

BVA Welsh Branch and BVZS response to Welsh Government Animal Exhibits Consultation

November 2019

Who we are

1. 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 and the wellbeing of the profession.
2. 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.
3. Our response has been formulated in close liaison with the British Veterinary Zoological Society (BVZS), the specialist division of BVA recognised as having responsibility for the care and welfare of exotic pets, zoo animals and wildlife, as well as with input from our Policy Committee.

General Policy

4. We support the bill to license all Animal Exhibits (AEs), with licenses granted following assessment in line with guidelines which are appropriate to the nature of the AE in question and the species involved. Assessment should be based on provision under the five welfare needs and we support the assessment encompassing both the mobile environment and home environment/supporting collection. The licensing system should be self-funding, with the fee charged to the AE covering the cost of inspection.
5. Please refer to [our response to the Welsh Government Consultation on the Wild Animals and Circuses \(Wales\) bill](#) from 2019 and [our response to the Welsh Government consultation on Mobile Animal Exhibits](#) from 2017 for more information on this.

Definition

6. We support the Bill's proposed definition of 'licensable activity'.
7. No exceptions or welfare compromises should be made for particular species of animal. Any regulations should be consistent and not allow for any loopholes or grey areas.

Exemptions

Activities

8. We agree with the proposal to license all animal exhibits, making exemptions for specific activities. This appears to be a pragmatic approach, encompassing a wide range of activities where animal welfare needs should be protected whilst allowing for occasional recreational activities to fall outside the scope of the regulations.
9. We support the current list of exemptions and see no reason for any further exemptions to be made. Any regulations should not allow for any loopholes or grey areas.
10. Care must be taken to ensure any activities not intended to fall under the licensing requirements are clearly exempt, and that this is communicated to anyone who may be affected. Such activities may include:
 - Pet animals filmed and shared on social media
 - Children bringing pet animals to events or 'show and tell' at school, which may be videoed
 - Farms opening up for public or school open-farm days

11. Care must also be taken to ensure that specific activities which are intended to be exempt from the regulations are not accidentally captured. For example, according to the guidance document, point c is intended to exempt traditional hunting unless an audience is present. Traditional falconry meets take place in fields which may attract an audience who are not taking part but wish to watch the raptors hunt, which would consequently make these traditional hunts a licensable activity.
12. There is a potential loophole related to pet shops being exempt from the regulations (point f), as they may choose to exhibit animals that are not for sale as a promotional tool. It should be made clear in the guidance that this type of exhibit would also require a license.

Business type

13. We agree with the proposal to license all activities, regardless of whether they are carried out for profit. No exceptions or welfare compromises should be made for particular organisations. Any regulations should be consistent and not allow for any loopholes or grey areas.

Frequency of exhibition

14. We agree with the proposal to license all activities, regardless of how often they may take place. No exceptions or welfare compromises should be made for frequency of exhibition. Any regulations should be consistent and not allow for any loopholes or grey areas.

Conditions

Licence conditions

15. We support the current list of conditions, however would recommend adding a requirement to record the following information in order to capture changes in the number and types of animals being exhibited:
 - Stock numbers at the end of the year
 - Cause of death
 - New species of animals added
16. The considerations for domestic and wild animals will be significantly different as domestic animals will normally be easier to house and transport in such a way that takes into account their welfare requirements, and their interactions with humans will normally be less problematic from a welfare, and probably safety, perspective than interactions between wild animals and humans. Some raptors, such as those used in falconry displays are likely to have requirements that fall somewhere in between animals recognised as traditionally 'domestic' or 'wild'.
17. There will be additional considerations with regard to the status of dangerous wild animals within AEs, particularly with regard to containment and public safety. It may be that dangerous wild animals should not be permitted in AEs under any circumstances as it is unlikely that they would be able to fulfil the requirements under the Dangerous Wild Animals Act.

Prohibited persons

18. We support the proposal to disqualify persons who have previous animal welfare related offences.
19. We agree with the current list of regulations listed.

Implementation

Guidance document

20. We support the comprehensive guidance provided.
21. As mentioned above, care must be taken to ensure any activities not intended to fall under the licensing requirements are clearly exempt, and that this is communicated in the guidance document. Such activities may include:
 - Pet animals filmed and shared on social media
 - Children bringing pet animals to events or 'show and tell' at school, which may be videoed

- Farms opening up for public or school open-farm days
22. There is a potential loophole related to pet shops being exempt from the regulations, as they may choose to exhibit animals that are not for sale as a promotional tool. It should be made clear in the guidance that this type of exhibit would also require a license

License period

23. We agree that licences should be allowed to be issued for a fixed term, set at any time during the year.
24. We acknowledge the potential theoretical benefits of having a set length of licences in terms of reducing the burden of animal establishment inspections. However, we have substantial concerns about supporting this proposal in view of the importance of having the opportunity to regularly assess factors such as animal welfare, the species kept and facilities. Circumstances can change significantly within the space of three years.
25. Instead, risk assessment should be used to determine a licensing inspection regime. For example, Defra provide a scoring matrix as Table 1, page 16 of the [Procedural guidance notes for local authorities for The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#). We support using this as the basis for a standard national risk assessment scoring system, which would help local authorities to identify high or low risk establishments (as well as informing the public and driving up standards), and help to determine those businesses that should receive more frequent inspections.
26. Each premises type could have a risk scoring matrix to ensure it's effective for the particular activity in question. The criteria for risk assessment would need to be clearly defined and an initial inspection would be a requirement of any licensing regime. Any risk based assessment which allows for longer periods between inspections should incorporate both the facility for spot checks and for inspections / revocation/suspension of the licence (without the need to go to court) should there be a complaint or any evidence that the conditions of the licence are not being met.
27. A final version of the proposed framework would need to be agreed in consultation with relevant stakeholders (including the veterinary profession).
28. This approach reflects that already used by local authorities in England to enforce [food standards](#) (page 35) and farm animal health (p18 of the [Framework document](#)).

Attitudes of children and young people

29. We believe that many AEs have an important role to play as an educational tool and can impact positively on attitudes towards animals. However, this impact can only be positive when the way in which the animals in question are exhibited is appropriate, and reflects the five welfare needs in line with the specific requirements for that species and individual(s). AEs should not portray animals in contexts that are inappropriate, or performing inappropriate behaviours, even if cultural norms have previously permitted this, and consideration should be given to the development of supporting guidelines for exhibitors. Animal training should be based on the most up-to-date models of species appropriate positive reinforcement, and must never be punitive. For many, AEs may represent the only exposure they will have to particular species and it is therefore essential that exposure exemplifies good welfare if it is to serve any educational purpose. The development of respectful and responsible attitudes towards animals is not limited to children and young people, with many adults also likely to benefit from exposure to AEs where good welfare is represented.
30. The proposals do not explain how this requirement will be assessed. The license holder should be required to demonstrate this as part of their assessment, for example by showing they provide educational materials for the public, or codes of conduct for staff members which emphasise a respectful and responsible attitude to animals.

Included activities

31. We agree that animal displayed for ornamental purposes only should be exempt from licensing requirements.

Biodiversity decline

32. We believe that many AEs have an important role to play as an educational tool and can impact positively on attitudes towards animals. The development of respectful and responsible attitudes towards animals may in turn lead to greater support for efforts to conserve biodiversity.
33. There is a risk that the conservation argument could be used to justify rarity or unusualness of exhibit species for its own sake or for commercial gain. We believe there is a very limited role for endangered species in AEs and consideration should be given to regulation based on [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES) listing or [International Union for Conservation of Nature](#) (IUCN) status. It may even be appropriate to ban some categories of endangered species within some AEs.

Welsh language

34. Although the effects of a licensing system on the Welsh language are somewhat outside our remit, as a matter of principle a bilingual approach should be adopted in order to ensure that language cannot be used as an excuse for misunderstanding or failing to comply with welfare and licensing requirements.

Other comments

35. We welcome the opportunity to comment on the existing licensing schemes relating to animals. This is a joint response by BVA and , the latter of who have considerable knowledge and experience of the animal licensing system through their members.
36. We agree that much of the current animal licensing legislation is out of date and needs to be revised to take account of the changes that have occurred since it was originally introduced. For example, the Pet Animals Act 1951 and Animal Boarding Establishments Act 1963 are no longer fit for purpose and need to take account of modern practices including the wide range of species now kept as pets, internet sales, home boarding, cat breeding, dog trainers, dog walkers, dog groomers, animal rescue/rehoming centres and “doggy day care”.
37. We acknowledge that there is a need for change but note that there is no point in introducing new legislation if it is not properly enforced, and this will need appropriate resources to be made available. We are aware of the current resource constraints on Welsh Government and local authorities but caution against using this as a cost cutting exercise. We would suggest that it may be appropriate to engage with stakeholders from the industry to explore the possibility of making the system self-funding.
38. We support the proposal to bring existing licensing schemes under the Animal Welfare Act, in order to ensure that the focus of inspection is on animal welfare and the five welfare needs. The Animal Welfare Act 2006 (AWA) already allows for secondary legislation on licensing, without the need for (further) primary legislation and could enable a system to be developed which can be rapidly and efficiently updated and be more responsive to evolving needs.
39. We also recommend that this review is an appropriate opportunity to consider whether any other activities or animal establishments should be licensed in order to ensure that they meet appropriate animal welfare standards. For example:
 - Animal rescue and rehoming centres - We would specifically like to draw attention to the fact that animal establishments rehoming animals for a fixed fee currently circumvent licensing and inspection legislation. Please note that this does not only refer to dogs and cats but also other species such as reptiles.
 - Importers -By inspecting and licensing these premises there can be increased emphasis on the welfare of imported animals and improvements
 - Wildlife rescue centres - welfare concerns have been raised in the work published by the Companion Animal Welfare Council (CAWC: report on Companion animal welfare

establishments: sanctuaries, shelters and re-homing). BVZS have developed [good practice guidelines for wildlife rescue centres](#).

- Pet fairs - which are currently unlicensed for the sale of animals, although The Pet Animals Act 1951 has sometimes been interpreted in such a way as to suggest that selling animals in a public place (i.e. pet fairs) is not permitted and a pet shop licence would be required
 - Doggy day care/ dog crèches
 - Dog training – there is currently no regulation of dog trainers and anyone can set up a dog training business. Poor dog training can have a significant impact on a dog's welfare and behaviour, and public safety, so dog trainers should be required to demonstrate that they meet the standards of the Animal Behaviour and Training Council
 - Dog grooming – like dog trainers, dog grooming establishments are currently unregulated and there are concerns about the standards of some groomers. Therefore dog groomers should be regulated via a voluntary system of regulation or local authority licensing
 - Private commercial greyhound kennels of greyhound trainers – since a racing greyhound spends much of its life in and around its trainer's kennels, welfare standards should be agreed for the inspection and licensing of all these kennels. We support the [Animal Welfare Network Wales voluntary Code of Practice for the welfare of racing greyhounds](#). However, in light of this current consultation, Welsh Government may wish to explore bringing any new inspections and licensing of these greyhound kennels.
 - Private breeding facilities of zoological species - There are many private individuals and companies that breed large number of reptiles, raptors, and parrots for commercial sale. Projects which are listed under Balai regulations will have inspections, meaning animal welfare can be checked. However, many projects, especially reptile and avian projects, will not be registered either as zoos or as Balai facilities, so escape any legislative requirement for inspections.
40. As experts in animal welfare the veterinary profession is well placed to provide advice and guidance to support the licensing process. Welsh Government may wish to consider developing the current system of zoo inspections, when vets pay to train and register with the government and then make the money invested back in inspection fees. We recognise that the guidance document refers to veterinary surgeons mentioned on the BVZS website as being suitable inspectors. The UK government also has a list of veterinary surgeons who conduct zoo inspections. Combining these resources, Welsh Government could put together lists of veterinary surgeons with the appropriate species knowledge, qualifications and experience to undertake the various different types of animal establishment inspections in partnership with local authorities. This would make it easier for local authorities to identify and contact relevant vets with the appropriate knowledge and experience to support their inspections. Controls would need to be put in place to ensure vets remain independent and do not inspect premises where they are providing general veterinary care.
41. Veterinary associations are well placed to provide training for both veterinary surgeons and local authority inspectors and develop guidance to support inspections. For example, BVZS has provided training for DWA inspections and created a template for DWA inspections in an attempt to achieve consistency. BVZS has also incorporated the zoo licensing inspection system into their guidelines for wildlife rescue centres. These guidelines are in their final draft form and once published could be used as part of a framework to regulate and licence wildlife rescue centres within the Animal Welfare Act and secondary legislation.
42. We realise that this consultation only refers to Wales but would urge Welsh Government to work with its counterparts in England, Scotland, and Northern Ireland to ensure that there is consistency of legislation and enforcement, in order to prevent certain activities being moved to regions with less rigorous regulation.