BVA, BSAVA AND BVZS VIEW IN RESPONSE TO DEFRA REVIEW OF LOCAL AUTHORITY LICENSING

Introduction and background

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom and has over 15,000 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. The British Small Animal Veterinary Association (BSAVA) is the largest specialist division of the BVA and of the veterinary profession. It represents over 9,500 members, the majority of whom are in general practice and have an interest in the health and welfare of small animals, namely dogs and cats.

3. The British Veterinary Zoological Society (BVZS) is a specialist division of the BVA which is involved in almost every aspect of the care and welfare of exotic pets, zoo animals and wildlife.

General Comments

4. We welcome the opportunity to comment on the existing licensing schemes relating to animals. This response has been put together with the particular assistance of two of our specialist divisions; the British Small Animal Veterinary Association (BSAVA) and British Veterinary Zoological Association (BVZS), who have considerable knowledge and experience of the animal licensing system.

5. Our comments should be regarded as preliminary in the absence of substance to the proposals at this stage, and in view of the limited timescales involved. We would assume that in the near future there will be a full Defra consultation in order to identify the relevant issues and best approach for each area of inspection. BVA would stress that genuine engagement with relevant specialist veterinarians and trade organisations is essential as the consultation proceeds, and we would wish to be involved and fully contribute to this process.

6. We note that as well as companion animal licensing for dog breeding, animal boarding, pet shops and riding establishments; licensing or inspections are also required for zoos and under the Dangerous Wild Animals Act. We would suggest that this is also an appropriate opportunity to consider whether any other areas should be brought under licensing schemes, such as animal rescue centres, which are not currently inspected.

7. We would advocate more consistent and effective enforcement of the existing legislative and regulatory framework. In particular we have concerns around the increasing lack of resources available to local authorities and animal welfare expertise in the inspection processes. Any changes which reduced the administrative burden for local authorities would be welcomed.
We are considering bringing existing licensing schemes under the Animal Welfare Act 2006, as originally intended, to allow future updating via regulations, without the need for primary legislation.

Q1. Do you have any comments on this proposal?

8. We would support the proposal to bring existing licensing schemes under the Animal Welfare Act, particularly if it enables the system to work more effectively and be more responsive to evolving needs. Using the Animal Welfare Act 2006 would allow existing schemes to be updated rapidly and efficiently, without the need for primary legislation, providing that appropriate mechanisms for consultation across all stakeholders are adopted.

9. There should be clear lines of responsibility, and resources made available for enforcement. Any revision should not result in further addition of responsibility for licensing and regulation onto local authorities without access to the appropriate resources and veterinary expertise to cope with it.

10. We would be content with primary legislation being replaced by secondary legislation under the Animal Welfare Act, as is being done in Wales with The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. We should be happy to comment, in close harmony with our specialist divisions, on proposals to update any relevant legislation. We also understand some work is already being done along these lines by working groups under the auspices of the Canine and Feline Sector Council.

11. We would suggest that there is a need for a more detailed review of the legislation which currently governs these licensing schemes. This would ensure that it is fit for purpose and takes account of any changes that have occurred since it was originally introduced. For example, the Pet Animals Act 1951 and Boarding Establishment Act are no longer fit for purpose and need to take account of modern practices such as the wide range of species now kept as pets, internet sales, home boarding and doggy day care.

We are considering the introduction of rolling licences, as opposed to the one-year system currently in place in a number of areas.

Q2. Do you have any comments on this proposal?

12. We would need more information about how rolling licences would work before being able to comment in any detail.

13. We would be concerned if the intention is to issue licenses which continue without re-inspection unless problems are reported, we would have concerns about this although we can appreciate that it could save money. Where there are changes in the numbers of animals kept at a licensed premises (e.g. due to breeding or expansion of the business), then re-inspection will be an important part of ensuring that the welfare needs of the animals were still being met.

We are considering extending the maximum length of licences which local authorities may issue, at their discretion. This would encourage greater risk-based assessment, and permit longer licences for good practitioners.
Q3. Do you have any comments on this proposal?

14. We would broadly support a move to risk based assessment, providing that the criteria for risk assessment are clear and explicit and that an initial inspection would be a requirement of any licensing regime. BVA has previously welcomed a similar approach using a farm’s membership of a farm assurance scheme as part of earned recognition to reduce the number of farm inspections. Any risk based assessment which allows for longer licensing and periods between inspections should incorporate both the facility for spot checks and for inspections/revocation of the licence should there be a complaint or any evidence that the conditions of the licence are not being met.

15. However, until the regulatory framework to allow longer licences is clarified, and it can be consistently enforced, some concerns about this proposal remain. We would query precisely which risks would be assessed and who would be responsible for determining these risks in practice. Without a commensurate assurance of improvement in standards, we would be concerned that this proposal could risk diluting the existing inspection regime.

16. We are also aware that there is a significant problem in identifying those premises which should be inspected. For instance, those who only breed a small number of dogs, or those who are selling pets over the internet or from a “rescue centre” are currently not recognised as requiring inspection.

17. Perhaps a national risk assessment scoring system could be developed to help identify the high risk premises which require more frequent inspections, similar to that used by local authorities to enforce food standards or farm animal health (p18).

We would like to encourage greater use of UKAS accreditation of operators enforcing recognised welfare standards, where appropriate. This could, for instance, include a lighter-touch approach to those holding certification from a UKAS-accredited scheme governing body.

Q4. Do you have any comments on this proposal?

18. We support this approach, to utilise UKAS accreditation, in principle. However before this could be introduced, clear welfare standards and clarity about which enforcement powers are being delegated and to whom, would need to be agreed.

19. We understand that at present UKAS accreditation provides accreditation and quality control of the inspection process but UKAS are not involved in setting standards. We can foresee problems with this approach if there were to be several UKAS accredited schemes operating in a particular area (e.g. covering different species in Pet shops). It would therefore be necessary to have in place a system of reviewing any UKAS accredited scheme to ensure that it meets appropriate welfare standards.

20. The standards, particularly with respect to animal welfare, must be appropriate and robust. There must be strong and consistent involvement of veterinary surgeons and other appropriate animal welfare experts in the development of the standards to be applied. These must take account of the welfare needs of individual animals in individual premises, and not be merely a paper audit.

21. We can see that this approach may be useful in some areas to reduce the requirement for local authority inspectors, especially where there are many small premises that require licensing. For example the Kennel Club Assured Breeders Scheme could be used as an alternative to inspect those breeding small numbers of litters. In these cases it is likely that
the UKAS accredited inspectors will have greater knowledge and experience than some local authority inspectors.

22. We would also suggest that if this approach to licensing is adopted, spot checks and inspections should be allowed for, with the power to revoke the licence in light of evidence that the conditions of the licence are not being met.

Local authorities in several areas, such as London and Manchester, already run a contracted-service model, allowing the preservation of animal welfare specialists, while reducing duplication costs. We would like to encourage this model elsewhere.

Q5. How could a greater sharing of functions across local authorities in animal welfare be encouraged?
23. We are aware that this contracting model works well for London boroughs. Given the ongoing reductions to local authority resources and expertise, it seems sensible to share knowledge and reduce costs. We would support a greater harmonisation of standards and consistency of inspection, and more consistent and meaningful involvement of veterinary surgeons with appropriate expertise.

24. There are many options available to harmonise standards, including forming national inspectorates (along the lines of the panel of zoo inspectors), or a regional approach, with multiple local authorities within a region of the country using the same panel of experts. Another alternative is the use of Primary Authority arrangements. It may prove that a single solution is not appropriate across the wide range of regulatory functions to be considered.

25. We understand that Primary Authority arrangements are being used in certain areas which enable local authorities to develop and share expertise, advice and good practice to regulate companies. Local authorities in the same region could also share the cost of accessing / employing animal welfare experts (including appropriately experienced veterinary surgeons) who could help, not only with inspections, but also in training local authority employees in how to recognise problems and inspect to agreed standards.

26. The development of Model Licensing Conditions could also be expanded to include proforma reports and guidance not just on meeting the legal minimum requirement but on identifying unacceptable practices and recognising and encouraging best practice.

Q6. Outside the measures discussed above, how could the administrative burden for local authorities be reduced, while maintaining good welfare standards?
Q7. Outside the measures discussed, how could the licensing system be simplified for businesses, while maintaining good welfare standards? (See combined response to Q6 and Q7 below).

27. We are aware of the significant resource problems that local authorities are working under, especially in inspecting and enforcing legislation relating to companion animals. We are also aware that some local authorities carrying out these inspections have insufficient knowledge or training in all the areas that they are expected to inspect and will often be carrying out animal welfare inspections amid a wide range of other duties. We acknowledge that there is a need for change but would caution that changes should not be used as a cost cutting exercise as any new model will need to be properly resourced.

28. We are aware that at present there are sometimes inconsistencies in how different local authorities interpret, then inspect and enforce the current regulations. We are also aware
that there are significant differences in the charges that local authorities make for inspections and would query whether it would be possible for the fees to be standardised, though we recognise that local authorities are autonomous organisations.

29. It has been suggested that consideration could be given to bringing many of these licensing schemes together under a central agency (created under the Animal Welfare Act) which could develop expertise on animal welfare licensing across the whole country, or Alternatively, the Primary Authority arrangements discussed above might be suitable in some instances. In either case, we would recommend that there is veterinary input from veterinary surgeons with the appropriate knowledge and skills for the species or type of inspection being carried out.

30. We have some concerns regarding the existing regulatory provisions, and that those involved (stakeholders, veterinarians and indeed even local or national authorities), may not always be clear on their responsibilities or how to access advice or expertise. Improvements to education and dispersal of information would go a considerable way to enhancing enforcement activity on the ground.

31. Defra may also wish to consider the development of lists of veterinary surgeons with the appropriate species knowledge and experience to undertake the various different types of inspections on behalf or in partnership with local authorities. Alongside this it may be appropriate for there to be straightforward inspection training courses which could simply refresh vets on the requirements for different inspections. BVA and the specialist divisions may be able to offer their expertise to support the development of training courses.