

# Dog Breeding Establishments – Guidance for Local Authorities

## Consultation response form

Your name: British Veterinary Association (BVA)

Organisation (if applicable): British Veterinary Association (BVA)

The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. With over 18,000 members, our primary aim is to represent, support and champion the interests of the United Kingdom's veterinary profession. We, therefore, take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters. Members of BVA's Policy Committee, which includes vets in companion animal practice, have provided input into our response to the consultation as have BVA's Welsh Branch.

BVA Welsh Branch represents members in Wales, bringing together representatives of specialist and territorial divisions, government, academic institutions and research organisations in Wales. The branch advises BVA on the consensus view of members in Wales on Welsh and UK issues.

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Responses should be returned by **17 September 2021** to

Animal Welfare & Framework Branch  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

e-mail: [companionanimalwelfare@gov.wales](mailto:companionanimalwelfare@gov.wales)

## Section 1

Does the Guidance provide sufficient information to address the various situations and premises dogs are bred in? E.g. Small scale home environment and larger scale commercial breeding premises.

The guidance does not provide sufficient clarification regarding home breeding. We recommend addition of the following lines:

*“Where small scale breeders use purpose built kennel facilities outside of the home environment, they must comply with the full accommodation requirements.*

*Where dogs are kept as part of the family within the home environment, it is accepted that enrichment and enhancement will be provided by a comfortable home environment. However, consideration of available space and numbers of dogs within that space must be complied with.”*

Furthermore, we are disappointed that the guidance is not undergoing a more comprehensive update and are concerned is a missed opportunity for Welsh Government to demonstrate its commitment to animal welfare in Wales. We have provided further details in the final section of this consultation response.

We urge the Welsh Government to undertake a more comprehensive revision of the guidance as soon as possible and would welcome the opportunity to work closely together to expand upon these proposals.

## Section 3

Does the additional advice relating to the setting of staff to adult dog ratios make it clear the inspecting Officers should consider this on a case by case basis? For puppies

For the avoidance of doubt, the additional advice should explicitly state that inspecting officers should consider the ratio on a case by case basis.

We are also concerned that “amending the ratio” could be misinterpreted to mean increasing the ratio, to allow more dogs per staff member. It would be helpful to clarify this is not the case.

Our suggested wording is:

*“The maximum of 20 adult dogs per full time attendant or 10 adult dogs per part time attendant should not be applied as the benchmark. This is a MAXIMUM amount of adult dogs. Inspecting officers should **consider this ratio on a case by case basis**, being proactive in applying an appropriate ratio for the specific premises in order to make sure*

*that all required tasks, including adequate exercise and socialisation programmes, are realistically able to be completed during the working day.*

*If the conditions of the licence are not being met within the stipulated ratio consideration should be given to amending the ratio **to reduce the number of animals permitted per member of staff.***

In this section, it would also be worthwhile explicitly stating that the inspector should consider the manpower requirements for socialisation of puppies.

## Section 4

Do you agree the role of the private veterinary surgeon, and that of the inspecting veterinary surgeon, should be clearly separated and defined and inspecting vets should be independent and should not inspect their own clients' premises?

We strongly support the roles of private veterinary surgeon and inspecting veterinary surgeon being separated, as recognised in the own [guidance notes](#) for the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

As set out in the [RCVS Professional Code of Conduct](#), veterinary surgeons have a professional responsibility to work within their own area of competence. Therefore, inspections should only be undertaken by a veterinary surgeon with an appropriate level of experience and/or training in inspecting and licensing animal activities businesses, with a relevant CPD record for the species involved.

In addition, veterinary surgeons should be mindful that the [RCVS Professional Code of Conduct](#) sets out that "Veterinary surgeons must provide independent and impartial advice and inform a client of any conflict of interest". The Code states "generally speaking, conflicts of interest should be avoided. Veterinarians signing certificates should not allow commercial, financial or other pressures to compromise their impartiality".

Consequently, although veterinary surgeons should make their own decision on whether a conflict exists, it is usually not advisable for them to offer inspections for their existing clients.

### Definition

It would be useful for Welsh Government to provide a short guidance detailing the difference in the roles, to provide LAs with a standardised document to refer to.

Included below are extracts from our [guidance notes](#) for the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, in which we set out the differences between the roles.

### **The role of veterinary inspectors**

Under these regulations, local authorities may request a veterinary inspector to:

- Conduct the initial or renewal inspection of a dog breeding establishment, boarding kennel/cattery, pet shop, or animal exhibitor.
- Conduct an initial, renewal and annual inspection of horse-riding establishments. NB this only applies to veterinarians who are listed on the [RCVS approved riding establishment inspectors list](#).
- Provide advice to other inspectors.
- For the purposes of ensuring the licence conditions are being complied with, take samples for laboratory testing from any animals on premises occupied by an operator.
- Produce an inspector's report following an inspection stating whether it is expected that the business will be able to meet the licence conditions (both the general and specific conditions).

Veterinary inspectors should agree their role with the local authority in advance, and be clear on whether they will be expected to accompany a local authority animal welfare-trained officer or conduct the inspection themselves. If a veterinary inspector is to undertake an inspection on behalf of a local authority without a suitably qualified officer present, then the local authority should appoint the vet as an inspector under section 51 of the Animal Welfare Act 2006.

Veterinary inspectors must only inspect to the conditions set out as part of the statutory guidance for each licensable activity, and follow the [RCVS 10 Principles of Certification](#).

Read the [statutory guidance for each licensable activity and licence conditions: Animal activities licensing: guidance for local authorities](#).

### **The role of private veterinary surgeons**

As part of the General Conditions of the regulations it is stipulated that:

*The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises on which the licensable activity is carried on.*

Private veterinary surgeons who are not veterinary inspectors may also be asked to:

- Agree a preventative healthcare plan (PHP) with a licence holder who is registered to their practice for the animals in the licence holder's care. Read the [BVA, BSAVA, BVZS, CASC and CFSG preventative healthcare plan \(PHP\) guidance notes for private veterinary surgeons](#) and [download our template preventative health care plan](#).
- Conduct a puppy veterinary health check before the sale of a puppy to a new owner;
- Signpost and help the licence holder or prospective buyer to complete a puppy contract, such as [The Puppy Contract](#); or
- Provide appropriate isolation facilities to a licence holder for the care of sick, injured or potentially infectious animals in the event that they are not able to provide separate, self-contained facilities at the licensed establishment. In this scenario, local authority inspectors would require from the licence holder a letter

from the practice confirming that they would accept an animal with signs or suspicions of infectious disease into their isolation facility. Download [the BVA, BSAVA, BVZS, CASC and CFSG template letter to confirm the provision of isolation facilities in accordance the Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) regulations](#).

We would also encourage veterinary surgeons to make breeders aware of current animal welfare legislation when undertaking breeding decisions<sup>1,2,3</sup> and the responsibility of breeders under [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)<sup>4</sup> not to breed from any dog if it can be reasonably expected on the basis of its genotype, phenotype or state of health that breeding from it could have a detrimental effect on its health or welfare or the health and welfare of its offspring. Read the [BVA, BSAVA, CASC and CFSG guidance on complying with this requirement and the role of private veterinary surgeon in providing 'fit to breed' assessments](#).

### **Additional Information**

The suggested amendments to enclosure sizes are complex and require further consideration before amendments are suggested. Please feel free to comment on the current enclosure sizes. However, it is envisaged a specialist working group will be formed to take forward this issue and a separate addendum will be undertaken once the main body of the guidance is completed.

#### Overall

We are disappointed that the guidance is not undergoing a more comprehensive update. Whilst the suggested tweaks offer some improvements, they do not go far enough to protect animal health and welfare. This is a missed opportunity for Welsh Government to demonstrate its commitment to animal welfare. Wales will remain behind England, Scotland and other countries on its dog breeding standards, which is ultimately likely to attract more sub-standard breeders to the country. We urge the Welsh Government to undertake a more comprehensive revision of the guidance as soon as possible, and would welcome the opportunity to work closely together to expand upon these proposals. Since animal welfare needs do not relate to boundaries, it would be advisable for the guidance in Wales to be consistent with the [guidance provided in England](#).

The terminology used throughout the document is open to interpretation. Almost all points are phrased "LAs should consider whether [condition] is adequate". This is too vague and potentially difficult to enforceable. These phrases should be edited to read

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<sup>1</sup> [The Animal Welfare Act 2006](#)

<sup>2</sup> [Animal Health and Welfare \(Scotland\) Act 2006](#)

<sup>3</sup> [Welfare of Animals Act \(Northern Ireland\) 2011](#)

<sup>4</sup> [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)

"LAs should ensure that [condition]", making it clearer that LAs are responsible for making sure these standards are met.

### 1.2 Size of Quarters

The minimum requirements for enclosure size must be addressed. The current requirements are below the standards set in England and the guidance provided by the European commission.

Taking into account the recommendations from the review group and the European guidance, a suitable minimum enclosure size grid would be:

<b>Size</b>	<b>Enclosure Size</b>	<b>For each additional dog</b>
Small Dogs	4.5 sqm	1.5 sqm
Medium Dogs	5.0 sqm	2.5 sqm
Large Dogs	6.5 sqm	3.5 sqm

Size is based on the [Kennel Club breed standard](#) and the larger breed should be used for mixed breed dogs. These areas are minimum space requirements, and the expectation would be for greater than the listed sizes. In addition, there need to be requirements about stretching and touching the sides, since large dogs include a wide range of breeds.

Bitches with litters must be provided with twice the space listed above. The area must provide a containment area for the new-born puppies and allow the bitch to utilise the additional space for activity away from the puppies. As the puppies develop, so they will expand their use of the facility for exercise, exploration and play. A whelping enclosure must have access to a run area of at least twice the dimensions listed above. This must be similarly enhanced and enriched as in the relevant section.

In the current guidance, the terms "free", "unrestricted", and "access to exercise" lack clarity. If these refer to "permanent, 24 hour access to exercise", or "unlimited access to an exercise area for at least 8 hours a day", for example, then this needs to be stated. "Limited access to exercise" is also vague and the minimum daily allowance for access to an exercise area should be stipulated. Under the current guidance it would appear to be acceptable for an adult breeding animal to have just 30 minutes of walking per day with the remaining 23.5 hours spent in a kennel for their entire breeding career. Greater clarity is required to ensure this is not a possible interpretation.

Each enclosure must have constant access to a dedicated outdoor run. The run should be at least twice the size of the indoor dimensions above and provide an enhanced and enriched environment for play, exploration and basic exercise in addition to toileting. There must be provision to provide shelter from adverse weather, including shade, and at least half of the area must allow exposure to weather for enrichment and access to sunlight.

It is accepted that smaller scale home environment only breeders may not need to follow all of the construction advice. For example, a dedicated run attached to a domestic house is not necessarily required where the dogs are kept as family pets and will be in and out to the garden under regular and frequent interaction with the owner.

Where dogs are kept as part of the family within the home environment, it is accepted that enrichment and enhancement will be provided by that comfortable home environment. However, consideration of available space and numbers of dogs within that space must be complied with. Where small scale breeders use purpose built kennel facilities outside of the home environment, they must comply with the full accommodation requirements.

If it is not possible to clarify the guidance on kennel sizing and exercise areas in this version of the guidance until further stakeholder consultation, then there is an opportunity to change the minimum exercise duration and also the frequency of exercise for adult dogs. For example, it could be stipulated that dogs must have a minimum of 1 hour exercise per day and be let out of their kennel a minimum of three times per day, to avoid the possibility that they are locked in for 23.5 hours a day. It is important to remember this is the only exercise these animals get throughout their lives, so the minimum exercise requirements within this document dictates the quality of their life for the duration of their breeding lifespan.

#### 1.4 Temperature & Heating

It should be made clear that the raised temperature for heating 26°C to 28°C refers to a local heat source, which animals must be able to move towards or away from.

#### 1.11 Puppy Facilities

The guidance states “LAs should consider a socialisation area”. This needs to be stronger, with a requirement to set aside an area for socialisation that mimics environmental conditions in a home and work environment. It should also be stressed that all potential working dogs (with the exception of hunt hounds, who are very rarely re-homed as pets) need be exposed to both environments. Breeding alone is not an indication of whether a puppy might end up in a working or pet home, and therefore it should be prepared for both possibilities later in life. Failed working dogs that are rehomed as pets later in life are even more in need of socialisation skills as they are older when entering the home environment.

#### 2.1 Food & Drink

We are unsure where the recommendation for puppies to be fully weaned at 6 weeks of age comes from. It may take longer to fully wean a puppy, and they must stay with their mother until 8 weeks of age.

#### 2.2 Food Preparation

Fresh and refrigerated meat are mentioned, but the specific infectious disease risks of frozen, commercial raw diets should also be included. We would also like to see mention of the increased risk of feeding uncooked meat products to puppies, which have a less competent immune system than adult dogs.

#### 3.1 Enhancement and Enrichment

The line “*If appropriate, access to play items*” needs to be strengthened as access to play items is always appropriate. As mentioned above, working breeds also need to be prepared for a home environment.

It is important to remember that an enhanced and enriched environment is far more complex than simply adding toys. Indoor enclosures must provide a complex, 3-

dimensional space to allow for exploration and play, in addition to space for sleep and basic activity. There must also be constant access to a dedicated outdoor run which also provides an enhanced and enriched environment for play, exploration and basic exercise in addition to toileting.

### 3.2 Socialisation

This section needs to explain further that, before sale, puppies should be introduced to as many normal experiences that they will encounter in later life as possible. “*Gradual introduction of low level noise*” needs to be more specific as this could be taken to mean any type of noise at all. We recommend the wording “*Gradual introduction of low level noise emulating the indoor and outdoor environments that the puppy will be exposed to in later life. For example, crowds of people, traffic noise, domestic appliance noise, or noise that will be encountered in a working environment.*”.

## 4. Health and Welfare

We are disappointed that the guidance lacks any requirement for a veterinary inspection prior to a licence being granted. It also lacks any requirement for a minimum frequency of veterinary inspections of licensed establishments.

### 4.2 Health and Welfare Plan

Microchips should be used to identify puppies which have received vaccinations and recorded accordingly. It should also be made clear that it is the owner’s responsibility to comply and record the information, not that of the veterinary surgeon.

### Section 4.3 – Medicines

We are concerned that there is insufficient guidance on medicines in section 4.3. Establishments should be required to keep records of any prescription medicines administered, and to ensure these are available for inspection. Their storage of medicines should also be inspected. This is in line with farm assurance schemes, where inspectors check records and storage of medicines on farms.

Although it should be covered by manufacturers’ instructions, it would be appropriate to make specific reference to pregnancy, lactation, and age. Many products that are licensed for use in dogs are not licensed for use during pregnancy and lactation, so breeders must pay extra attention to this.

### Section 4.4 - Puppy checks

We strongly support the requirement of annual health examinations for breeding animals. Guidance should be added to clarify that veterinary surgeons should not generally provide certificates for their clients’ dogs because of the potential conflict of interest. Refer to our guidance on [complying with the ‘Fit to Breed’ assessment in dog breeding legislation](#) for more information.

*“Puppies should receive a veterinary health examination prior to sale that must be recorded including the microchip number.”* It needs to be made clear that vets can only certify the animal is healthy at that moment in time. This health examination must not be seen as an assurance that the puppy will remain healthy for the rest of its life. A standardised check, which has the backing of both veterinary and breeding communities, would be most appropriate for this.



#### Section 4.7 - Strategy for the retirement of breeding bitches and stud dogs

Home breeders often keep retired breeding dogs rather than rehome or dispose of them. This option needs to be catered for under “means of disposal and/or rehoming” in the first paragraph.

It should also be considered within the added text, which could read: *“Any retired breeding animal that is to be re-homed should be neutered prior to re-homing, unless on specific veterinary advice”*.

#### Missing recommendations

The guidance lacks any reference to a number of recommendations made by the Animal Health and Welfare Framework Group. The document fails to provide advice on:

- the minimum frequency of Local Authority (as opposed to veterinary) inspections, including unannounced ones (recommendation 32).
- standardising the methods of enforcement and licensing fees across all Local Authorities (recommendation 51). This is a missed opportunity to encourage Local Authorities to set a standard across all the other aspects of enforcement, rather than just the inspection process. It may be possible to address these issues in a separate document, but they must not be ignored.
- including a “breeding for improved health” plan in the health and welfare plan (recommendation 52). This is a missed opportunity to demonstrate Government and LA commitment to animal welfare, and to signal to breeders that they need to take responsibility for breeding for improved health, and not just to a commercially desirable standard.

These recommendations are important and we would support inclusion of all three in the guidance.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: