendor and unlikely to occur if placed on the potential purchaser.

What would happen in genuine situations where the bitch has died or is too unwell to be shown? This is likely to be common with poorly bred dogs and especially brachycephalic and achondroplastic breeds that mostly give birth via C-sections. Making exemptions to allow for this would create a loophole through which fraud would be perpetuated and dogs would continue to be sold unscrupulously.

The international animal welfare charity *Four Paws* has been campaigning to persuade online retailers such as eBay and Gumtree to introduce and enforce mandatory seller identification and animal welfare measures where live animals are sold online. To date, they have had little support from any of the CEOs of online retailers.

However, the real support needs to come from the public who are driving advertising revenues by purchasing online. It is unlikely that it would be possible to enforce legislation that banned online purchases across all jurisdictions and unclear at what point this would be undertaken. The facilities simply do not exist to deal with a large number of people who could be criminalised by these actions.

This response barely scratches the surface of the problem.