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LACORS raises concerns about Defra's greyhound track plans

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LACORS' [response](#) to the consultation on the regulation of greyhound tracks highlights concerns that the regime proposed by Defra is significantly flawed and contrary to better regulation principles.

LACORS does not believe that councils are best placed to oversee the operation of the licensing regime as currently proposed, and calls on Defra to reconsider its proposals.

The consultation response also calls on Defra to give renewed priority to the proposed review of existing legislation covering dog breeders, animal boarding establishments and pet shops.

Background

If passed, the Welfare of Racing Greyhound Regulations 2010 would be introduced as secondary legislation under the Animal Welfare Act, coming into force in April 2010.

The new rules would require all greyhound tracks to obtain a licence from their district/unitary council in order to operate, unless they are members of Greyhound Board of Great Britain (or other body accredited to the relevant UKAS standard). In practice, this would mean that the six independent tracks currently operating in England would need to be licensed by their council, whilst 'industry' tracks would be subject to a system of self-regulation by the Greyhound Board of Great Britain (GBGB).

Under the proposals, councils would grant licences for up to three years, on the basis that the conditions prescribed in the legislation are met. Councils would not be able to attach locally-set conditions to the licence. There would be no offences contained within the secondary legislation

and, as such, no offence for failing to comply with licence conditions.

LACORS' concerns - summary

Defra's consultation papers reference public concern about the fate of ex-racing dogs. It is LACORS' view that these Regulations, including the identification requirements, will have no significant impact on the fate of retired racing greyhounds.

LACORS does not believe that the risk posed by the six independent greyhound tracks currently operating in England - or the additional degree of protection racing greyhounds would be afforded by these Regulations (given that we do see the regulations impacting on retired dogs) - is sufficient to justify the introduction of a new statutory licensing regime administered by councils.

We question the effectiveness of a set of Regulations which contain no offences. Track operators will not commit an offence if they fail to comply with the requirements of the legislation, only if they operate without a licence (an offence under section 13 of the Animal Welfare Act). This limits the range of enforcement tools and sanctions available to local authorities, with implications for compatibility with better regulation principles. Although councils will be able to suspend and revoke the track licence, there are likely to be circumstances in which a prosecution for a specific offence is more proportionate and appropriate than the removal of a business' right to operate.

We believe the mechanisms for suspending and revoking licences contained within these Regulations are unworkable in practice. The current proposals would set up a system whereby a person with a suspended/ revoked licence could continually reapply to the local authority. The 'point in time' nature of the majority of the licensing conditions – i.e. where compliance can only be judged at the point of racing, not the point of application (e.g. presence of vets, recording of dogs) – would severely limit the licensing authority's ability to refuse a licence application, even in instances where the operator had previously demonstrated persistent non-compliance.

Defra has previously indicated to LACORS that they believe that sections 4 and 9 of the Animal Welfare Act could be used to penalize track operators that do not comply with the requirements of the Welfare of Racing Greyhounds Regulations. LACORS reiterates that the

Animal Welfare Act remains a discretionary function for councils. In addition, we do not believe that the Animal Welfare Act would be an effective or efficient mechanism for dealing with track owners that breach the condition of their licence.

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