



COUNCIL - 5TH JUNE 2018

SUBJECT: NOTICE OF MOTION – TO SUPPORT THE LUCY’S LAW NATIONAL CAMPAIGN TO BAN AND OUTLAW THIRD PARTY PUPPY FARMING

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING

- 1.1 The attached report, which detailed a Notice of Motion received from Councillors E. Stenner, S. Morgan, L. Phipps and C. Cuss in relation to a ban on third party puppy farming, was presented to the Health, Social Care and Wellbeing Scrutiny Committee on 1st May 2018.
- 1.2 Members considered the following Notice of Motion:-

“That Caerphilly County Borough Council adds its support to the Lucy’s Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter”.
- 1.3 Officers summarised the background information in relation to Lucy’s Law, which was launched in December 2017 and promotes an immediate ban on all commercial third party sale of dogs. It was explained that “third party sellers” are dealers who did not breed the dogs and who operate as “middlemen” between the breeders and the buying public. The sale of puppies through third party dealers can seriously harm animal welfare, trauma of transportation, increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation. The puppy market is very lucrative with even small breeds selling for over a thousand pounds.
- 1.4 New legislation has been proposed in England which places enhanced requirements on licensed pet sellers who are not pet breeders. As the legislation is currently slightly different in Wales, the Welsh Government is keeping a watching brief on developments in England and has expressed its general support for a ban on third party sellers.
- 1.5 During the course of the ensuing debate, Members discussed the remit of such a ban and whether it could also apply to other types of animals, the effectiveness of a ban, and the enforcement processes and penalties that could be applied to illegal dealers.
- 1.6 Following consideration of its contents, the Health, Social Care and Wellbeing Scrutiny Committee unanimously endorsed the Notice of Motion and recommended its acceptance by Council.
- 1.7 Council is now asked to consider the attached Notice of Motion.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix Report to the Health, Social Care and Wellbeing Scrutiny Committee on 1st May 2018
- Agenda Item 9



HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 1ST MAY 2018

SUBJECT: NOTICE OF MOTION – TO SUPPORT THE LUCY’S LAW NATIONAL CAMPAIGN TO BAN AND OUTLAW THIRD PARTY PUPPY FARMING

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 The Scrutiny Committee is asked to consider the Notice of Motion as set out in paragraph 4.1 to this report and make a recommendation to Council.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor Eluned Stenner and is supported by Cllrs Sean Morgan, Lisa Phipps and Carl Cuss.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is now referred for consideration.

3. LINKS TO STRATEGY

- 3.1 The Notice of Motion meets the criteria set out in the Council's Constitution.
- 3.2 Supporting the ban on third party sellers of puppies contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A healthier Wales
 - A globally responsible Wales

In terms of the five ways of working set out in the sustainable development principle, as defined in the Act. The motion to support Lucy's Law is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders.

4. THE REPORT

- 4.1 Councillor E. Stenner requests in her Notice of Motion that:-

Caerphilly County Borough Council adds its support to the Lucy's Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter.

4.2 Background Information

Lucy's Law was launched in December 2017 and supported by APDAWG, All-Party Parliamentary Dog Advisory Welfare Group chaired by MP Dr Lisa Cameron MP. Lucy's Law promotes an immediate ban on all commercial third party sales of dogs. "Commercial" means sales as part of a business, for profit. Third party sellers are dealers; people who did not breed the dogs and who operate as "middlemen" between the breeders and the buying public.

4.3 Currently the law (Pet Animals Act 1951) requires commercial third party sellers to be licensed as a "pet shop", irrespective of the type of trading premises.

4.4 On the 8th of February 2018 the Government published new rules with the aim of modernising and enhancing welfare requirements applying to dog breeding, pet sales and other pet related activities licensed by local authorities in England. These reforms place enhanced requirements on licensed pet sellers who are not pet breeders, i.e. third party sellers but do not go as far as an outright ban. The Government however wish to explore a ban on third party sales further and have therefore issued a call for evidence on the effect of introducing a ban. The proposal under the revised Regulations, with the ban incorporated would be that puppies can only be sold from licensed breeders, in the presence of their mothers, after the age of eight weeks, or alternatively, from verified charity and rescue centres.

4.5 The sale of puppies through third party dealers can seriously harm animal welfare, trauma of transportation, increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation. The puppy market is very lucrative with even small breeds selling for over a thousand pounds.

4.6 Puppies imported into the UK for commercial re-sale can only legally be sold if the seller holds a pet shop licence. Banning the sale of puppies by third party sellers would remove the legal market for imported puppies.

4.7 A ban on commercial third party sales would amount to a legal requirement that only licensed dog breeders would be able to sell puppies in the course of a business. It would not impact on non-commercial activities including rehoming puppies through dog charities and sanctuaries as they are not done for profit.

4.8 A ban on third party selling will probably not entirely eradicate puppy farming but it is an effective strategy to dramatically reduce the scale of the problem and compel breeders to raise standards.

4.9 Caerphilly Council Animal Health and Licensing officers have dealt with a number of cases of unlicensed pet sellers and breeders which has resulted in enforcement action. Officers have also dealt with cases where traders have purchased dogs imported from European countries and claimed that they had bred the puppies themselves.

4.10 Legislation is currently slightly different in Wales. Pet shops are governed by the Pet Animals Act 1951 but there is separate devolved legislation covering Dog Breeders, namely the Animal Welfare (Breeders of Dogs) (Wales) Regulations 2014. Welsh Government is keeping a watching brief on developments in England and has expressed its general support for a ban on third party sellers.

5. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

5.1 Public Protection activity is integrated across the Well-being Goals within the Well-being of Future Generations (Wales) Act 2015. The banning of third party sales of dogs would contribute towards the health protection of citizens in helping to reduce the spread of disease in animals that could impact on humans. It would also enhance public protection and protect animals, consumers and enable legitimate trade to operate in fair and open market place.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan 2016-2020.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising directly from this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 The Notice of Motion be duly considered by the Scrutiny Committee and make a recommendation to Council.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To be in accordance with the Council's Constitution. To demonstrate the commitment the Authority has to animal welfare and controls on the commercial sale of dogs.

12. STATUTORY POWER

- 12.1 Local Government Act 1972.

Author: Jacqui Morgan Trading Standards, Licensing & Registrars Manager
Consultees: Cllr Lyndon Binding (Chair) Health Social Care and Well Being Scrutiny Committee
Cllr J Gale (Vice Chair) Health Social Care and Well Being Scrutiny Committee
Mark S. Williams, Interim Corporate Director Communities
Rob Hartshorn, Head of Policy and Public Protection
Lisa Lane, Corporate Solicitor,
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Shaun Watkins, HR Manager

Background Papers:
Call for Evidence, A ban on commercial third party sales of puppies and Kittens in England.

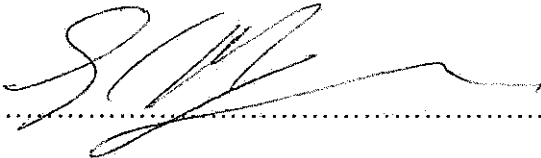
Appendix 1: Signed copy of Notice of Motion

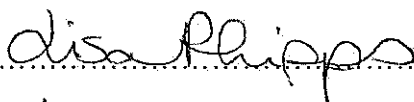
Notice of Motion

To consider the under-mentioned Notice of Motion standing in the name of County Borough Councillor Eluned Stenner supported by Cllr Sean Morgan, Cllr Lisa Phipps and Cllr Carl Cuss

We the undersigned elected members request that "Caerphilly County Borough Council adds its support to the Lucy's Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter".

Councillor Eluned Stenner 

Councillor Sean Morgan 

Councillor Lisa Phipps 

Councillor Carl Cuss 