

Cross Party Group on Animal Welfare in the Scottish Parliament
53rd meeting
Committee Room 3
6.00pm Tuesday 4 December 2012

MSPs: Christine Grahame MSP (Convener)

Associate Members: Sue Kilby, British Horse Society Scotland
John Brady, OneKind
Wendy Seaton, Ethical Voice for Animals
Douglas Callard, Ethical Voice for Animals
Jean Fairlie, Independent Weimaraner Rescue & Re-Homing Service
Ronnie Soutar, British Veterinary Association
John Patrick, Scotland for Animals
Tina Warren, Scotland for Animals
John Burns, World Horse Welfare
David Craig, World Horse Welfare
Brian Robinson, Association of British Riding Schools
Dennis Hearsum, Perth and Kinross Council
Jennifer Dunn, League Against Cruel Sports
Adam Reed, University of St Andrews
Sally Cowburn, Office of Alison Johnstone MSP
David Craig, World Horse Welfare
Patricia Saluja, University of Aberdeen
Fraser Henderson, Glo-Wild
John Robins, Animal Concern Advice Line
Jacqui Cuff, Cats Protection
Laura Vallance, Dogs Trust
Margaret Donnellan, Dogs Trust
Victoria Brown, Kennel Club
Libby Anderson, OneKind (Secretary)
Donald Shepherd
Joan Shepherd

Apologies: Alison Johnstone MSP
Claudia Beamish MSP
Elaine Murray MSP
Claire Baker MSP
Brian Hosie, British Veterinary Association
Jack Johnstone, Dogs Trust
Mandy Hill, Cats Protection
Mauvis Gore, Marine Conservation International
Helene Mauchlen, British Horse Society
Keith Meldrum, World Horse Welfare
Jamie Stewart, Scottish Countryside Alliance
Morton Houston, COSLA Animal Health and Welfare
Patricia Neeson
Lisa Strachan, Holyrood
Colin Shedden, BASC Scotland
Charlie Everitt, NWCUC
Beverley Williams, Scottish Government
Philip Martin, Scottish Kennel Club
Fiona Andrew, British Veterinary Nursing Association

1. Welcome and introductions

The Convener (CG) welcomed all present and explained that, as she was the only MSP able to attend the meeting, it would not be possible to take any votes. If the Group made any recommendations, the other MSPs who would normally have attended would be asked to approve them.

2. Minutes of previous meeting

These were approved with amendments received.

3. Matters arising

i) **Implementation of EU Regulation 1099/2009** on the protection of animals at time of slaughter: CG notified the Group that the Scottish Government had provided responses to the queries which she had agreed to raise with the animal welfare department, and these had been appended to the minutes of the October meeting.

The Welfare of Animals at the Time of Killing (Scotland) Regulations 2012 had now been lodged. The Rural Affairs, Climate Change and Environment Committee was the lead Committee and had until 7 January to report on them, although a report was unlikely as they were being considered under the negative procedure. The regulations were published on the UK legislation website <http://www.legislation.gov.uk/ssi/2012/321/resources>

Animal Aid, who had spoken to the Group in January, had recently released the results of a You Gov opinion poll showing that, of those Scottish respondents who expressed a view, 71 per cent said that Government should make CCTV mandatory for all slaughterhouses in the UK.

ii) **Circuses with wild animals:** The Westminster Parliament had approved the UK government's licensing regulations on 29 October. This could increase the likelihood of circuses deciding to move north of the border where at present there were no regulations.

Bobby Roberts had been found guilty at Northampton Crown Court of three charges of causing unnecessary suffering to Anne the elephant, and received a three-year conditional discharge.

4. Presentation: Sale of pets on the internet

CG said that this was an issue the Group had wanted to discuss for some time now. Internet sales of pets were currently unregulated, other than by consumer legislation. The Pet Animals Act 1951 was one of the issues identified for review in the wake of the Animal Health and Welfare (Scotland) Act 2006 but this had yet to take place.

The Group's vice-Convener Alison Johnstone MSP had recently asked the Scottish Government whether it would introduce secondary legislation under the 2006 Act to deal with the unregulated sale of pets over the internet. Richard Lochhead MSP had replied that the government was discussing the issue with stakeholders, and would then consider what action needed to be taken to address any specific issues, including the introduction of further legislation.

The Convener and vice-Conveners had also been contacted by David Cochrane, a volunteer with the West Lothian Branch of Cats' Protection about the advertising of cats and their kittens for sale, and even one 'Pregnant female cat for sale'. David believed that Gumtree was flouting its own advertising rules, particularly those about the minimum age for kittens and the prohibition on breeders.

A presentation was made on behalf of the Pet Advertising Advisory Group (PAAG) by Laura Vallance, Dogs Trust (LV); Margaret Donnellan, Dogs Trust (MD); Victoria Brown, Kennel Club (VB) and Jacqui Cuff, Cats Protection (JC).

PAAG was a partnership involving Battersea Dogs and Cats Home, The Blue Cross, Cats Protection, DEFRA, Dogs Trust, The Kennel Club, The Ornamental Aquatic Trade Association, The Rabbit Welfare Association and Fund, RSPCA and Wood Green. It had worked on issues to do with the sale of animals for some years, originally sales via classified advertising and now online sales. Problems included the advertising of illegal dogs such as pitbull terriers or Japanese Tosas, or inappropriate advertising such as ads for pregnant animals or offers to swap a Staffordshire terrier for a dining table.

There was a question whether animals should be sold online at all but there was money to be made by this method. Scottish and UK governments had indicated that there was nothing they could do to prevent the trade. The animal welfare organisations had therefore considered what they could do to engage with the websites themselves. Some of the things on websites were appalling, including sales of under-age puppies and kittens, and animals for baiting and dog-fighting.

The biggest offender was Gumtree. PAAG had met with Gumtree a year ago and found them receptive to advice. This had resulted in a number of positive changes up to June 2012. A list of code words was compiled which would result in rejection of an advertisement; it was agreed not to sell puppies for Christmas; it was explained to Gumtree why swaps or sales for £1 should not be allowed. Advice was given on identifying potential puppy farmers – for example anyone offering lots of commercial breeds, several mobile telephone numbers, and using multiple listings must be a commercial breeder. PAAG was working on standards for the site such as requiring a picture of the pet, minimum age for sale, provision of a mobile number and email address, and a reduction in sales had ensured. Unfortunately Gumtree had then migrated the site and a huge number of ads had re-appeared.

The problem was not confined to Gumtree. Other sites included Preloved, Friday Ads and Pets for Homes. The number of puppies and kittens on sites was astonishing. Before working with PAAG, Gumtree had had around 90,000 advertisements per month and this was now reduced to around 50,000. However, Preloved was now up to 90,000 or 100,000.

PAAG would like to see the Pet Animals Act 1951 revisited. DEFRA had been made aware that the situation was desperate despite PAAG engagement and advice to sites. Only a month ago a Blue Cross member of staff had spotted an advertisement saying that a dog must be sold by the end of the week or it would be put to sleep, but the website had seen nothing wrong with this.

DEFRA had said it was not going to review the Pet Animals Act. PAAG was asking DEFRA and the Scottish Government to support the development of Codes of Practice and endorse them so that they would have some force. It was working on standards for all species and also wanted sites to carry advice for buyers, outlining what to do if an online sale turned out badly – for example making a complaint to the local trading standards department. While PAAG did not want people to buy pets online, monitoring should also be stressed as many people would not see a problem until they got their puppy home.

PAAG was trying to engage with DEFRA and DCMS and to put pressure on the sites. The recent Leveson review provided a good model of the importance of working well on self-regulation, being seen as reputable, or the alternative would be statutory regulation. Some sites did have good practices but did not share their technology with competitors.

CG commented on the difficulty of regulating online activity, especially if they migrated content. She had not been aware that there were so many sites selling pets.

John Robins (JR) said that much of what had been described was already illegal and asked if PAAG was liaising with police forces. VB replied that they did liaise with police and the RSPCA in England, but it was such a big issue it was hard to manage. JR recalled that he had dealt with people selling illegal breeds online using describing the dogs as “Irish bull terriers” and “game dogs”.

CG said that surely the provider of the site had a responsibility to act legally and this could lead to sites being taken down. John Patrick (JP) said if Gumtree maintained it did not allow commercial breeders but was shown to have done so, the purchaser would have been misled and the site could be prosecuted under the Consumer Protection from Unfair Trading Regulations 2008. LV thought that the law was just not clear. Obviously anyone advertising an illegal breed of dog such as a pit bull would be committing an offence but it was not always so clear.

JC added that there were no illegal cat breeds, but extreme fashion breeds such as the Munchkin or the Scottish Fold had inherent animal welfare problems. Cats Protection was putting out educational material to the public. However the websites were not going away and could in fact be a force for good in helping to re-home unwanted animals. Cats Protection was not seeking to close the sites but wanted them to be trusted and respectable.

Patricia Saluja (PS) asked where people went to collect their purchases – for example were they supplied through a pet shop? LV said that very often the sites were scams. There would be a glossy website with pictures of animals and the vendor would offer to meet the purchaser somewhere – but once the payment was made the puppy would never arrive.

CG acknowledged there were some people who knowingly used websites, for example to buy fighting dogs. What information was there to inform more well-intentioned purchasers, to let them know that the website was not responsible for vendors and could not vouch for their authenticity? VB said that this was one of the minimum standards promoted by PAAG and some sites did agree to it. LV said that PAAG would like to see a pop-up window on every site, advising that purchasers should always see a puppy with its mother, and that the site could not vouch for breeders.

JR suggested that if there were suspicions about a breeder selling puppy farm dogs, it would be a good idea to inform the Inland Revenue. LV agreed but the group had limited resources for monitoring, and sites would often change telephone numbers or IP addresses, to keep one step ahead.

CG asked about the Pet Animals Act 1951. LV explained that it primarily covered pet shops, but nowadays people went online for convenience. The Secretary (LA) said that reform of the 1951 Act had been discussed with officials at the time of the Animal Health and Welfare (Scotland) Bill and their view was that it would be extremely difficult to regulate internet sales. Nonetheless Ministers had committed to reviewing the pet vending legislation, including pet fairs and internet sales, on a number of occasions since 2006, but nothing had happened. CG said that the Group would write to the Minister to ask whether legislation was foreseen before the end of the current session. Meanwhile it would be a question of consumers exercising their purchasing power. She suggested that PAAG gather a Public Petition to the Scottish Parliament, requiring the Scottish Government to review the Pet Animals Act. She would also be happy to lodge a Motion on the subject.

Brian Robinson (BR) said that he knew of four cases this year where horses had been bought on the internet, sight unseen. One had come off the lorry and dropped dead. He would rather see the sale

of horses on the internet banned, along with legislation requiring visits and inspections by, for example, BHS, ABRS or WHW.

VB commented that Blue Cross had come across horses being sold for virtually nothing, and ending up in the meat trade. John Burns (JB) said that this showed the difficulty - Blue Cross themselves used the Pony Club website to advertise horses for re-homing. Horses that used to be sold through the *Horse and Hound* magazine were now advertised on its website. These were responsible, high-end outlets. It was hard to know how to regulate advertisements for animals "free to a good home". CG said the Group was not saying there was no good practice, but it was worth examining how transactions involving animals worked on the internet, looking at certification of sites and educating the public to look for certified sites.

JB commented that it had been easy to police the 1951 Act when advertisements were placed in papers, and purchasers had to telephone the seller. Nowadays with the internet they were not traceable. CG agreed, saying everyone was aware of the complexities of policing the internet. But the CPG could still draw attention to the issue, first of all by means of the Petition, then by raising the question of certification for reputable websites.

JC said that if trusted sites were endorsed, these could be used for re-homing by rescue organisations. Sites were willing to have rescues put advertisements up beside their sales sections, and hopefully these could crowd out the people selling kittens. MD agreed with the "carrot and stick" approach - sites were working with PAAG because there was something in it for them. PAAG was now looking at what a good website would look like. CG asked for a more detailed paper from PAAG, highlighting good and bad examples and explaining what had been done by PAAG to address the problem. This would be required as background for a Petition.

BR said it should be borne in mind that if an internet site was shut down, it could easily re-open overseas where it would be uncontrolled. CG said that was why it was necessary to draw public attention to the problem and use the press to raise awareness. People must think twice before buying a pony or horse on line. Any animal was a long-term commitment. JR said that ACAL had experience of advising people what to look for when buying an animal.

VB said that PAAG was trying to get as many sites as possible on board with public education and get users to look at the information sections. However the impulse to buy a puppy was often irrational and emotional, with people wanting to get their pet immediately.

JP asked if some local authorities were worse than others and if PAAG was working with trading standards departments. VB said PAAG did work with councils on a general scale.

It was agreed that the CPG would put out a press release advising against buying pets for Christmas and would support a Petition if PAAG lodged one in the New Year. Denis Hearsom (DH) said that it could be too late to stop people shopping for pets this year. CG said the advice would have a twist on it about not shopping online. Even if a puppy had been advertised and reserved as "ready for Christmas", people could still think again.

5. Any other business

CG notified the Group that the Standards, Procedures and Public Appointments Committee had published a report on its Review of Cross-Party Groups. This would result in changes to section 6 of the Code of Conduct – Operation of Cross-Party Groups. The proposed changes had to be agreed by a Motion to the Parliament as a whole and Groups would be notified as soon as they came into force. The Secretary would circulate a link to the report with the Minutes of this meeting

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/57292.aspx>

LA explained that the Committee had retained the condition that the minimum number of MSPs attending meetings should be two, in recognition of the difficulty MSPs had in attending CPGs. It had decided against taking any measures to reduce the number of CPGs. Groups would be required to meet at least twice a year, which was less than the current frequency of the animal welfare group.

JR raised his concern about the SEEGEN Consultation recently undertaken by SNH on the General Licences for 2013 under which certain species of birds are culled. The majority of stakeholders invited by SNH to participate had a vested interest in culling birds and few who opposed bird culling had been invited to take part. He asked that the Group write to SNH asking why they had been so biased in this and he requested that SEEGEN Licences be discussed at a future Cross Party Group meeting.

JR also said that licences to shoot seals were being issued to the 87% of salmon farmers who did not use predator exclusion nets, even though shooting was meant to be only a last resort. He asked if the Group would write to the Cabinet Secretary and ask why this was and what was being done to evaluate the impact on the marine environment of “the massive and very rapid expansion of salmon farming to meet demands from the Chinese market”.

JP raised the issue of targeting of supply of meat from non-stun slaughter. Scotland for Animals had asked local authorities to enforce the requirement in the Welfare of Animals (Slaughter and Killing) Regulations 1995 that this meat must only be available for the food of Jews and Muslims, but all had said they could not do so, on advice from the Scottish Government.

CG asked JR and JP to provide further information on these issues for future discussion.

6. Date of next meeting

To be advised.

Appendix 1 – Proposed changes to CPG Code of Conduct

This table sets out the changes to the provisions of the Code of Conduct regarding Cross-Party Groups.

New Code	Previous Code
Introduction sets out what the general purpose is of Cross-Party Groups in the Scottish Parliament.	No such general information is contained in the current Code.
Registration Form includes information about the planned frequency of meetings and the proposed key topics for discussion by the proposed Group.	The current Registration Form does not ask for any information about the activities of a proposed Group.
Re-registration period of 90 days following an election remains in place but no recess period of longer than 4 days will be included in the calculation of the 90 day deadline. This will mean that the summer recess period is excluded and Groups will have benefit of full 90 day period in which to hold elections and subsequently re-register.	Re-registration period is calculated as 90 calendar days from the date of the first meeting of the Parliament following an election. In practice this has meant that a large part of the 90 days has fallen in the summer recess during which Cross-Party Groups cannot hold elections.
Proposed Code sets a minimum number of 2 meetings a year for Groups, one of which must be the annual general meeting.	Groups are required to hold an annual general meeting but no further stipulation is made about the number of meetings that a Group should hold.
Requirement for all Cross-Party Group minutes to provide minutes and change to current arrangements so that draft minutes can also be published.	At present there is no requirement to provide minutes and practice in this area is inconsistent. It is also practice to only publish approved minutes.
Annual Return form will ask for information about the Group's activities, including a summary of topics discussed at each meeting and details of any reports or papers published by the Group.	Current Annual Return asks for information about topics discussed at each meeting but not any information about any publications or papers.
Clarification that the provision of secretariat support by an external organisation carries a cost to that organisation and that this cost is a material benefit and therefore should, if of a value above £500, be registered by the Group.	Requires that any financial benefit received by a Group which has a value above £500 should be registered. The interpretation of this applies to secretariat support but it is not made explicit in the Code.
Introduction of a requirement that, if requested, an external organisation providing secretariat support which is a consultancy/public affairs firm or a charity/not-for-profit organisation, must agree to provide the Standards, Procedures and Public Appointments Committee a full client list (if a consultancy/public affairs firm) or a list of companies which have made a donation of more than £5,000 in the previous 12 months (if a charity/not-for-profit organisation).	No requirement for an external organisation providing secretariat support to provide details of its clients or donors.
Meeting notifications must be emailed to the Cross-Party Groups mailbox 10 calendar days before the meeting.	The requirement at present is 7 days.
Any information that changes from the original registration form can be notified to the Standards Clerks by the Conveners authorised signatory.	Any changes from the original registration form must be notified to the Standards Clerks from the Convener of the Group.