



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs and Islands Committee

Wednesday 29 March 2023

Session 6



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Wednesday 29 March 2023

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
PETITION	2
End Greyhound Racing in Scotland (PE1758)	2

RURAL AFFAIRS AND ISLANDS COMMITTEE

10th Meeting 2023, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

*Jenni Minto (Argyll and Bute) (SNP)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Professor Cathy Dwyer (Scottish Animal Welfare Commission)

Mike Radford (Scottish Animal Welfare Commission)

Mark Ruskell (Mid Scotland and Fife) (Green)

Dr Ellie Wigham (Scottish Animal Welfare Commission)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs and Islands Committee

Wednesday 29 March 2023

[The Convener opened the meeting at 10:15]

Decision on Taking Business in Private

The Convener (Finlay Carson): Good morning, everyone, and welcome to our 10th meeting of 2023. Before we begin, I remind members who are using electronic devices to switch them to silent, please.

Our first item of business is a decision to take items 3 and 4 in private and to review the evidence heard on petition PE1758, on ending greyhound racing in Scotland, in private at future meetings. Do members agree to do that?

Members *indicated agreement.*

Petition

End Greyhound Racing in Scotland (PE1758)

10:15

The Convener: Our next item of business is consideration of petition PE1758. I welcome representatives of the Scottish Animal Welfare Commission to the meeting. Professor Cathy Dwyer is chair of the commission. Joining us remotely are Mike Radford and Dr Ellie Wigham, who are members of the commission.

Committee members will recall that the Scottish Animal Welfare Commission submitted a report to the committee on the welfare of greyhounds used for racing in Scotland. I invite Cathy Dwyer to make an opening statement.

Professor Cathy Dwyer (Scottish Animal Welfare Commission): Thank you very much for the opportunity to make a statement. Thank you also for your patience; I know that you have asked us a couple of times about our views on greyhound racing in response to the petition.

It was important for the commission, in weighing up the evidence that we rely on, to have the time to do that work instead of just reflecting back to you the positions that other people might have advanced. Following your agreement that we could spend a little bit more time on this, we considered evidence that was available in the scientific literature and the evidence that the Greyhound Board of Great Britain provided. We also spoke to a number of stakeholders, including some charities, and we visited the stadium at Thornton, where we could observe races and talk to various people. Our report is the accumulation of that evidence, which led us to make our recommendations.

As you will have seen, most of the welfare evidence that is available relates to injuries and fatalities at the track. That is the aspect of racing that the GBGB collects data on and regulates. We were concerned that the welfare experience of a dog and its quality of life encompass its whole life, from birth to death, including where it is born, the requirement, often, for transport to the United Kingdom from Ireland, its training, its kennelling, the racing itself—which is actually quite a small part of the animal's life—and its retirement.

We considered the available evidence on the welfare aspects across that spectrum, and we also considered the issues around dogs racing under GBGB regulation—which is not occurring in Scotland at the moment—and on independent tracks. As you will probably have seen, the evidence was generally pretty poor. There is not a

lot of scientifically and independently verified data, particularly in Scotland, although we were able to draw on data particularly from Australia regarding track design. We spent a lot of time meeting people and discussing the issues with them.

We examined the animal welfare strategy that the GBGB presented as its response to concerns and considered whether, in our opinion, it was sufficiently robust to mitigate some of the problems that we saw. We used the GBGB data that was available, but it is not easy to interrogate it in the form in which the GBGB has presented it. I spoke to an epidemiologist contact, and we agreed that we had struggled to use that data well. Our best guess is that a dog on the track has about a one in four chance of injury every time it races and about a one in 200 risk of fatality in any one year. We feel that that is a significant welfare issue and a matter of great concern.

That leads us to some of our conclusions about greyhound racing. We accept that there are some positive aspects for welfare. For dogs, running and chasing are part of normal behaviour, and the evidence suggests that that is rewarding for dogs. However, we do not feel that that is sufficient to offset the welfare risks that dogs are exposed to. Those include the risks of fatality and injury on the track.

There is also the fact that most of the dogs originate in Ireland, where, obviously, the UK has no jurisdiction over the number of puppies that a dog may have and how they are transported to the UK.

In particular, we are concerned about the end of life for dogs and some of the evidence that we took from people who rehome dogs.

On balance, we felt that, on average, the welfare risk to dogs involved in racing is that they will have a poorer quality of life compared with dogs not involved in racing. Obviously, we accept that some dogs might have very positive welfare but, on average, a dog involved in racing probably has poorer welfare than a companion dog.

We felt that there was insufficient evidence to reach a conclusion on the independent tracks. They collect no data, and they are not required to present any data. We were on the cusp of deciding whether the Thornton track is truly a commercial racing track. What swayed us was the presence of a bookmaker there and the fact that there is no racing on the dog track if there is no bookmaker there. However, there is no vet. There can be a race with a bookmaker there, but there is no requirement to have a vet present. We felt that that was really important. Vets would be able to provide an independent assessment of the welfare of the dogs, assess whether they are fit to race and, of course, provide prompt treatment should

there be a need for that. We feel that, if racing is to occur, it should be mandatory that a vet is present to carry out those functions.

Our overwhelming feeling is that we need independent regulation if dog racing is to continue. We were not convinced that there was a desire for racing to continue among the population as a whole, particularly in Scotland. Obviously, there is a small and quite vocal group of people who are very keen that racing should continue, but, on balance, we were not convinced that there was a desire for racing to continue, and we would be concerned if there were any intentions to add new tracks or to expand greyhound racing in Scotland.

The Convener: Thank you very much. Ariane Burgess will start the questions.

Ariane Burgess (Highlands and Islands) (Green): I will base my questions on one of the commission's recommendations, which relates to the welfare of the dogs. Will you expand on the inherent risks of injury and death associated with licensed and unlicensed greyhound racing and the specific risks associated with greyhound racing at the unlicensed track in Thornton?

Professor Dwyer: On the biggest risk, a reasonable amount of the scientific literature—it is not from Scotland; it comes mostly from Australia—says that there is good evidence that, when dogs run around a curved track, there is an increased risk of collisions, particularly as they hit the first bend. The dogs usually run straight for about the first 100m, and the degree of curvature of the bend then has an impact on their risk of injury.

Racing greyhounds suffer specific injuries, particularly around the foreleg, that we do not see in other dogs—companion dogs or dogs that run but not in races. I might pass over to Ellie Wigham at some point, because she did some of that investigation. The dogs are sighthounds, so they follow a moving lure. They try to keep that in sight as they hit the corner, so they tend to bunch together as they go around the corner. That increases the risk that they will collide with one another, and it also puts forces on the foreleg, in particular, as they pivot around the corner and come into the bend at speed.

We are concerned that there are specific risks of injuries, that the rates of injuries, as far as we can tell from the poor-quality data that is available to us, are considerably higher than those for the companion greyhound population, and that there are specific types of injuries that are not really seen in other dogs.

Does Ellie Wigham want to add anything about the tracks and the risks to greyhounds?

Dr Ellie Wigham (Scottish Animal Welfare Commission): Yes. Thank you very much—

The Convener: I am sorry to interrupt, but, before I bring you in, I point out that my preference is that we do not mention by name any race tracks and that we keep the discussion to licensed and unlicensed tracks. I am aware that there is a limited number of tracks in Scotland, but the discussion should be about licensed and unlicensed tracks rather than specific examples.

Dr Wigham: Further to Cathy Dwyer's point, because racing greyhounds currently only ever train and run anticlockwise around an oval racetrack, that puts greater forces on the left forelimb and the right hindlimb. The exertion of those forces is very specific to running in that direction. Therefore, racing greyhounds tend to get more injuries around the hock of the right hindlimb as a result of always training in one direction.

I will add a further point on the specific risks of unlicensed tracks. At licensed tracks, where there is a vet present, all dogs must be deemed fit to race—in other words, they must have a veterinary check before they can take part in a race. If they are taking part in multiple races on the same day in the same session, they need to be checked in between each race. On unlicensed tracks, where there is not a requirement for a veterinary presence, such checks are done by someone who is based at the track or they are not done at all. If that person has not had veterinary training, they will not have the same level of knowledge and independence as a veterinarian would.

Ariane Burgess: I would be interested if you could expand on the animal welfare concerns across the full life cycle of greyhounds, from breeding to kennel life to racing and beyond, that led to your conclusion that

“a dog bred for racing in Scotland currently has poorer welfare than the average of other dogs in the population.”

Professor Dwyer: The vast majority of greyhounds in the UK are bred in Ireland. According to the statistics that we saw, about 87 or 88 per cent of greyhounds in the UK are bred in Ireland. Therefore, although the UK has legislation that controls the number of puppies that a breeding bitch can have, that is not enforceable in Ireland. Without such data, we do not know how many litters of puppies a female might have. We do not know much about the early life of those puppies or the conditions in which they have been bred and reared. That is separated from our ability to look at the evidence.

I suppose that, more than anything, there is a lack of evidence and a potential lack of regulation. Unfortunately, when animals are worth a lot of money, there is a temptation to exploit the production of those animals.

As I said, the vast majority of the dogs come from Ireland, which means that they are transported here. Again, there is a gap in our evidence on how those dogs are transported. We occasionally see some evidence that they are not transported in the way that we would like dogs to be transported here.

There is a gap between the number of dogs that have been bred and registered in Ireland and the number of dogs that are racing in Ireland and in Great Britain. Some of those dogs might simply not have become racing dogs but, from the data, there are concerns about the number of puppies that disappear. We do not know what has happened to those dogs or what their early life experiences have been.

Dogs that race on a regulated track are usually kept in kennels before they race. That is one of the requirements so that—in particular—illicit substances can be checked for. Dogs that race on an independent track do not have to be kept in those conditions, but some are. Dogs that are kept in a home probably have a reasonable quality of life—we would certainly hope that that would be the case—but dogs that are kept in kennels spend up to 95 per cent of their lives in kennels. The kennels might just about meet the animals' welfare needs, but they certainly do not provide a good life for the animals from the point of view of social interactions and environmental complexity. We would be concerned about the long durations that an animal might spend in a kennel, which leads to a poorer quality of life than the average dog experiences.

When their racing career has finished, some of the dogs will carry on living in the family home and might have a quality of life that is very similar to that of any other dog. However, we know that reasonable numbers of dogs that are rehomed by some of the charities are relinquished by trainers, sometimes with injuries that the trainer is aware of, but often—as suggested by some of the evidence that we took—with injuries that are not disclosed. In those cases, either the trainers were not aware of the injuries or those animals had not had veterinary treatment. Again, we were concerned that, compared with that of the average companion dog, the lifespan was, on balance, poorer for the average racing greyhound.

10:30

Ariane Burgess: Thanks for that. You have spoken about welfare extensively. In your report, you mention that the GBGB welfare strategy does not give sufficient attention to behavioural issues and the mental states of dogs, even though those form two out of the five domains of animal welfare. Will you expand on the importance of those

domains and how they relate to greyhound welfare?

Professor Dwyer: We support the model of welfare that is set out in the welfare strategy; it is a very progressive view of how we might look at animal welfare. It considers that four physical domains are integrated through a mental state domain. The welfare strategy covers the nutrition part of that domain, physical health, particularly through veterinary care, and some aspects of the environment, particularly around the education of kennel staff and the thinking in relation to improving kennelling for dogs. Although it covers those domains quite well, little weight is given to the behavioural aspects of the animals' welfare.

We tend to think of those four domains as equally important for welfare. We do not partition the physical bits and say that they are more important than the animal's behaviour. Therefore, the aspects that we are concerned about include, again, the lack of social contact for dogs when they are kept in kennels for 95 per cent of the time and some consideration of how the dogs are handled.

As we acknowledge in our review, chasing a lure is rewarding for dogs, so that is a positive aspect, but we are aware that there is very little evidence around the training aspects for dogs. That relates to understanding behaviour and whether training is done with positive rewards or fear-inducing stimuli. I should say that we did not see evidence of poor dog-owner relationships in our investigation, but some of the feedback that we have had from rehoming charities is that, sometimes, the dogs are arriving very fearful and concerned about being around people, which leads us to believe that they have not had a good experience with humans before then.

One of our concerns about the approach of the strategy is that it does not really tackle either some of the big structural issues, including in relation to the dogs running anticlockwise round a curved track and thinking about how they cope with injuries, or the oppressiveness of living in kennels all the time, which is not something that we would recommend for a companion animal. We were quite concerned about the strategy's approaches to those things. They did not seem to be very realistic and they did not seem to tackle the important welfare issues.

The Convener: I have a question before Jim Fairlie comes in. A lot of the evidence that you have given us is anecdotal. You mentioned the potential for dogs to be bred in Ireland and there being no regulation of them, but you have no evidence of that, and you do not have any evidence of how many puppies are being transported to Scotland.

We have talked about training methods, and you said that you had no evidence on, or that you had not done any work to find out, whether those were positive or negative. Therefore, you did not do any work to get any more evidence on two of the really important issues.

In addition, your report says that the racing dog in Scotland

"currently has poorer welfare than the average of other dogs in the population."

You have spoken about companion dogs. Did you compare a greyhound with other types of working dogs? Are the welfare standards for greyhounds that are bred for racing lower, on average, than those for other working dogs?

Professor Dwyer: I will try to remember all those questions and points. There is reasonable evidence of the number of dogs that come from Ireland. That is not anecdotal; it is based on evidence that the GBGB produces itself. We looked at its evidence on dogs that were registered with the Irish Coursing Club, which regulates greyhound registrations. Registration is voluntary, so we do not know how many dogs fall through the cracks. That is the data that we have. We can also see the number of dogs that are registered each year to run with the GBGB, so the transfer of dogs from Ireland to the UK is evidenced rather than being anecdotal.

We spoke to people about the training of dogs, although that was only at the one track that we visited, which is the independent track. The training that is done there is not like the more intensive training that the dogs that the GBGB regulates undergo. Those dogs live permanently in kennels, whereas some of the dogs that we saw at the track live in people's homes, and, as far as we could tell, the training that they receive seems to be just running round it. In our observation of those dogs, their interactions with humans were generally positive or neutral; we did not see evidence of poor interactions among those dogs.

Some of the other evidence that we received—this is more concrete evidence—was from rehoming charities, which have evidence of dogs arriving with various untreated injuries. At least in the case of one of the groups that we spoke to, the animals come from trainers. The trainers voluntarily relinquish them, so those dogs have not had a long period of other things happening to them. They come direct from a kennelled training environment to the rehoming centre. The centre reported large numbers of injuries and a lack of veterinary treatment for the animals, which had poor dentition and were thinner than would have been expected. In general, it felt as though the dogs had experienced poorer quality of care than

we would expect from an average animal in the general population.

You are right that we have not looked at working dogs in other situations as part of our investigation. There is a limit to the number of things that we could look at any one time. Therefore, we could not compare a racing greyhound with a working dog in another situation, and I cannot comment on that aspect.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): These might be daft questions, but they have popped into my head as you have been speaking and I ask them out of curiosity.

I am sorry—I have forgotten the name of the girl who is joining us remotely. She talked about dogs running anticlockwise all the time. Has there been any evidence or suggestion that changing the direction of running would help the welfare of the dogs?

Professor Dwyer: Do you want to respond to that, Ellie?

Dr Wigham: Yes. There have been suggestions in the literature and by some of the welfare charities that I have spoken to that perhaps not changing direction but running on a straight track would potentially reduce the number of injuries that are seen in greyhound racing. During my research, I could not find any firm numerical data on that, but it has been suggested as conclusions for a couple of pieces of scientific literature. There are some straight tracks—I think that the ones that we looked at were in Spain. It does happen, but such tracks are not currently used in the UK.

Jim Fairlie: That was just me being curious. I have a couple of other questions. Can you say how many dogs are brought over to Scotland from Ireland annually? Are they puppies, or are they fully trained dogs?

Professor Dwyer: There is no data collection specifically for dogs arriving in Scotland. As the track in Scotland is independent, there is no requirement to collect data, so, as we acknowledge in the report, there is a gap. We have only one track, it is independent and there is no requirement for it to produce evidence.

Everybody we spoke to at the track who had a dog had acquired the dog from Ireland. We did not meet anybody who had a Scotland-bred dog or even a Britain-bred dog. That would seem to support the evidence that we have seen elsewhere, which shows that more than 85 per cent of the dogs are coming from Ireland.

The only evidence that we have on when, and in what state, the dogs arrive is from the GBGB's figures and the work that some of the charities have done, which suggests that the dogs tend to arrive at about six months of age. They are bred

and live in Ireland until they are six months old, and they do not start their training until they arrive in Scotland. In general, a dog will be trained here rather than arrive as a trained dog.

Jim Fairlie: The inference from what you stated earlier—although I know that this is not at all what you meant—is that we cannot legislate for what is happening in Ireland.

What are the rules and the welfare conditions in Ireland? What would you have to do to breed and produce top-quality racing dogs in Ireland? Have you had any contact with the Irish authorities as to what regulations they have in place?

Professor Dwyer: We have not spoken directly to the authorities in Ireland. As part of our evidence gathering, we spoke with the RSPCA and the Dogs Trust, and they commissioned an independent report to try to understand a little bit more about the conditions and what was happening there.

When we spoke with the GBGB, it mentioned developing an association with the Irish Coursing Club to better understand the flow of dogs and the conditions. I think—

The Convener: Sorry—I want to check something. Given your remit and that you suggest that more than 85 per cent of the dogs that race in Scotland come from Ireland, there is surely a massive gap in data gathering if you have not engaged with Irish authorities about their animal welfare policies. You are therefore working with, and basing your recommendations on, a very small number of dogs.

Professor Dwyer: That is a fair point, I suppose. To be honest, we were working on very limited evidence all the way through. Everywhere we looked, we saw that much of the data that we had was anecdotal. If we spoke to producers in Ireland, we would simply have more anecdotal evidence—

The Convener: But you did not look to Ireland.

Professor Dwyer: No, we did not go to Ireland.

The Convener: That would seem to be a massive gap, given that more than 85 per cent of the dogs that race in Scotland come from there and your recommendations are based on the whole life cycle of a greyhound.

Professor Dwyer: That is a fair point, I suppose. The problem that we have is that dogs are voluntarily registered with the ICC; that is the only point at which we have data. My colleagues can chip in here, but I am not confident that we would be able to find much independent data, because it comes from the ICC at the point when dogs are registered.

Our ability to access places where dogs are being bred is quite low. I have some colleagues who are working in Northern Ireland and are looking at the breeding of dogs in general. The ability to access places where dogs are bred commercially is extremely difficult.

Yes, we could have looked, or attempted to look, more closely at what was happening in Ireland.

The Convener: I think that Mike Radcliffe signalled that he wanted to come in. I beg your pardon—it is Mike Radford. Sorry. Would you like to come in, Mike?

Mike Radford (Scottish Animal Welfare Commission): I want to make two points. First, I want to pick up on the issue that you raised about comparing the welfare of racing greyhounds with that of other working dogs. It is important to appreciate that other working dogs will, in the main, be working day to day with their handler and their owner, and they will, in general, be living in a domestic environment. However, greyhounds that race on registered tracks are kept in kennels away from a domestic environment not for the benefit of the dogs but for the benefit of punters, to ensure that nothing untoward is being done with the dogs as far as betting is concerned.

Secondly, on dogs from Ireland, the remit of the commission's inquiry was greyhound racing in Scotland. The important point is that, if the dogs were being bred predominantly in Scotland, Scottish authorities and, ultimately, the Scottish Parliament could oversee and regulate them, but, at the moment, they are being bred out of our jurisdiction. That means that the Scottish authorities have no control over what is going on.

10:45

The Convener: Bear in mind the fact that we are here to scrutinise potential legislation. Your suggestion that working dogs other than greyhounds are generally kept in a domestic situation is anecdotal. What is your evidence base? Any working dogs that I know of are not necessarily kept in a domestic household; they are kennelled. Is that anecdotal evidence as well?

Mike Radford: I take that point, convener, but they are generally kennelled at the handler's or owner's premises.

Jim Fairlie: I come back to the point about Ireland. I take the point that we cannot legislate on dogs being bred in Ireland, but, if more than 85 per cent of the dogs come from there and we are looking at the animal's welfare over its whole life, there needs to be an understanding of how those dogs are bred and the conditions that they are bred in. They are highly valuable animals, by all

accounts, so you would expect that their breeding and welfare would be a priority to the people who are trying to make money out of them.

That is just my assertion—do not think that I am saying that that is a fact by any stretch of the imagination. However, I am surprised that there has not been more contact with the Irish racing authorities to work out exactly what is happening in Ireland and whether we are able to collaborate far more with them.

I might be wrong on this, but do we not already have legislation about the transportation and registration of pets that come into Scotland from a non-UK country?

Professor Dwyer: Yes, we already have legislation on that. We cited in the report the legislation that covers dogs in general. There is nothing specific for greyhounds, but they are covered by a number of pieces of legislation, such as the Animal Health and Welfare (Scotland) Act 2006 and the Welfare of Animals (Transport) (Scotland) Regulations 2006. It is not specific to—

Jim Fairlie: I am sorry to interrupt you. Why, then, is there a reason for having something specific to greyhounds as opposed to the laws that already exist?

Professor Dwyer: Greyhounds are moved and transported as a commercial animal, not as a companion animal, when they are being used for racing. That is a distinction.

Most of our legislation thinks about a dog as a companion animal—a pet—in which case one would assume that the owner is motivated to improve or maintain the welfare of the animal. Our concerns relate to the fact that greyhounds are kept more for a commercial purpose. Large sums of money are exchanged. Our concern is that that opens up the opportunity for exploitation of animals in a way that is less likely when they are companion animals.

I am not suggesting that there is no trade in companion animals that are also worth a lot of money about which we would also be concerned. The question is whether the regulation is sufficient for the movement of dogs for racing.

The dogs are worth a lot of money, but the evidence that we collected from the rehoming charities is that they are also quite disposable. If the animal is not running fast enough or has some injury, even a very expensive dog is relinquished to a charity and replaced with another one.

Mercedes Villalba (North East Scotland) (Lab): I thank our witnesses for coming today.

The Scottish Animal Welfare Commission's report makes recommendations around minimising and monitoring welfare risks, specifically on the

presence of a veterinarian when dogs are racing, for the

“collection of independent data on injuries and fatalities at stadia.”

It continues:

“We suggest reviewing these metrics, and whether racing should continue, within the next 3-5 years”.

However, the report concludes that, even if a dog track is regulated by the Greyhound Board of Great Britain, which requires a vet to be present when dogs are racing, any welfare strategy is

“unlikely to have a significant impact on injury rates in dogs in the foreseeable future.”

In the light of that, would a better course of action not be a more immediate phase-out of dog racing?

Professor Dwyer: We considered that option. One of our concerns with all the regulation of racing in the UK is that it is regulated by the industry itself, so it is not independent. If your livelihood is about making money out of racing greyhounds and you are also regulating their welfare, there is a concern that it is not independent.

We considered whether we felt that racing could be safe for greyhounds from the perspective of their welfare if there was independent oversight. With the independent track in Scotland, we felt that there were some positive benefits for the dogs, who were living in a home environment and came to race. It is beyond our remit, but we were also persuaded by some of the people we spoke to that there was a social benefit to those attending. The point was made very forcefully to us by a number of people that it was their one opportunity to get out of the house and speak to like-minded people. It is difficult, because that is not really our remit, but it is worth mentioning that broader context.

Our problem with the independent track is that there is no data. It is not required to collect data—it recalled an injury or two or a fatality, but there is no verification of that data. We were concerned that we were making a decision on that track on the basis of almost no data whatsoever. We felt that, if there was an opportunity to collect data, we would have a better understanding of the welfare risks to dogs, given that some of those dogs are not living in kennels and are probably coming from Ireland, although I accept that we do not know enough about the conditions for those dogs.

We considered whether calling for a phased ban was the right approach. It was a very narrow decision. One of the things that perhaps persuaded us was the view from a number of participants in the racing that they are already undergoing a phased ending of the racing because the number of people attending is

dwindling. They are an ageing population, so there was a question mark over how far we needed to push something that was maybe already occurring. Perhaps having a way to bring a vet on to the track would help us to regulate the welfare issues as the use of that track potentially fades out.

Mercedes Villalba: Will you confirm that it is the view of the Scottish Animal Welfare Commission that racing at unlicensed tracks should not continue?

Professor Dwyer: No; we stated that we did not have sufficient evidence to know whether the independent track should continue.

Mercedes Villalba: Does that not contradict the body's previous statement, last May, that it did not support the continuation of greyhound racing at unlicensed tracks in Scotland?

Professor Dwyer: That is if there is no independent regulation. We have said throughout that our view is that, where commercial exploitation of animals is possible, we need independent oversight. Our suggestion is that having an independent vet present would provide some of that independent oversight.

When we were asked to make a statement, we were concerned about racing in general, and we felt that with any activity for which there was no independent regulation whatsoever we would be concerned about the welfare of animals in those situations. Having explored that in more detail, we felt that there was a lack of evidence, but, in general, we were not of the opinion that the independent track was any worse, at least as far as we could tell, than a GBGB-regulated track.

Beatrice Wishart (Shetland Islands) (LD): Good morning. You propose that vets should be at the track for animal welfare reasons, and you suggest that they should gather data on that, because—as you have outlined quite clearly—there is a lack of evidence on it. Vets would gather data on any injuries or fatalities. Would the commission co-ordinate that data by gathering and analysing the figures?

Professor Dwyer: That is not really a part of our remit. We would be very happy to work with anybody who did that and to look at the figures, but it is not really in our remit to do that sort of activity.

Beatrice Wishart: Who do you anticipate would pay for the vet at the racetrack?

Professor Dwyer: I assume that, if someone runs a racetrack, they are responsible for the costs of carrying out that enterprise.

Beatrice Wishart: Has any assessment been carried out of how that might impact the business?

Professor Dwyer: Not by us, no.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): You recommended that no new greyhound tracks should be permitted in Scotland. Will you clarify who they should not be permitted by—an independent agency or local authorities, for example—or whether that should be done through criminal law? What do you mean when you say that they should not be permitted?

Professor Dwyer: Mike Radford might want to come in on that question. I assume that tracks would require planning permission, and the evidence that we have gathered suggests that there is not a strong business case to be made for them. The Scottish public seems to have a lack of interest in attending greyhound racing. That is borne out by the demographic of the people who we saw attending a track. I imagine that a greyhound track is unlikely to be a serious business proposition.

One of our concerns is that there was a call for a phased end to greyhound racing in England and Wales by the Dogs Trust, the RSPCA and Blue Cross, and, if that occurred and we did not have something similar in Scotland, we might see a movement of greyhound racing to north of the border. We are concerned that that would not improve the welfare of dogs in Scotland.

Alasdair Allan: I am not suggesting that it is your job to decide what the law should be; I was just curious about whether you thought that it should be a criminal offence to run an event or whether you felt that there should be a law to achieve the ends that you have spoken about.

Professor Dwyer: I am going to ask the lawyer in the room to address that.

Mike Radford: There is common ground on the fact that there are significant welfare problems with greyhound racing.

The committee will be aware that the GBGB recently launched a welfare strategy. Our first problem with the strategy is that it relies entirely on financing from the bookmaking industry, and it is not even clear whether that financing will be forthcoming. Secondly, we have reservations about whether the strategy adequately addresses all the issues, some of which have been discussed already.

At present, Scotland is in a fortunate position in that there are no regulated greyhound tracks. If it is decided that it would be undesirable for greyhound racing to be introduced in Scotland, it would clearly be open to the Parliament to pass legislation to prevent and, essentially, ban greyhound racing in Scotland.

There is a precedent for that, as far as animal welfare is concerned, in relation to fur farming. In

2000, the Westminster Parliament banned fur farming in England. In 2002, the Scottish Parliament enacted similar legislation to ban fur farming in Scotland, but there were no fur farms in Scotland. It was to prevent the industry moving from England, where fur farms had been banned, to Scotland. From the point of view of issues such as proportionality and the Human Rights Act 1998, it is easier to ban something that does not exist than to ban it after it has been established, because there are issues of compensation and so on.

11:00

Alasdair Allan: When we talked about the decline of the activity, you mentioned that race meetings take place only if a bookmaker turns up. If that decline is going on, are we at the point at which bookmakers do not turn up or are unlikely or less likely to turn up? How interested is the gambling industry in the activity?

Professor Dwyer: We are relying on anecdotal evidence only. We spoke to a single bookmaker, who was the only one present, and he suggested that he did it as a sort of a service to allow racing to continue. We noted that one reason why a race meet had been cancelled was because the bookmaker was sick and unable to attend, so it seemed that there was a relationship between the bookie and the stadium, whereby, if the bookmaker did not attend, racing did not occur.

Again, there is only anecdotal evidence about whether turning up is worth the bookmaker's while.

The Convener: That opens up the question of why people spend significant amounts of money on racing greyhounds in Scotland when it is all down to whether one individual is feeling kind-hearted enough to run a book on the race, which seems bizarre.

I will go back a bit. The horse racing industry has vets present. Is that paid for by bookies or the sport itself? Has that been ruled out by those running greyhound tracks in Scotland?

Professor Dwyer: Do you mean having a vet present?

The Convener: Yes.

Professor Dwyer: We discussed that with the track, and, in the past, it had a vet who attended. The vet was interested in greyhound racing and brought their own dogs to race, so they were not really independent. They had ceased to come for various personal reasons, as far as we could tell, so there was no independent veterinary presence. I am not certain that I can comment on horse racing, because the SAWC has not looked at it. Perhaps Mike Radford or Dr Wigham has more knowledge of who pays for the vet. I imagine that it

is the Horserace Betting Levy Board. That would be my guess, but I am not an expert.

The Convener: Does Mike Radford or Dr Wigham want to come in? No.

We will move on to a question from Karen Adam.

Karen Adam (Banffshire and Buchan Coast) (SNP): Following on from the previous question, the report says that the SAWC

“did not find any evidence that the industry was prepared to make the radical changes that would be required to achieve improved dog welfare.”

What conversations and what kind of engagement did you have to come to that conclusion?

Professor Dwyer: We met the Greyhound Board of Great Britain. We met its chief executive officer and a number of people who are involved in the enforcement and regulation of greyhound racing. We also met the author of the welfare strategy. We talked in a lot of detail about the sort of opportunities that they had. They were pretty frank about the point that Mike Radford raised, which is that voluntary contributions from bookies are needed for the welfare strategy to be fully implemented. They were fairly open about the limited powers of enforcement that they have.

We felt that the whole thing was quite voluntary. It required the licensed tracks to agree to take up the strategy, and it required the bookies to choose to pay into a pot to allow the changes to happen. It was still regulated by the industry itself, which was comfortable with that as a way forward rather than thinking that an independent regulator might be needed.

We talked about the issues with the curvature of the track. There is quite good scientific evidence that that is an issue, but the people we spoke to dissembled slightly, shall we say, and said that there were other issues that were also important. They had not really thought about changing the track design—although I imagine that that is not very feasible—or even whether the dogs could run in both directions. Those issues are not really being raised.

We felt that some of the suggested approaches, particularly around the degree of injuries and fatalities, had not been very thoroughly addressed in the strategy. It had dealt with the easier bits and not with the core issue of the rates of injuries and fatalities.

The Convener: We have supplementary questions from Rachael Hamilton and Jenni Minto.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I have a supplementary question on this subject, and then another question.

What is the difference between track design in Australia and in the UK?

Professor Dwyer: There is very little difference, as far as we can tell. There is no one pattern of track design—we looked at two different tracks, and we could see that they were different shapes—but they are all run anticlockwise.

All the dog tracks in the UK, and most dog tracks in general, are now run on sand, as that is not as damaging as running on grass, for example. There is some work that is looking at the shape and the camber and at some of the ways in which track design could be manipulated.

We refer to Australia because it is a place where money has gone into research to look at those track features; no similar work has been carried out in the UK. That is the reason why we looked at the Australian literature: it was essentially because there was nothing else.

Rachael Hamilton: To go back to the Australian example, does the work that they are doing mean that they are making recommendations for changes?

Professor Dwyer: There have been some suggestions for alterations—for example, to site barriers in places where high rates of crashes occur. They have suggested design changes to alter the shape of the curve, particularly the first curve, which seems to be the place where most collisions occur.

Rachael Hamilton: Would you recommend those changes for tracks in the UK?

Professor Dwyer: That would be better than the status quo, if tracks were going to remain open and if running on a straight track, where curves can be avoided, was not possible, and if there was an opportunity to make changes to the track design.

A lot of the papers in Australia have focused on the mechanics and physical properties of the animals running. The scientific evidence in the literature suggests that changes could be made, but we have no evidence from before and after an intervention to show whether making such a change improves injury rates.

Rachael Hamilton: Are we moving on to question 4, convener?

The Convener: First, I have one question on the back of Rachael Hamilton’s question. Why did you not recommend that any new tracks should adopt practices that had a mitigating effect for dogs?

Professor Dwyer: I guess that it was because, at present, those questions are all theoretical. There is no evidence that, if a track is redesigned,

there is a substantial improvement in injury and fatality rates.

To make the point again, it is really hard to interrogate the GBGB data, because it is not presented per stadium. We know that stadiums are different shapes, and it may well be that the GBGB has evidence to say that some stadiums are better than others, but we were unable to access such evidence because it does not present the data that it holds in that way.

The Convener: One of your main recommendations is that there should be a vet present, but that will not prevent dogs from getting injured. It might prevent dogs who are more susceptible to injury from racing, but it will not prevent them from being injured, whereas a new track design might do that. It seems strange that the SAWC is not making any attempt to prevent injury and the suffering that might take place after an injury when we could reduce injury through track design.

Professor Dwyer: I come back to the point that we are uncertain that there is substantial evidence to show that something will improve welfare or reduce the rate of injuries.

The papers are quite theoretical. They look at the speed at which the dogs run and the forces that they come under when they get into the bend, and they suggest changing track design by changing the curvature. We suggested that tracks would need to be straight to eliminate that risk, and, looking at where some of the tracks are, it is hard to see how that could be achieved.

Our other concerns, such as having a vet present, speak to other aspects of dog welfare—not just the rates of injury but fitness to run, other minor injuries, biosecurity and other welfare aspects.

The Convener: Okay. Mike Radford has signalled that he wants to come in, then I will bring in Rachael Hamilton and Jenni Minto.

Mike Radford: Going back to horse racing, for the committee's information, there is a 10 per cent levy on what are described as leviable bets. The definition of a leviable bet is contained in legislation, and bookmakers make a substantial contribution to horse racing.

On the question why we did not make recommendations about certain conditions, if you look at the summary of recommendations in our report, you will see that recommendation 3 says:

"We recommend that no further new greyhound tracks are permitted in Scotland. We are not convinced that any of the current proposed measures can safeguard greyhound welfare appropriately and believe that this will help to reduce suffering in Scotland."

In other words, our view is that there are no regulated tracks in Scotland and there should be no new regulated tracks in Scotland. Having concluded that, there was not a lot of point in looking at mitigating circumstances that would permit new tracks or would have meant that we had concluded that greyhound racing in Scotland is desirable.

The Convener: Rachael Hamilton has a brief question.

Rachael Hamilton: Why a brief one?

The Convener: I thought that you were coming to the end of your questioning. Go for it.

Rachael Hamilton: Okay. I was interested in some of the points that the convener and Jim Fairlie raised about transportation. In Scotland, we have considerable legislative powers over animal protection and welfare. What is the Scottish Animal Welfare Commission's view of the current operation of the legislation in Scotland to protect animals during transportation, going right through to kept animals and beyond? Considering that that is such a large part of your concern, why is it not part of one of your recommendations to say that those bits are not working?

Professor Dwyer: I am not sure that I would agree that a large part of our concern is the transportation of dogs. It is a component of the life of a racing greyhound that it will be transported. If it has been bred in Ireland, it will have been transported here.

I will perhaps ask Mike Radford to come in on this. My research team has done some work on animal transportation, and the legislation that covers the transportation of dogs is not based on very substantial scientific evidence. There has not been a lot of research done on the transportation of dogs and requirements for the transportation of dogs. There is therefore a gap in our understanding of the consequences of transportation for dogs.

Dogs that come over from Ireland make a ferry crossing, and we know that animals become nauseous, in the same way that we do, when they are subjected to seasickness. We have a number of concerns around the transportation of dogs—for example, how long they can be transported for without food or water. There is legislation on that, but—in my opinion—it is not based on very strong scientific evidence regarding the impact on the dog.

I do not know whether Mike Radford wants to come in on that.

11:15

Mike Radford: Yes, if I may. It is clear that the journey is significant, but that forms only a small part of our reservations about the dogs coming from Ireland. The legislation applies only to the journey time and the conditions in which the journey takes place. Our concern about the number of dogs that are coming from Ireland is the fact that the whole background—the way in which they are bred and are chosen to come to Scotland, and what happens to the rest of them—is totally outside the remit of UK authorities.

Rachael Hamilton: That is exactly why I am making that point. In her initial statement, Cathy Dwyer said that there are invisible issues with breeding, and I am a bit concerned that the document and its recommendations are not really going to improve the lives of greyhounds. The issues that you discuss, including breeding in Ireland and transportation, are, as you mentioned in your response to my colleague Jim Fairlie, out of our control. How would you suggest the committee takes forward the significant issues that you are raising?

Professor Dwyer: There is a market in the UK for greyhounds coming from Ireland, so there is a pull factor and the dogs have to come here. Our concern, however, is the risks to the dogs when they are here and are involved in racing—

Rachael Hamilton: But legislation to protect animal welfare is already in place. Why is the Scottish Animal Welfare Commission not looking at the current Scottish legislation rather than other aspects? If you are concerned about greyhounds—these are obviously commercial dogs—you must be concerned about other animals and, indeed, other dogs.

Professor Dwyer: We are doing a number of pieces of work, but this report was produced in response to a direct request from the committee to provide some information on racing greyhounds. The legislation that protects dogs is clearly not protecting racing greyhounds, given their higher rates of fatalities and injuries, compared with other dogs, from racing on the track.

Jenni Minto (Argyll and Bute) (SNP): I want to follow on from Karen Adam's question about improved dog welfare. In the introduction to your report, you talk about the term "cruelty", which has sometimes been used as a synonym for welfare. Can you put on record the difference between those two descriptive terms?

Professor Dwyer: Yes—it is quite important to understand that. The term "cruelty" refers to a deliberate or negligent desire to cause suffering to an animal. The welfare of an animal involves a continuum from poor to good, or very good. We

talk about good welfare, but we cannot talk about cruelty in those terms.

The term "welfare" essentially refers to the animal's mental state; it is about how the animal deals with the physical and psychological environment and its physical and mental health as it engages with that environment. Welfare is a property of the animal and can go from very poor to very good, whereas cruelty is something that we might do to the animal to cause it to experience very poor welfare.

In my mind, they are quite separate concepts, but they are often blurred together. For example, you might ask, "Is greyhound racing cruel?" I would say that it causes poor welfare, but whether it is cruel is a different question, about a different concept, and it is not something that we address in the report.

The Convener: When the committee previously took evidence on this issue, the Scottish Government responded by saying that legislation that specifically named greyhound racing was in place to protect animal welfare. Why is that not sufficient to address the issues that the petitioner has brought up and the situations that you have looked into?

Professor Dwyer: That brings me back to my response to the previous question, in the sense that welfare exists on a continuum. Our goal as the commission would be to encourage practices that provide animals with good welfare. The legislation will, perhaps, avoid the worst cruelties—it is designed to provide the lowest baseline.

If we take a utilitarian, ethical view, we might ask: do people need greyhound racing and is it important, ethically, for human happiness? If it is, we might be prepared to offset that with some poorer welfare. However, if we do not believe that it is essential to human happiness, I am not convinced that we should be living with a low or minimum standard of welfare, when animals could be kept in a way that represented a good standard of welfare.

The Convener: Thank you. I appreciate that useful response.

Mike Radford: On the distinction between cruelty and welfare, as far as legislation is concerned, cruelty is defined in law as causing an animal unnecessary suffering. First of all, it would have to be demonstrated that the animal had suffered, and then the question would be whether that suffering was unnecessary. At present, greyhound racing is a lawful activity, and a court might therefore say that an animal has suffered but that it is the sort of suffering that one will normally expect as a result of the activity. For

example, the animal might have injuries as a result of running round in a circle.

By contrast, welfare is about an animal's quality of life throughout its life, and in this report we concentrate principally on welfare—that is, the animal's quality of life throughout its life. Therefore, the question would be whether a proposal to introduce regulated greyhound racing in Scotland would be considered to be to the welfare benefit of the animals concerned, and our conclusion is that that argument cannot be sustained, because of the inherent welfare issues.

The Convener: That is really helpful, but I go back to the cabinet secretary's letter, which says:

"It was stated in Parliament on 3 March 2022, that the Scottish Government considers that the provisions of the Animal Health and Welfare (Scotland) Act 2006, as amended, are sufficient to ensure that action can be taken if the welfare of greyhounds, whether still racing or retired, is not being met. The provisions of Part 2 of the Act apply to all people responsible for animals, including breeders, trainers and owners of racing greyhounds.

These provisions include making it an offence to cause or permit unnecessary suffering".

Cathy Dwyer, you helpfully suggested the difference between cruelty and welfare, but the cabinet secretary is suggesting that the legislation in place does cover welfare, so I presume—

Mike Radford: With respect to the cabinet secretary, on the welfare offence, the requirement is to do all that is "reasonable in the circumstances". Therefore, it would be relevant for the court to take into account the circumstances surrounding greyhound racing. In other words, what is lawful in greyhound racing might not be lawful if you were keeping a dog as a companion animal in a domestic environment. The context is significant.

The Convener: In the same context, the letter also states:

"Other provisions include powers for inspectors to gather evidence, to issue care notices if an animal's welfare needs are not being met and to take animals into possession to protect their welfare if they are suffering or likely to suffer if their circumstances do not change."

Are you aware of any care notices being issued to any greyhound owners or greyhound track owners in Scotland under that provision?

Professor Dwyer: According to evidence that the SSPCA has given us, there have not been any. It has carried out a number of inspections, and its informal feedback is that the letter of the law has been met.

The Convener: Could the issue be a lack of clear guidance with regard to the current law rather than the need for additional legislation?

Professor Dwyer: Potentially, yes. I reiterate Mike Radford's point that this is about whether we believe that the potential for greyhounds' suffering is acceptable for the purposes for which the dogs are being kept. It also brings us back to his point about what is acceptable for a dog that is kept for that purpose.

The Convener: Perhaps more clarity on the existing legislation would address that issue.

Professor Dwyer: Potentially.

The Convener: I should have said at the start of the meeting that we have been joined by Mark Ruskell, who, although not a member of the committee, has a particular interest in the topic. Mark, would you like to ask some questions?

Mark Ruskell (Mid Scotland and Fife) (Green): Yes, thank you, convener.

It has been a very interesting and enlightening evidence session, and I have just a couple of quick questions. First, one situation highlighted in the report is of greyhounds living and being trained in Scotland but going to race in England, where there is more of a greyhound racing industry. In that scenario, you have recommended independent regulation. Can you explain the Scottish Government's powers in relation to that aspect of regulation? We have not touched on that yet.

Professor Dwyer: I am not sure that I am enough of an expert to suggest what those powers should be. The governing principle for a lot of our work is that animals are used in many different ways that people make money from. If that is the case, there is the opportunity for animals to be exploited. For some of those practices, there is independent regulation, but for a lot of companion animal issues—into which we would draw greyhound racing, too—there is very little structured independent regulation of any of the things that we might do with those animals.

Our concern is that, even if racing were to cease in Scotland, there would still be a number of trainers living in Scotland and training dogs kept in kennels. Because the dogs would race on GBGB-regulated tracks, they would be subject to regulation by the GBGB, but for the reasons that we have outlined, we are concerned that that would not represent an independent assessment of the welfare of those dogs. Concerns might be raised about their welfare, but any oversight would not be independent, as the people involved in regulation are also involved in income generation from dog racing.

Did you want to add anything, Mike?

Mike Radford: Given that the legislation specific to greyhound racing has been mentioned, it is important to understand that, although there is

specific legislation on the welfare of greyhounds under the equivalent of the Animal Welfare Act 2006—the Animal Health and Welfare (Scotland) Act 2006—no equivalent secondary legislation has been introduced by the Scottish Parliament. I presume that that is, in part, because there are no regulated tracks in Scotland. England has gone for regulation because it already has those tracks, and there would be issues of proportionality and so on to address if it sought to abandon them. In Scotland, we are arguably in the desirable situation of not having any tracks apart from the one unregulated track, and, as our report indicates, we question whether unregulated tracks in Scotland have a long-term future anyway.

As far as regulated tracks are concerned, there is nothing to regulate—that is, nothing to pass legislation on in terms of regulation. Given that there is nothing here and that, as we have concluded, the welfare of racing greyhounds is going to be compromised, surely it is better to prevent the industry from moving here instead of introducing regulations that, by definition, would be permissive. If you seek to regulate the industry, it permits the industry to exist, subject to its meeting the regulations.

11:30

Mark Ruskell: You also conclude that a phasing out of greyhound racing would be desirable. How do you think that would work, and what is the difference between phasing it out and an outright ban?

Professor Dwyer: One of the concerns with an outright ban is the management of the dogs that are in the system at the moment. If there were a ban tomorrow, what would happen to the dogs that are in training, in kennels or racing? A number of the animal rehoming charities that we have spoken to are already close to, if not beyond, capacity, so there is not really a place for the dogs to go if they are to be rehomed. It seems unrealistic to expect all of them to become the pets of the current owners and trainers; indeed, our evidence gathering suggested that it often leads to worse welfare if the animals are not rehomed. I think that this was suggested by the Dogs Trust, RSPCA and Blue Cross in their statement last year, but the point of having a phased end to racing is that it is a way of ensuring dog welfare as best we can as racing comes to an end.

As Mike Radford has alluded and as we have mentioned already, it feels as though racing is coming to a natural end in Scotland anyway. There has been a reduction in both the number of dogs and the number of people present. Reasonable numbers of dogs are still being rehomed, but it is obvious that some of those dogs

are not racing in Scotland, because the figures do not match up—they are racing elsewhere. That is one of our concerns about regulating dogs that are living in Scotland but racing elsewhere.

Given that it feels as though we are coming to a natural end anyway, the issue is whether effort should be put into pushing the process a bit further along or whether we should allow it to come to a natural end, to assure that the welfare of the dogs that are leaving racing is better than would be the case if racing were to end abruptly.

Mark Ruskell: Thanks.

The Convener: Reading between the lines, Mike, I think that it sounds as if you would prefer an all-out ban. Is that right?

Professor Dwyer: Are you asking about my own personal view or about the commission's point of view?

The Convener: I am sorry—I was speaking to Mike Radford. From the evidence that you have given us and the comments that you have made, Mike, it would appear that you want an all-out ban.

Mike Radford: Speaking from a practical point of view, I would say that it seems that, if the committee and the Parliament were to decide that the welfare of racing greyhounds was compromised and that it would be undesirable for greyhound racing to expand in Scotland, now would be the time to ban it. If it is still permissible in Scotland and the industry moves in, it will be more complicated to ban something that exists than to ban something that does not exist. As I have said, that is exactly what happened with fur farming.

The Convener: Thank you. I want to pick up one other point. One view is that independent oversight and regulation are required, and you have suggested that that sort of thing might come under the auspices of the new Scottish veterinary service. Can you give an indication of when that service might be formulated and come into being?

Professor Dwyer: The quick answer to that is no. We were considering which body might be suitable and would have the skills and the capacity to do that job.

The Convener: Okay. Thank you. I do not believe that there are any more questions, so I thank you all very much for your evidence today. It has been hugely useful, and we appreciate the time that you have taken to join us this morning. We will take further evidence on the petition in April and May.

11:35

Meeting continued in private until 12:19.

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