

# **BVA Scottish Branch response to Scottish Government Consultation on the licensing of activities involving animals.**

## **Who we are**

1. BVA is the national representative body for the veterinary profession in the United Kingdom and has over 19,000 members. Our primary aim is to represent, support and champion the interests of the veterinary profession in this country, and we therefore take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues and employment matters.
2. BVA Scottish Branch represents members in Scotland, bringing together representatives of specialist and territorial divisions, government, academic institutions and research organisations in Scotland. The branch advises BVA on the consensus view of members in Scotland on Scottish and UK issues.
3. BSAVA is a professional body representing veterinary surgeons who treat companion animals and now has over 10,000 members. The majority of members work in practice as veterinary surgeons or veterinary nurses.
4. We welcome the opportunity to respond to this consultation on the licensing of activities involving animals, and have worked with BSAVA to provide joint responses to parts 2, 3, 5 and 7. The remaining sections are a sole response from BVA.

## **Part 2: Licensing of commercial dog walkers**

**Q1. Do you agree that dog walking businesses should be subject to a statutory licensing scheme? Yes / No / Not sure. Please provide reasons for your answer.**

**Answer: Unsure**

5. Allowing dogs to access public spaces not only encourages dogs to exercise and socialise but: Obesity in dogs is of increasing concern, and regular exercise is essential for all dogs as it can help to keep them in shape and is beneficial for their mental health<sup>1</sup>. However, for this to take place safely it is important that anyone walking a dog or multiple dogs in a public space is aware of and complies with their responsibilities under existing animal welfare legislation. This applies

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<sup>111</sup> <https://www.pdsa.org.uk/pet-help-and-advice/looking-after-your-pet/puppies-dogs/how-much-exercise-does-your-dog-need#:~:text=Regular%20exercise%20is%20essential%20for,arthritis%2C%20obesity%20and%20behavioural%20issue>

whether the activity is carried out by the owner, someone providing the service for free or a paid dog walker. We are therefore supportive of initiatives that increase awareness of the currently applicable legislation and available guidance.

6. In order to be able to keep dogs under control and ensure that public safety is not negatively impacted whilst they are being walked, it is important that the person in control of them understands the needs of dogs in general and the specific behavioural traits of the individual dogs they look after. Steps should therefore be taken by the dog walker and the permanent dog guardian to ensure that this information is passed on and that the dog walker and dog get to know each other before temporary guardianship is handed over. To further protect public health, all dog walkers should comply with dog fouling legislation and understand the negative impact on public health resulting from non-compliance.
7. BVA is supportive of proposals that lead to improved outcomes for animal welfare. Should a licensing regime be introduced we would consider it to be important that the veterinary profession is given a pivotal role in defining what exactly is required of licensees in terms of "a solid understanding of animal welfare and care " - or any breach or failure to meet these standards by the licenced individuals/businesses.
8. Any measures that are put in place to regulate the dog walking sector should be justified, reasonable, proportionate, and appropriate for the situation.
9. To ensure consistency in any regime introduced, we would suggest alignment as far as possible between the nations in the UK. In England, the Canine and Feline Sector Group (CFSG) which incorporates dog walkers and the Pet Industry Federation (PIF), has produced Dog Walking Guidance<sup>2</sup> and as part of the Review of Licensing of Activities Involving Animals Regulations 2018 it is providing feedback to Defra on insights and potential improvements to the existing regime. Such alignment would avoid confusion and ensure equal standards of animal welfare across the UK.

**Q2. If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?**

10. The current legislative regime already requires anyone in control of a dog to comply with a number of legal requirements. However, we are aware that enforcement can be very challenging which is partially due to resource issues within local authorities. We therefore consider adequate resourcing of enforcement as instrumental in achieving better outcomes for animal welfare and public safety.
11. Additionally, we would be in favour of the introduction of a requirement for professional dog walkers to hold public liability insurance. Local authorities should have the powers to inspect compliance with this requirement. To help enforcement officers at local level identify commercial dog walkers, a register could be set up that lists such dog walkers and in terms of approaching such walkers in public, an identity card could be issued to walkers which they should carry, along with insurance details, when carrying out commercial activities in public.
12. We would also like to see greater promotion of information which would help dog owners choose the most appropriate dog walking service for their requirements. This would include providing them with the type of questions they should ask when selecting a dog walker, eg how many dogs are being walked together, what type of qualifications the walker has etc. and the information they should provide to the dog walker in addition to information on behavioural traits eg

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<sup>2</sup> <https://www.rspca.org.uk/webContent/staticImages/Downloads/DogWalkingGuide.pdf>

emergency vet details, insurance status, the microchip number, relevant preventative health (eg Lepto if swimming / worming if walking where livestock are etc.

**Q3. Do you think that licence applicants should be required to hold recognised, relevant qualifications (for example, in dog behaviour, canine first aid, animal welfare)? If yes, what level of training do you consider appropriate?**

13. If the decision is taken to licence dog walkers, the licensing regime should include an assessment process based on how animal welfare and public safety can be best protected. As part of this process, it should be considered how qualifications can contribute to enabling dog walkers to meet their already existing obligations under the current legislative regime as well as any additional requirements that may be introduced under the licensing regime. However, qualifications should not become the sole assessment criteria as to whether someone is able to fulfil those legal duties of care to animals and the public.

**Q4. Do you agree that the licensing authority should, where appropriate, be able to stipulate on any licence granted the maximum number of dogs that can be walked at any one time?**

14. Where individuals are walking several dogs, they should ensure that they are able to effectively manage all dogs under their control and clean up after them. The strength of the dogs and their individual and collective behaviour will be a factor in this. We agree that licences should be variable with regard to the number of dogs, however we believe that an assessment which is only based on the number of dogs is unlikely to be sufficient in concluding whether an individual is able to control a specific group of dogs. Additional requirements could therefore involve the type of dogs being walked, the size of the dogs, the leads the dogs are kept on, whether dogs have undergone recognised dog training courses, the level of qualifications, if any, held by the dog walker and the area the dogs are being walked in. It is therefore important that an evaluation process is developed to allow for this to happen.

**Q5. Are there any further controls or measures that you would like to see introduced as part of a licensing scheme for dog walking businesses?**

15. We refer to our answers to the preceding questions. We would also wish to ensure that commercial dog walking activities do not create loopholes for other individuals engaged in commercial licenced activities involving animals such as day care and home boarding. Again, we would suggest Scottish Government liaise with counterparts in England to obtain shared learnings that potentially provide for consistency across the UK.

16. In addition, it would be sensible that a dog walker is required to obtain the details of an owner's veterinary surgeon in advance of taking responsibility for the dog(s) and ideally an agreement is in place between all parties so that the vet can be contacted rapidly if the need arises to protect the dog's health and welfare in the event of injury.

17. Anyone advertising (in any form – whether social media, local paper, pet shop ad board) their commercial services as a dog walker, should be required to include their licence number as part of the advert.

**Q6. Do you support the proposal that applicants for a dog walking business licence are required to demonstrate that they maintain an acceptable level of record keeping and have clearly set out and established standards of service and care? Yes / No / Not sure. Please provide reasons for your answer.**

**Answer: Yes**

**18.** We agree that this should be requirement if a licensing regime is introduced to ensure that licenced businesses are able to provide requested information in a timely manner.

**Q7. Do you know of any challenges or negative consequences that may arise from the introduction of statutory licensing for dog walking businesses? If yes, what are they and how best could these be addressed?**

**19.** We believe that enforcement of the licensing scheme could prove challenging as it would be difficult to assess on sight whether someone is a professional dog walker or is walking dogs as an owner or on a voluntary basis. Consideration should also be given how the activities provided by dog walkers recruited via platforms like 'Borrow my doggy'<sup>3</sup> and 'Trusted Housesitters'<sup>4</sup> would be classified, as well as the status of individuals providing foster services for charities.

**20.** We would be concerned about the resource required to enforce the licensing regime in an adequate manner. To help enforcement officers at local level identify commercial dog walkers, a register could be set up that lists such dog walkers and in terms of approaching such walkers in public, an identity card could be issued to walkers which they should carry, along with insurance details, when carrying out commercial activities. The focus should be on protecting public safety and animal welfare and we are aware that local authorities and other enforcement bodies are already struggling to ensure compliance with existing legislation on animal welfare related activities due to a lack of resource. Action on dog walkers failing to protect animals and the general public should therefore not be focused on whether someone is a professional dog walker and does not have a licence but on the actual failure to comply with existing legislation protecting animal welfare and public health which applies to anyone in control of a dog.

**Q8. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Yes / No / Don't know If yes, please explain your answer.**

**21.** BVA recognises the importance of ensuring access to veterinary services for all communities, and is championing equality, diversity and inclusion across the profession. We consider that it is important for animal health and welfare that stakeholders in all communities are able to access schemes and veterinary services on an equal basis.

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<sup>3</sup> <https://www.borrowmydoggy.com/>

<sup>4</sup> [https://www.trustedhousesitters.com/pages/sitter-owner-testimonials-gbp/?gad=1&gclid=Cj0KCQjw9rSoBhCiARIsAF0iplmcyowiN9pgGWpA8brylz9n0k62qN0WllsifM3idk3s2ucJi1MW3hcaAp47EALw\\_wcB](https://www.trustedhousesitters.com/pages/sitter-owner-testimonials-gbp/?gad=1&gclid=Cj0KCQjw9rSoBhCiARIsAF0iplmcyowiN9pgGWpA8brylz9n0k62qN0WllsifM3idk3s2ucJi1MW3hcaAp47EALw_wcB)

### Part 3: Licensing dog groomers

**Q1. Do you agree that dog grooming businesses should be subject to a statutory licensing scheme? Yes / No / Not sure. Please explain the reasons for your answer.**

**Answer: Not sure**

- 22.** We have not collected any case studies on dog grooming businesses. However, due to the nature of the activities carried out there is undoubtedly potential for dogs to come to harm if the procedures are carried out without the necessary training or care and in unsafe spaces without a good standard of hygiene or using unsafe or poorly maintained equipment. If done incorrectly, activities such as nail clipping, emptying anal glands, or clipping matted fur can affect welfare and require veterinary treatment. Groomers should be clear what procedures are legal under the Veterinary Surgeons' Act (VSA) 1966 and be sufficiently trained in any services they provide.
- 23.** As set out in the consultation document, dog grooming is a trade where training courses and recognised qualifications are already widely available to anyone interested in taking up the trade. Although it is obviously possible for trained providers to make errors, particular dangers arise from providers with little or no training claiming to be experienced dog groomers. Additionally, dog owners currently do have to rely on their own assessment of the services offered and qualifications listed to conclude whether they are valid or not.
- 24.** One area of particular concern to the veterinary profession is dental care treatments carried out at dog grooming establishments. Under the VSA 1966, pet groomers must not carry out invasive procedures on animals such as scaling of teeth with any form of instrument. The majority of a dog's tooth lies beneath the gum line and they need to be anaesthetised to allow for this part to be cleaned. Dog groomers are therefore not in a position to clean teeth to the same standard as veterinary professionals and will also be unable to detect and interpret any related health issues that require further investigation. Removal of tartar also carries the risk of destabilising a tooth. However, many dog owners will not be aware of this and assume that their dogs' teeth do not require any further check-ups or treatment. Teeth related health problems could therefore go undetected until more invasive remedial action is required.
- 25.** Likewise in compliance with the VSA 1966, groomers must not carry out invasive acts such as the expression of internal anal glands.

**Q2. If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?**

- 26.** Please refer to our answer to question 1.

**Q3. In your opinion, should any future licensing scheme apply to dog groomers only or should it apply more widely, for example to all pet animals?**

- 27.** The protection of animal welfare should be the overarching assessment criteria in extending a licensing regime. The two additional pet animal species where grooming services are already more commonly offered are cats and rabbits. Adequate consideration should be given to the specific requirements for both species. For example, cats are generally less used and amenable to being handled and as a species are known to find it more stressful than dogs when they are removed from their familiar environment. It is therefore important that the environment in which

they are treated, including the way they are housed before and after the treatment is taken into account.

28. A detailed assessment should therefore be carried out with regard to what type of services are currently being offered for other species and whether the current service offering is provided in a way that meets their needs and whether a licensing regime is likely to lead to improved outcomes.

**Q4. There is currently no requirement for dog groomers to hold any qualifications (although many do). Do you think that holding a recognised qualification should be a requirement under any future licensing scheme? Yes / No / Not sure. If yes, what qualification as a minimum should be required?**

**Yes**

29. There should be a requirement to hold a recognised qualification if dog grooming becomes a licensed activity. There are currently a range of qualifications<sup>5</sup> available at different levels and requiring varying degrees of prior qualifications and time commitment. The barrier to entry into the trade is sufficiently low to make it a feasible option for a large number of interested individuals and it also does not appear to place an excessive demand on someone's time to obtain a qualification.
30. We do not have the necessary expertise to assess the different qualifications on offer but the Government already provides an overview of the level of expertise gained via the different qualification options. We would expect that a licence holder would be required to hold at least a Level 3 Diploma in dog grooming. Any training should as a minimum encompass all relevant legislation applicable to a grooming business and animal welfare.

**Q5. Are there any further controls or measures that you would like to see introduced as part of a licensing scheme for dog grooming businesses?**

31. Attention should also be paid to the provision of grooming services that are driven by social media trends and which are not in the best interest of the animal and in many cases are detrimental to their welfare, for example dying a dog's fur<sup>6,7</sup>. The threshold for enforcement activity under the Animal Welfare Act is known to be high and therefore those types of treatments can be challenging to be acted on. We would therefore urge that the licensing regime is designed to allow for action when a business is found to be offering such services.
32. Anecdotally, Local Authorities have received not infrequent complaints regarding drying equipment that causes serious injury to dogs such as burns. To minimise the occurrence, we would suggest requirements are put in place to ensure that no dog is left unsupervised during the grooming process and in addition, equipment is maintained, and groomers are adequately trained in the use of such equipment.
33. To ensure consistency in any regime introduced, we would suggest alignment as far as possible between countries in the UK. In England, CFSG which incorporates groomers and PIF, is producing Dog Grooming Guidance. Such alignment would avoid confusion and ensure equal standards of animal welfare across the UK.

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<sup>5</sup> <https://nationalcareers.service.gov.uk/job-profiles/dog-groomer>

<sup>6</sup> <https://www.rspca.org.uk/-/blog-dog-grooming-cuteness-or-comfort>

<sup>7</sup> <https://www.dailymail.co.uk/femail/article-12171915/Veterinarian-warns-against-viral-TikTok-trend-pet-owners-DYEING-dogs-fur.html>

**Q6. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Yes / No / Don't know If yes, please explain your answer.**

**34.** BVA recognises the importance of ensuring access to veterinary services for all communities, and is championing equality, diversity and inclusion across the profession. We consider that it is important for animal health and welfare that stakeholders in all communities are able to access schemes and veterinary services on an equal basis.

#### **Part 4: Licensing of livery services**

**Q1. Do you support the proposal to introduce statutory licensing for operators of livery yards? Yes / No / Not sure Please provide reasons for your answer.**

**Not sure**

**35.** BVA welcomes the Scottish Government's objective to improve the welfare of equids kept on livery yards. However, we hold concerns about the capacity of local authorities to enforce statutory licensing. BVA is also concerned about the consequences on equine health and welfare should existing livery yards be denied licences.

**36.** Under the proposed changes, local authorities will be responsible for permitting licences to livery yards. However, due to a lack of data on the number and types of existing livery yards in Scotland, the scale of this may be unappreciated. We also need a clear definition of what constitutes a livery yard eg would this apply to informal unpaid joint stabling arrangements?

**37.** To ensure the protection of animal health and welfare, local authorities must be trained in equine health, with the ability to recognise not only environmental threats but also be able to identify animal-based indicators. In order to do this, local authorities will either require the appropriate training or inspections will need to be undertaken by an equine vet. As there is no current understanding of the number or scale of livery yards that will require inspection, this could lead to significant costs for local authorities.

**38.** Additionally, within the proposal, there is a lack of clarity around the circumstances should a livery yard fail to receive a licence. BVA is concerned that should a number of livery yards fail to receive licences, equine owners may be unable to find other suitable accommodations for their equines and may have to sell or euthanise a healthy animal.

**Q2. If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?**

**39.** Due to the issues highlighted above, BVA would instead support the introduction of a registration scheme for livery yards. Under a registration system, livery yard owners could register data about the composition of their yard, leading to a greater understanding of the current number and types of livery yards within Scotland. This data could then inform further strategies to support owners of livery yards to make changes that promote good equine welfare practices.

**40.** BVA is aware of issues that occur in livery yards, such as horse abandonment and conflict between equine owners and livery yard operators around issues such as horse welfare. To

address these, we would advocate for the use of a contract. We propose that the contents of the contract be developed under consultation; however, at a minimum, should include contact details, a named veterinary practice for the animal, and an agreement on what to do in the case of an emergency.

**Q3. Should licensing apply to all livery services, regardless of type or scale? Yes / No / Not sure Please explain your answer.**

**Not sure**

41. As there is a lack of data available on the current number, size and types of livery yards operating in Scotland, it is difficult to assess how licensing will impact each type of livery yard. However, it should be considered that the roles and responsibilities of the different types of livery yards significantly vary.

**Q4. Are there any further controls or measures, beyond those set out above, that you would like to see introduced as part of a licensing scheme for operators of livery yards?**

42. No.

**Q5. Do you know of any challenges or negative consequences that may arise from the introduction of statutory licensing for livery yards? If yes, what are they and how best could these be addressed?**

43. Yes. As discussed above, BVA is concerned about the ability of local authorities to enforce statutory licensing on what is currently an unappreciated scale, and the consequences should multiple livery yards be forced to close.

**Q6. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Yes / No / Don't know If yes, please explain your answer.**

44. Yes. Owners and users of livery yards include people from the Gypsy, Roma, and Traveller communities, communities who have faced historic discrimination, exclusion and persecution, which has significantly eroded trust in government and public services. An impact assessment and consultations with these communities will need to be carried out to ensure their needs are being met and their circumstances being considered.

45. BVA also recognises the importance of ensuring access to veterinary services for all communities and is championing equality, diversity and inclusion across the profession. Our high animal health and welfare standards rely on effective communication between vets, clients, and the wider public. Inclusivity is an essential aspect of this communication, and it is important for animal health and welfare that stakeholders in all communities are able to access schemes and veterinary services on an equal basis.

## **Part 5: Licensing canine fertility businesses**



**Q1. Do you agree that businesses offering canine fertility services should be made subject to a statutory licensing scheme? Yes / No / Not sure. Please provide the reasons for your answer.**

Yes

- 46. We support the introduction of a licensing regime for establishments where canine breeding services are carried out. Ideally, the same requirements should apply across all four nations.
- 47. A licensing regime would allow greater scrutiny of the named licence holder and would facilitate further investigation where criminal activity is suspected. It would also infer powers of entry to Local Authorities (LAs) in cases where there are reasonable grounds for suspecting that a relevant offence has been committed. It would also allow for penalties for relevant offences to be imposed, such as breaching a licence condition or carrying on the activity of operating a business offering canine fertility services without the authority of a licence.
- 48. A licensing regime should also provide for businesses which offer the services of a visiting vet who might carry out certain procedures including blood sampling for progesterone testing. Such testing and laboratory services should also be covered by the licensing regime

**Q2. If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?**

49. N/A

**Q3. If you do support the introduction of statutory licensing, which services should be regarded as "canine fertility services" and therefore require a licence?**

- 50. Most providers of such services are operating without direct veterinary involvement or supervision despite advertising procedures that are considered to be acts of veterinary surgery under current UK legislation. Section 19 of the VSA 1966 specifies that only a qualified veterinary surgeon registered with the Royal College of Veterinary Surgeons (RCVS) or in some cases qualified and RCVS registered veterinary nurses under the supervision of a veterinary surgeon can carry out acts of veterinary surgery in the UK. Other advertised procedures can be carried out by laypersons but pose an increased risk to animal welfare if performed without an initial veterinary assessment and ongoing advice or supervision.
- 51. We have carried out an analysis of the type of services commonly advertised by businesses offering canine fertility services and their potential to impact animal welfare. Our table below sets out our analysis.

Procedure	Description	Concern	Legal Status
Semen collection and analysis	Usually carried out manually and used to assess semen quality and diagnose infertility.	Injury or trauma for the stud dog if carried out by untrained personnel and without sufficient care.	Layperson
Progesterone testing	Intact female dogs typically come into	Risk of: - infection	Taking of the sample:

	heat twice a year. Test helps to determine optimal timings for a female dog to mate. Requires intravenous blood sampling.	<ul style="list-style-type: none"> <li>- vein collapse</li> <li>- inflammation</li> </ul>	Veterinary Surgeon (VS) or Veterinary Nurse (RVN) under direction of VS. Interpretation of progesterone levels: VS
Vaginal cytology	Test can help to determine optimal timings for a female dog to mate. Procedure involves the collection of cells from the vagina for examination to monitor for hormonal changes.	The RCVS considers this procedure to be invasive with the potential to cause harm. Risk of: <ul style="list-style-type: none"> <li>- infection</li> <li>- injury to the urethra and vagina and other tissue damage.</li> </ul>	VS or RVN under direction
Intra-vaginal artificial insemination	Semen is inserted into the vaginal channel via a pipette and placed in front of the cervix. Fresh and fresh-chilled semen can be used for this procedure which is considered to be the least invasive form of canine AI.	Risk of: <ul style="list-style-type: none"> <li>- infection</li> <li>- damage to tissue</li> <li>- inappropriate use of the procedure in cases where it not necessary.</li> </ul>	VS and RVN under direction of VS
Trans-cervical artificial insemination	Semen is inserted directly into the uterus using an endoscope, usually under sedation.	Risk of: <ul style="list-style-type: none"> <li>- infection</li> <li>- damage to tissue</li> <li>- inappropriate use of the procedure in cases where it is not necessary.</li> </ul>	VS
Surgical artificial insemination	Involves an incision being made to place semen directly into the uterus. The procedure is carried out under	The procedure is illegal under the Animal Welfare Act 2006 as it is considered a	It is illegal for anyone to carry out this procedure including a VS.

	general anaesthesia.	mutilation <sup>8</sup> , ie a procedure which interferes with sensitive tissue or bone structure.	
Ultrasound scanning	Carried out to confirm pregnancy.	Misinterpretation of image can result in a serious medical condition like a malignant growth being missed.	Ultrasonographic pregnancy diagnosis can be carried out by layperson.
Caesarean sections (C-sections) <sup>9</sup> :	A procedure carried out under general anaesthesia and involving an incision in the dog's uterus.	Risk of: <ul style="list-style-type: none"> <li>- haemorrhage (bleeding)</li> <li>- endometritis</li> <li>- wound infection</li> <li>- peritonitis (infection within the abdomen)</li> <li>- higher risk from anaesthesia due to pregnancy related physiological changes</li> <li>- death</li> </ul>	VS

**52.** Please note that we are not proposing that services which are currently restricted to veterinary surgeons and nurses should be carried out by laypersons as part of the introduction of a licensing regime even in cases where the provision of the service itself is deemed appropriate. The purpose of our table is to highlight the procedures that need to be considered when creating a licensing regime and how it can ensure that the procedures offered by the licensed business are only carried out by individuals qualified to do so and in circumstances where they constitute the appropriate treatment for the dog involved. Any licensing mechanism should ensure that permitted procedures are only allowed in cases where they would not compromise welfare, as assessed in accordance with clear, veterinary guidelines.

**53.** The services offered by businesses offering canine fertility services are constantly evolving. It is therefore critical that the licensing regime should be designed in a way that allows swift amendment of the services requiring a licence.

**Q4. Do you support the proposal that any veterinary surgeon named as being associated with a canine fertility business needs to be present during any inspection undertaken, or arranged by, the licensing authority when the authority so requests?**

**54.** Yes we support this proposal. In our view this is a necessary requirement to prevent businesses from naming a registered veterinary surgeon who has little or no involvement on their licence. However, in our view it is more important to ensure that the veterinary involvement is real rather

<sup>8</sup> <https://www.rcvs.org.uk/setting-standards/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/miscellaneous/>

<sup>9</sup> <https://bvajournals.onlinelibrary.wiley.com/doi/10.1136/vr.m394>

than nominal. However, the presence of the named veterinary surgeon at inspection should not in itself constitute sufficient evidence of veterinary involvement. Additional requirements should therefore be put in place to verify active veterinary involvement.

**Q5. Do you support the proposal that as part of the licence application process, canine fertility businesses would be required to submit evidence of the health screen testing undertaken for all dogs used by the business, including testing to assess a dog's temperament?**

**55.** Yes, we support those proposals, however it is important that the validity of such testing can be verified. We agree that a dog's temperament should be taken into consideration prior to breeding but are not aware of a formal test or certificate that is currently available. The puppy contract<sup>10</sup> does list some behavioural traits to look out for when assessing a dog's temperament but the licensing regime would need to provide detail on what type of evidence would be considered to demonstrate that this assessment has taken place. We would not consider self-certification as an adequate method. Further work should be carried out with involvement of the veterinary professions to ensure that appropriate evidence of testing is requested.

**Q6. Should screening also include veterinary certification of health and genetic suitability of all dogs/semen and bitches used for breeding whether or not owned by the business?**

**56.** Screening should involve health testing and screening as recommended by the Kennel Club<sup>11</sup> some of which is provided by the Canine Health Schemes<sup>12</sup>. Further work should be carried out in consultation with the veterinary profession and other relevant stakeholders to determine a list of relevant tests or assessments.

**Q7. Do you support the proposal that as part of the licence application process, canine fertility businesses would be required to provide information on any stud dogs owned by or intended for use by the business (for example ownership details, microchip number, where kept)?**

**57.** Yes we agree. The keeping of stud dogs is currently not covered by the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations which has the potential to impact both the welfare of stud dogs specifically, and also the welfare of domestic canines more widely. There are no restrictions with regard to the number of litters a single sire can father which could significantly impact overall breed health. It also creates a lucrative route for profit generation without regulatory supervision and is therefore known to be used by individuals with a criminal background. In addition, any potential adverse impact on the health and welfare of the stud dog needs to be taken into consideration.

**Q8. The current licensing framework to which we propose to add canine fertility businesses, allows for licences to be granted for a period of 1 to 3 years, depending on assessed risk. Do you agree with the proposal that canine fertility businesses are instead required to renew their licence annually, due to the higher animal welfare risks associated with such businesses?**

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<sup>10</sup> <http://puppycontract.org.uk/>

<sup>11</sup> <https://www.thekennelclub.org.uk/health-and-dog-care/health/health-testing-and-screening/>

<sup>12</sup> <https://www.bva.co.uk/canine-health-schemes/>

**58.** Yes we agree, the services offered by the sector have significant potential to have a negative impact on animal health and welfare. The sector is also continuously and rapidly evolving in terms of product offering and business model. There should therefore be an annual assessment to ensure the business is adequately licenced for all the activities it is carrying out.

**Q9. Are there any further controls or measures that you would like to see introduced as part of a licensing scheme for canine fertility business?**

**59.** Issues around enforcement of existing animal welfare legislation have been highlighted by in a report by the All-Party Parliamentary Group for Animal Welfare (APGAW)<sup>13</sup>. Local Authorities (LAs) currently have a significant role in enforcing animal welfare. However, the approach to enforcement varies widely between local authorities due to a lack of resources and a varying approach to the application of existing regulation. It would therefore be beneficial to develop a framework that allows for data sharing, including between the UK nations and consistent application of enforcement activities as well as specified training and qualifications for staff involved in such activities.

**Q10. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Yes / No / Don't know If yes, please explain your answer.**

**60.** BVA recognises the importance of ensuring access to veterinary services for all communities, and is championing equality, diversity and inclusion across the profession. We consider that it is important for animal health and welfare that stakeholders in all communities are able to access schemes and veterinary services on an equal basis.

## **Part 6: Greyhound Racing**

**Q1. Do you agree that operators of greyhound racing tracks should be made subject to a statutory licensing scheme?**

**Yes / No / Not sure Please explain the reason for your answer.**

**Yes**

**61.** BVA welcomes the Scottish government's proposals to licence greyhound racing in Scotland. We supported the introduction of the Welfare of Racing Greyhounds Regulations 2010 in England, and the subsequent licensing of tracks through GBGB. While there are still potential areas for improvement, it is of concern that there are currently no comparable regulations in Scotland, and the one operational track is not under the aegis of GBGB. While these dogs are ultimately protected under the Animal Health and Welfare (Scotland) Act 2006, more specific regulation and licensing could do much to protect the health and welfare of racing greyhounds in Scotland. It would allow the prevention of injuries, and poor welfare standards, rather than prosecuting once the damage has been done.

**Q2. If you do not support the introduction of statutory licensing, what controls, if any, would you otherwise recommend?**

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<sup>13</sup> <https://apgaw.org/wp-content/uploads/2022/08/Improving-Animal-Welfare-Enforcement-Report.pdf>

62. N/A

**Q3. Do you support the proposal to require veterinary presence when greyhounds are racing to allow pre and post-race health checks of dogs and ensure prompt veterinary care of any injured dog?**

63. Yes. The presence of a veterinary surgeon at all greyhound race meetings and trials can only be beneficial in terms of dog health and welfare. The introduction of this requirement in England has had a positive impact on independent greyhound tracks in particular, where prior to the introduction of the Regulations there was no requirement for a veterinarian to be in attendance. Having a vet in situ also means that first aid, pain relief or euthanasia can be promptly provided.

64. We therefore consider that it should be a legal requirement for a vet to attend all race meetings and trials and for the vet to inspect greyhounds to check they are fit to compete. It may be useful for veterinary inspections to also take place following the race or trial to help identify and treat any injuries. Veterinary presence is essential to ensure the health and welfare of all dogs.

**Q4. The current licensing framework to which we propose to add canine greyhound racing allows for licences to be granted for a period of 1 to 3 years duration, depending on assessed risk. Do you agree with the proposal that greyhound tracks are instead required to renew their licence annually, due to the higher animal welfare risks?**

65. Yes, provided costs and processes are proportionate.

**Q5. Do you know of any challenges or negative consequences that may arise from the introduction of statutory licensing for greyhound racing? If yes, how best could these be addressed?**

66. No

**Q6. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.**

**Yes / No / Don't know If yes, please explain your answer.**

67. BVA recognises the importance of ensuring access to veterinary services for all communities, and is championing equality, diversity and inclusion across the profession. We consider that it is important for animal health and welfare that stakeholders in all communities are able to access schemes and veterinary services on an equal basis.

## **Part 7: Animal Boarding (including day care)**

**Q1. Do you support our proposal to revoke the 1963 Act and bring animal boarding under the scope of the 2021 licensing framework? Yes / No / Not sure Please explain the reason for your answer.**

Yes

68. We support this proposal and agree that a licensing framework should contain detailed and specific requirements that licence holders have to meet to ensure consistent compliance with legislation to protect animal welfare. It is important that owners of dogs and cats can assess whether an establishment is licensed and the availability of a public list of licensed premises will assist in this process. This can also be used to inform owners about the type and level of services they should expect from a provider of animal boarding services.
69. However, as mentioned previously, it is important that the new regulatory regime is supported by adequate resources within the relevant enforcement authorities.

**Q2. Are there specific conditions or measures that you would like to see included in any future licensing scheme for animal boarding?**

70. It is important that the conditions of the licensing regime are designed to take account of the differing needs of cats and dogs. In addition, if other if other animals are intended to be covered, their needs as separate species would need to be considered.
71. The provision of day care (where no overnight boarding services are provided) should be covered by the regime. However, the requirements should be designed in a way to avoid unnecessarily impacting the voluntary non-commercial provision of this service. Those service providers will still be covered by existing animal welfare legislation which applies to anyone interacting with animals. Given the challenges experienced by England regarding implementation and review of Day Care criteria and in particular where issues have been encountered that could potentially compromise animal welfare, we would recommend that Scottish Government liaise with their Government counterparts in England to share learnings and provide for consistency.
72. Any licensing regulations must be designed in such a way that they do not inadvertently bring veterinary surgeries within the remit of the licensing regime. In addition, we would not wish veterinary practices to be adversely impacted by requirements that allow licencees to avail of practice facilities such as isolation facilities without clear legislative criteria in place which underpin the need to have an agreement between both parties in place. In particular, it is not acceptable that a LAIAR business names a veterinary practice without the practice's knowledge and consent.

**Q3. Do you know of any challenges or negative consequences that may arise from revoking the 1963 Act and licensing instead under the 2021 licensing framework? If yes, what are they and how best could these be addressed?**

73. We would suggest that Scottish Government liaise with its counterparts in England to ensure the challenges experienced are avoided. These would include ensuring the proliferation of unlicensed boarders that can operate outside of the licensing regime does not occur. This would include loopholes relating to dog walking or dog training businesses, franchisees or any commercial business criteria that might be introduced.
74. For any new licensing regime, there must be adequate funding and resources in place to ensure satisfactory enforcement

**Q4. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are:**

age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Yes / No / Don't know  
If yes, please explain your answer.

## **Part 8: Licensing of riding establishments and wider equine activities**

**Q1. Do you support the proposal to revoke the 1964 Act and bring riding establishments under the scope of 2021 licensing framework instead? Yes / No / Not sure Please explain the reasons for your answer.**

**Yes**

**75.** BVA supports the proposal to revoke the 1964 Act and bring riding establishments under the scope of the 2021 licensing framework. However, it must be ensured that when councils are extending licences for a period longer than a year, equine welfare does not decline and that annual vet inspections continue to occur.

**Q2. Do you support the proposal to extend statutory licensing to other riding/equine activities such as those discussed above (donkey hire, pony parties etc)? Yes / No / Not sure Please explain the reason for your answer.**

**Yes**

**76.** BVA supports the extension of statutory licensing to equines other than horses in riding schools. When equines are involved in a commercial context, it is important to incorporate the protection of animal health and welfare into statutory legislation to ensure that the pursuit of profit doesn't take priority over animal wellbeing.

**Q3. If riding establishments and other equine activities were in future regulated under the 2021 licensing framework, what conditions of licence would you support or like to see included?**

**77.** It is essential that any additional conditions of licensing be informed by the physical health and mental well-being of the animal, as encapsulated by the five welfare needs: the need for a suitable environment, the need for a suitable diet, the need to be able to exhibit normal behaviour patterns, need to be housed with, or apart from, other animals and the need to be protected from pain, suffering, injury or disease.

**Q4. The 2021 licensing framework, to which we propose to add riding establishments, allows for licences to be granted for a period of 1 to 3 years duration, depending on assessed risk. Do you agree that local authorities should be able to licence riding establishments that operate to consistently demonstrable high standards for periods of more than 1 year? Yes / No / Not sure 47 Please explain the reasons for your answer.**

**Yes**



**78.** We support the granting of licences for a period of up to 3 years. However, it is vital that the extension of the licence does not negatively impact animal welfare. It is crucial that annual vet inspections still occur to guarantee the equines' health and welfare are protected and have not significantly declined over a three-year period.

**Q5. Do you think there should be any exemptions from the licensing system for certain types of equine activities or businesses, and if so, which ones and why?**

**79.** No.

**Q6. Do you know of any challenges or negative consequences that may arise from revoking the 1964 Act and licensing instead under the 2021 licensing framework? If yes, what are they and how best could these be addressed?**

**80.** Yes, it must be ensured that the application of the legislation is consistent across all local authorities to guarantee that animal health and welfare are protected across the entirety of Scotland.

**Q7. What other measures do you think could be taken to improve equine welfare in Scotland, and how could they be integrated into a modern licensing system for equine activities?**

**81.** To improve equine welfare in Scotland, all further legislation must consider and incorporate all factors important to equines, such as behavioural opportunities, appropriate social contact, and physical health outcomes.

**Q8. Are you aware of any examples of how any of the proposals above may impact, either positively or negatively, on those with protected characteristics? These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Yes / No / Don't know If yes, please explain your answer**

**82.** BVA recognises the importance of ensuring access to veterinary services for all communities, and is championing equality, diversity and inclusion across the profession. We consider that it is important for animal health and welfare that stakeholders in all communities are able to access schemes and veterinary services on an equal basis.