

**Manchester City Council  
Report for Information**

**Report to:** Licensing Committee – 26 March 2018

**Subject:** Banning third party sales of pets in England

**Report of:** Head of Planning, Building Control and Licensing

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**Summary**

The report provides the Licensing Committee with a brief overview of topical information relevant to premises licensing functions of the licensing authority.

**Recommendations**

That Members note the report.

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**Wards Affected:**

All

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	The Council licences pet shops as well as animal breeding, which provides jobs and opportunities.
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	An effective licensing regime ensures high welfare standards for animals providing assurance to our communities.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to	Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable

drive growth	and high quality premises to help drive that growth.
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**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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#### **Financial Consequences – Revenue**

None

#### **Financial Consequences – Capital**

None

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#### **Background documents (available for public inspection):**

Copies of these documents are available up to 4 years after the date of the meeting.  
If you would like a copy please contact one of the contact officers above.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations  
2018

## **1.0 Introduction**

- 1.1 The report provides the Licensing Committee with a brief overview of topical information relevant to premises licensing functions of the licensing authority.

## **2.0 Government issued 'call for evidence' on proposed ban on third-party sellers of puppies and kittens**

- 2.1 The government has issued a call for evidence on proposals to ban third-party sales of puppies and kittens.
- 2.2 A ban would mean that pet shops, pet dealers and other outlets and licensed sellers of puppies and kittens would be unable to sell these pets unless they themselves have bred them.
- 2.3 This proposed ban is a response to the "Lucy's Law" campaign, named after a cavalier spaniel called Lucy who was rescued from a Welsh puppy farm in 2013 with a curved spine from being kept in a cramped cage, epilepsy and other problems. Despite being nursed back to health she died in 2016.
- 2.4 Puppy farms are high volume breeding establishments where dogs are bred purely for profit. The Kennel Club advises that the puppies bred by puppy farmers are more likely to suffer from common, preventable, infectious diseases, painful or chronic inherited conditions, behavioural issues and shorter life spans, and that such businesses typically:
- Separate puppies from their mothers too early (8 weeks is generally recommended);
  - Ignore guidelines about the maximum frequency of litters (the Kennel Club will not normally register more than four litters from any one bitch because of concerns that the current legal limit of six litters per bitch can be potentially detrimental to a dog's welfare);
  - Provide inadequate socialisation of puppies;
  - Sell puppies through third parties i.e. away from the environment in which they are raised;
  - Keep puppies in poor husbandry conditions and fail to follow breed specific health schemes or to apply basic, routine health measures such as immunisation and worming.
- 2.5 It is proposed that the removal of third-party selling would eradicate irresponsible breeding practices such as puppy farming, smuggling or trafficking; further protect the welfare of puppies and kittens; and is an important step to improving standards in breeding establishments. It has been suggested that a ban would:
- Ensure consistency with government advice that purchasers should seek to see puppies or kittens with their mother.
  - Incentivise welfare improvements in high risk commercial dog breeding establishments through ensuring transparency, accountability and appropriate remuneration for breeders.

- Assist purchasers to make informed choices based upon seeing a puppy or kitten with its mother and encourage responsible buying decisions.
- Prevent the sale of puppies which have not been bred to recognised standards of welfare in this country.

### Current Position

2.6 The government has only recently published proposed new rules (The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018) which will come into effect on 1 October 2018 to modernise and enhance the welfare requirements applying to dog breeding, pet sales and other pet-related activities licensed by local authorities in England. These reforms introduce a wide range of improvements. In particular they:

- Require all licensed dog breeders and licensed sellers of all pet animals, including sellers who are not also breeders, to adhere to enhanced strict statutory minimum welfare standards linked to the animals' welfare needs set out in the Animal Welfare Act 2006.
- Prohibit the sale of puppies, kittens, ferrets or rabbits below eight weeks of age.
- Require any licensed pet seller advertising pets for sale to include their licence number in the advert as well as identifying the local authority that issued it, a photo of the pet, its age, country of residence and country of origin. This is intended to help people identify pets offered for sale from unlicensed sellers including those based abroad.
- Require the sale of a dog to be completed in the presence of the purchaser on the premises where the licensed seller or licensed breeder has been keeping the dog, thereby banning online sales by licensed sellers and breeders.
- Ensure licensed dog breeders must show puppies alongside their mother before a sale is made and only sell puppies they have bred themselves.

2.7 However, campaigners have claimed that these regulations do not go far enough and that there should be a complete ban on commercial third party sellers of puppies and kittens.

### Arguments against a ban

2.8 There are some notable objectors to the proposal to ban third party sales, principally welfare charities The Dogs Trust and Blue Cross. Instead The Dogs Trust backs a robust regime of licensing and inspection for breeders backed with increased enforcement of the law on the basis that if puppy breeding and selling are driven underground, enforcement will only become harder.

2.9 They also state that ethical breeders in the UK cannot meet the growing demand for certain types of puppies and so, as long as their supply falls short, dishonest breeders will breed dogs for increasing profits and evade the law, making enforcement even more difficult.

- 2.10 There are also concerns over the enforceability of any ban. For example, dishonest breeders using fake mums to fool unsuspecting members of the public into thinking they are buying a puppy responsibly, or the the potential for dealers to set up as a rehoming organisation or sanctuary, which are not regulated.
- 2.11 However, critics of that position argue that the burden to identify and license third-party sellers that would still fall to local authorities to enforce, those seeking to buy puppies would not be expected to attempt to circumvent the law. Therefore, a complete ban on sales a ban on third party sales would be more obvious to the public, who would be more likely to report any breach in the interests of the dogs' welfare.

#### Current authorisations to sell puppies in Manchester

- 2.12 Manchester has 14 pet shop licences in total, of which 5 authorise the sale of puppies or kittens. 4 are traditional pet shops, of which 3 sell both puppies and kittens, and 1 sells kittens.
- 2.13 The other licence is issued to a business solely operating as a third party trader in imported puppies predominately by advertising on the internet.

#### Call for Evidence

- 2.14 The government's call for evidence is to help understand the effect of introducing a ban, and any limitations of doing so. Views have been invited on:
1. The nature and extent of the problems which a ban on third party sales in England might address, i.e. on the benefits of a ban and on how and why a ban would tackle the problems identified, taking into account the extent to which the incoming enhanced requirements on licensed sellers and on licensed breeders.
  2. Is there a way of conducting sales of animals through commercial third party sellers that preserves appropriate standards of animal welfare?
  3. How the absence of licensed third party sellers will affect supply, the price of puppies and kittens, risk of dog theft, and unlicensed dog breeding.
  4. The ability of local authorities to tackle illicit unlicensed pet sales activity if there is no income from licensing fees to fund such activity.
  5. The impact on rescue and rehoming organisations and the risk of traders setting themselves up as a rescue and rehoming organisation to get around the ban.
  6. The impact on the pet industry
  7. How far any ban on third party sales in England should be extended:

- a. Are there other alternative solutions that could achieve the same aim?
  - b. Should any ban extend to both puppies and kittens, and not to other types of pet?
  - c. Should any ban on third party sales apply in addition to pet adult dogs and cats – i.e. those over 6 months of age?
- 8. Any further thoughts relating to any ban:
  - a. How should any ban on third party sales be applied?
  - b. What specific measures should be adopted?
  - c. What other factors should be considered and addressed in order to maximise the benefits and to address any risks effectively?
- 2.15 Relevant to the above points, were the ban to be implemented, the third-party seller referenced at 2.13 above would be prohibited from operating.
- 2.16 We have received several complaints about licensed pet shops from members of the public in relation to puppies and kittens being sold on the basis that it supports puppy farming.
- 2.17 The Council's Animal Welfare Officers routinely inspect the pet shops in response to complaints and before any licence is granted or renewed. Licences are only approved on the basis of them being satisfied appropriate welfare provisions are in place, appropriate records are maintained, and the conditions of the licence are adhered to.
- 2.18 An Animal Welfare Officer will be in attendance to answer any questions the Committee may have and to provide their experience in relation to the third party sale of puppies and kittens in Manchester.
- 3.0 Contributing to the Community Strategy**
- 3.1 A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities**
- 3.1.1 The Council licences pet shops as well as animal breeding, which provides jobs and opportunities.
- 3.2 A highly skilled city: world class and home grown talent sustaining the city's economic success**
- 3.3 A progressive and equitable city: making a positive contribution by unlocking the potential of our communities**
- 3.3.1 An effective licensing regime ensures high welfare standards for animals providing assurance to our communities.
- 3.4 A liveable and low carbon city: a destination of choice to live, visit and work.**

- 3.4.1 An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

**3.5 A connected city: world class infrastructure and connectivity to drive growth**

**4.0 Key Policies and Considerations**

- 4.1 None

**5.0 Conclusion**

- 5.1 The report is provided primarily for informational purposes in relation to the proposed ban on third-party sales and the public “Lucy’s Law” campaign. However, in considering the contents of the report and any discussion at the meeting, if the Committee wish for any particular views to be submitted in response to the Government’s call for evidence, they are asked to provide them.