



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Rural Affairs and Islands Committee

Wednesday 22 May 2024

Session 6



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RURAL AFFAIRS AND ISLANDS COMMITTEE

14th Meeting 2024, Session 6

CONVENER

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

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Alasdair Allan (Na h-Eileanan an Iar) (SNP)
Ariane Burgess (Highlands and Islands) (Green)
*Rhoda Grant (Highlands and Islands) (Lab)
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)
*Emma Harper (South Scotland) (SNP)
*Emma Roddick (Highlands and Islands) (SNP)
*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jim Fairlie (Minister for Agriculture and Connectivity)
Jamie Halcro Johnston (Highlands and Islands) (Con) (Committee Substitute)
Mark Ruskell (Mid Scotland and Fife) (Green) (Committee Substitute)
Andrew Voas (Scottish Government)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament
Rural Affairs and Islands
Committee

Wednesday 22 May 2024

[The Convener opened the meeting at 09:00]

Interests

The Convener (Finlay Carson): Good morning and welcome to the 14th meeting in 2024 of the Rural Affairs and Islands Committee. Before we begin, I remind those using electronic devices to please switch them to silent. We have received apologies from Rachael Hamilton and Ariane Burgess; I welcome Jamie Halcro Johnston and Mark Ruskell, who will be attending the meeting as substitutes. As this is Mark Ruskell's first-time journey as a committee substitute, I invite him to declare any relevant interests.

Mark Ruskell (Mid Scotland and Fife) (Green): I should declare that I have a member's bill proposal for a "Prohibition of Greyhound Racing (Scotland) Bill", which I am currently working on. I am an honorary associate member of the British Veterinary Association and I am also a beekeeper, which is probably of less relevance to today's session—but you never know, it may come up.

The Convener: I would not be doing my job if it did come up. Thank you, Mark.

Decisions on Taking Business in
Private

09:01

The Convener: We now need to decide whether to take our final agenda item, on considering the evidence heard earlier in the meeting on PE1758, in private. Are members content to take that item in private?

Members *indicated agreement.*

The Convener: Can we also agree to consider our annual report and take an update on petition PE1490, on the control of wild goose numbers, in private at our next meeting?

Members *indicated agreement.*

The Convener: That means that next week's meeting will be entirely in private.

Petition

End Greyhound Racing in Scotland (PE1758)

09:01

The Convener: Our next item of business is consideration of petition PE1758, which calls on the Scottish Parliament to urge the Scottish Government to end greyhound racing in Scotland. I welcome to the meeting Jim Fairlie, the Minister for Agriculture and Connectivity, and Andrew Voas, the veterinary head of animal welfare from the Scottish Government. As usual, I will kick off with a question. Minister, how do you think existing animal welfare legislation and enforcement protects racing greyhounds in Scotland at the different stages of their lives, from birth through to racing and retirement?

Jim Fairlie (Minister for Agriculture and Connectivity): If you do not mind, convener, I will first make an opening statement about the current position in Scotland. Are you happy with that?

The Convener: Certainly.

Jim Fairlie: I am very happy to appear before the committee today to discuss petition PE1758, which calls for an end to greyhound racing in Scotland. Animal welfare is an important issue for the vast majority of people in Scotland. It is also an issue that the Scottish Government takes very seriously, and we are committed to the highest standards when it comes to the welfare of all animals in Scotland.

The Scottish Government recognises that there is support for action to address the welfare concerns associated with greyhound racing. This is why we agreed to include greyhound racing in the animal licensing consultation that we ran last year, when we sought views on the regulation of greyhound tracks in Scotland.

Our consultation confirmed that action on greyhound racing is strongly supported, with approximately half of respondents supporting licensing and half responding that they were not sure about it. Those who were not sure about licensing were of the opinion that it did not go far enough and that only a ban would be effective in protecting greyhound welfare. Over and above the consultation responses that we received, over 1,100 campaign responses were also sent to the Scottish Government animal welfare team, with campaign signatories calling for greyhound racing to end entirely.

This morning, I am sure that we will discuss the evidence for and against the prohibition of greyhound racing in Scotland and I welcome the

opportunity to engage in those discussions. I advise the committee, however, that at this time the Scottish Government is not persuaded of the need to ban greyhound racing in Scotland. In particular, we are not convinced that such a ban is a proportionate and fair response to the animal welfare concerns arising from the practice.

As the members of this committee know, in Scotland we now have only one active greyhound track—at Thornton stadium in Fife. Thornton runs as an independent track, in that it does not operate under the rules of the Greyhound Board of Great Britain. Attendance at Thornton both by those who are racing dogs and those who are spectating has been declining for many years as interest in the sport wanes and as public opinion against greyhound racing shifts. Although on-site gambling is still a traditional part of race nights at Thornton, it takes place on a considerably lesser scale than occurs at Greyhound Board of Great Britain venues, where races are often televised, competition is intense and gambling happens on a commercial scale.

The central argument for prohibiting greyhound racing in Scotland is the published Greyhound Board of Great Britain statistics on greyhound deaths and injuries attributed to racing. The Scottish Government agrees that the statistics presented are unacceptable and that any greyhound injury or death is something that must be addressed. However, it must be recognised that currently we do not have verifiable, comparable data for Thornton stadium. The statistics for greyhound injuries and deaths relate to those incurred as part of the much larger-scale greyhound racing that takes place in England. We must therefore caution against making assumptions about the current situation in Scotland and legislating to ban a sport, however contentious, without a sound evidence base for doing so.

As far as the Scottish Government is aware, no complaints have been made to the Scottish Society for the Prevention of Cruelty to Animals about the activities at Thornton stadium and no enforcement action has been taken due to animal welfare concerns against the operators of the venue. Again, I would stress that these factors must be borne in mind when considering the case for the proportionality of a ban in Scotland.

I will end there and I am happy to take part in the conversation as we go forward.

The Convener: Thank you. To go back to my original question, how do you think the existing animal welfare legislation protects racing greyhounds in Scotland, from birth right through to retirement?

Jim Fairlie: The Animal Health and Welfare (Scotland) Act 2006 has at its very core the point that animal welfare conditions must be met for all animals—that includes greyhounds in Scotland. As I said in my opening statement, my understanding of what happens at Thornton is that it is an entirely different beast from what is happening at the highly charged atmospheres of the tracks down south, which are about betting and gambling and dogs as commodities rather than what we understand about Thornton, where the dogs are as much part of the family and family pets as they are for racing. The welfare conditions of the dogs at Thornton is an entirely different thing from what we are talking about in relation to the professional tracks down south.

The Convener: Under the 2006 act, there has to be consideration of

“whether the suffering was proportionate to the purpose of the conduct concerned”.

What level of suffering do you think is proportionate when it comes to greyhound racing?

Jim Fairlie: Sorry—what did you say about the level of suffering being proportionate?

The Convener: You stated that you think that the 2006 act is adequate to protect greyhounds, but, in the act, it suggests that the

“considerations to which regard is to be had in determining ... whether suffering is unnecessary include ... whether the suffering was proportionate to the purpose of the conduct concerned”.

I am asking what level of suffering you think is proportionate in relation to greyhound racing.

Jim Fairlie: I will let Andrew Voas answer that question.

Andrew Voas (Scottish Government): You are referring to the offence of causing or permitting unnecessary suffering, as set out in the 2006 act. Mike Radford explained to the committee in the Scottish Animal Welfare Commission evidence session that for that offence to have been committed, you have to demonstrate that there was suffering and that the suffering was unnecessary. As you say, regard can be had as to whether that was as part of a legitimate activity. We all know that there are injuries associated with greyhound racing but I think that Mike Radford’s point was that if greyhound racing is regarded as a legitimate activity and those injuries are part of the legitimate activity of racing, that would not necessarily be regarded as an offence of unnecessary suffering. However, if you were doing something that was unusual or unreasonable in those circumstances, an offence may have been committed.

The Convener: I suppose that it is really a political decision in relation to the level of

suffering. The minister is satisfied that the current legislation covers those situations. The minister touched on concerns in relation to Thornton, which are probably not relevant here. We are not talking about specific tracks; we are talking about greyhound racing in general. I will bring in Emma Roddick for a supplementary question.

Emma Roddick (Highlands and Islands) (SNP): I appreciate the points that the minister has made about Thornton and the difference in treatment there compared to the concerns that have been posed about different tracks in England. Can he speak to the fact that greyhounds here are often raced in England? Also, does he believe that current regulation is strong enough to prevent a different kind of track being set up in Scotland?

Jim Fairlie: When I was a member of this committee, we talked about the potential for straight tracks and all the rest of it. As far as I am aware, there is no desire to run straight tracks. I think that in one of the evidence sessions, it was stated that that would not stop the potential risk of injury. We talked about working with double lures—I asked about that myself at one point—to look at different ways of mitigating risk.

The point is that you cannot mitigate risk completely; it is about mitigating the risk of potential injuries. The convener has worked on farms. I have had working sheepdogs my entire life. There is inherent risk in every activity that we take part in, whether that is agility training, flyball, terrier racing or pigeon racing. Potentially, there is inherent risk in working with animals at any stage.

I am not sure where you got the figures from to state that lots of dogs from Scotland are being raced in England. I do not know where those figures come from. Perhaps you can tell me about that.

The Convener: Minister, we heard right through the evidence sessions, including from breeders, that there were dogs bred in Scotland that then travelled to race in GBGB tracks across the rest of the United Kingdom, so it is a fact.

Jim Fairlie: But why would banning them from racing in Scotland stop them racing in England? I do not understand the point of that. That is what I am trying to get at.

Emma Roddick: That is what I am asking about. If there is a welfare risk to dogs that are living in Scotland or perhaps even bred in Scotland, how do we prevent that welfare risk if the minister is saying that there are tracks in England where the welfare risk would be considerable in a way that the risk at Thornton is not?

Jim Fairlie: Well, we would have to stop them going across the border to race to mitigate that risk and I do not see how we can do that.

The Convener: For clarification, my original question was about how we protect racing dogs at different stages of their lives, from birth through to racing and retirement. I think that Emma Roddick's supplementary question was about how to protect the dogs that go and race south of the border on GBGB tracks.

Jim Fairlie: Under the terms of the 2006 act, the owners would have the same requirement to look after the dogs, whether they are racing in England or in Scotland.

The Convener: Does that answer your question, Emma?

Emma Roddick: I think so. Thank you.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Good morning, minister. The Scottish Animal Welfare Commission concluded that

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

I want to focus on that for a little while. The report refers to how they are bred, how they are reared, trained and raced, and indeed how they are retired if they get to that point, or how they might end their lives by being put down. It also talks about the issue of wastage within the industry. Does the Scottish Government agree with the overall conclusion that dogs that are bred for greyhound racing have a poorer standard of welfare throughout their lives?

Jim Fairlie: We talked about that during our sessions. I think that the SAWC report was largely talking about dogs bred in Ireland and brought over to Scotland. I go back to the point that I made right at the start. We understand that currently the vast majority of people racing dogs in Scotland are racing dogs that are family pets. They will have two or three dogs—or maybe four or five—but they are part of the family. What is happening in the tracks down south—the intensity and the high-stakes gambling—is not the same as is happening in Scotland. Therefore, it would be disproportionate to ban what is a pastime for the vast majority of people who do it in Scotland, as opposed to the professionalism of what is happening down south. I am trying to keep those two things entirely separate because I am making a distinction between them.

Elena Whitham: I understand the distinction that needs to be made, but following on from my colleague Emma Roddick's point, we are taking evidence in this place on breeders who have 40 dogs in kennels in Scotland and are racing them in tracks in England. The welfare of those dogs is of

paramount concern to this committee and indeed the petitioners. It comes back to the 2006 act and the balancing out of what is the acceptable level of harm that may come to those dogs and what are the welfare concerns. I do not know whether you have any points to come back on.

09:15

Jim Fairlie: In the report that you are talking about it is stated:

"Greyhounds are also subject to a number of other pieces of legislation, including: Welfare of Animals (Transport) (Scotland) Regulations 2006; Microchipping of Dogs (Scotland) Regulations, 2016; Animal Welfare (Licensing of Activities involving Animals) (Scotland) Regulations 2021."

None of those pieces of legislation specifically covers the welfare of greyhounds, but all greyhounds are covered by that legislation, so they have those protections in place. The report also states:

"There are a number of additional initiatives that have focused on attempts to ensure the welfare of greyhounds in racing. A coalition of animal welfare organisations, industry representatives and other stakeholders ... has been established for many years".

There is an advisory board on the regulation of greyhounds. I continue to come back to the point that I think we have a different situation for the people who are keeping and racing greyhounds in Scotland as opposed to what happens in England.

Elena Whitham: On the assertion about them being pets, I think this is where we get a bit confused about how the tracks operate in two different places. We have the issue with GBGB tracks that the animals must be kept in kennels; they cannot be part of a family set-up. I am not so sure if that works for dogs that are raced at the only track that we currently have in Scotland. I do not know whether they are able to be part of the family or whether they have to be kennelled and not kept as part of the family as a pet in order to race. That is where it gets a bit confusing for us in trying to unpick the differences between here and England.

Jim Fairlie: I will keep referring back to when I was on this committee. I have a friend who has rescued greyhounds over a number of years and, when this was first raised, I contacted him and asked him what the reality is in Scotland. He sent me this response and if you do not mind, convener, I will read it out. These are his words not mine:

"My greyhounds were all rescues, failed racers. However, I did race them with great success and I add all were kept until the day they died and are buried here"—

the place that he lived.

“Jim, the dogs love racing. It is just the same as dogs doing agility or flyball. As usual, the fault is with owners and perversely, although the flapping owners get the worst press, they are actually not the main problem. Many of them keep their retired dogs on as pets as they have a bond with their dog. The main problem is the professionals. These are the dogs discarded as if they are of no use. Owners only turn up on race night. They just want to own a winner.”

That touches on the point that Elena Whitham made. He continued:

“They will not pay a trainer to keep what they describe as a pot-licker and trainers have a reputation to build and that can only be done with winners. These are the people who want to get rid of poor quality dogs. A big problem is with far too many dogs being bred in Ireland, poor conditions, backstreet vets, and bitches who are just money-making machines. That, mind you, goes on in this country in puppy farms of all breeds, not just greyhounds.”

That was his response to my question after we had the session in this committee.

The Convener: With all due respect, minister, I remind you that you are here speaking on behalf of the Scottish Government. You are the minister. It is the Government’s position we want on this, and the question that we had was quite clear. It was based on the Scottish Animal Welfare Commission’s report, which concluded that

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

Do you, as the minister, agree with that overall conclusion?

Jim Fairlie: That a dog bred in Scotland has poorer outcomes?

The Convener: A dog bred for racing in Scotland.

Jim Fairlie: Has poorer outcomes than other dogs?

The Convener: Has poorer welfare than the average of other dogs.

Jim Fairlie: I cannot give an answer to that question. I genuinely cannot remember having that part of the conversation.

The Convener: But you are the minister and the Scottish Animal Welfare Commission report is one of the fundamental pieces of evidence relating to this petition. You are saying that you cannot tell us whether you agree with the overall conclusion or not. It is very straightforward:

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

Jim Fairlie: Okay. If that is its conclusion, that is the conclusion it is making, but it does not change the position that I have right now.

The Convener: Do you agree or disagree with that position?

Jim Fairlie: Well, it is SAWC’s position, so I will accept the fact that that is its position.

Emma Roddick: The committee heard that most racing greyhounds kennelled in Scotland were bred in Ireland, but the SAWC report said that there was a lack of data on dogs in early life. Does the Scottish Government hold information that the minister can share or is there information accessible from public agencies or databases, for example, about greyhounds coming to Scotland from Ireland or other countries? Can the minister speak to whether breeding in Scotland is an issue in addition to the Ireland issue that we have been discussing?

Jim Fairlie: I do not think we have those numbers, but Andrew Voas may have a better idea.

Andrew Voas: No, we do not hold any information other than was explained in the SAWC report and in the SAWC evidence session. We do not have any further information than that.

Emma Roddick: I want to come back on other concerns about dogs being bred for specific purposes and the welfare issues that they then experience. Drawing on what you said about other breeds being of concern in Scotland at this time, do you believe that current animal welfare regulations adequately cover those dogs and that they are being protected?

Jim Fairlie: Yes, I do.

Beatrice Wishart (Shetland Islands) (LD): Good morning, minister. Do you think there is a need for more traceability of greyhounds in early life in Scotland and across the UK? If so, how do you think that could be achieved?

Jim Fairlie: Yes, I do. It is not just greyhounds; it is all dogs. That is why we are looking at the microchipping of all dogs as part of the report that we are doing on microchipping. What is that report, Andrew?

Andrew Voas: There was a recent UK consultation on improving microchipping and we are currently engaged in a working group with officials in the Department for Environment, Food and Rural Affairs and in Wales looking at improving the operation of the current microchip system across Great Britain. It is looking in particular at improving traceability by having the breeder’s records permanently associated with the dog’s microchip and having a single point of access to the microchip databases.

Beatrice Wishart: Will that be one compatible system across the UK?

Andrew Voas: That is what we are working towards. There would still be multiple databases, but there would be a single point of access into

those databases. That is the proposal that we are working on at the moment.

Beatrice Wishart: Thank you.

The Convener: To follow up on that, we have heard throughout the evidence that the Republic of Ireland is one of the major issues here, with lack of data and traceability. Does the Republic of Ireland need to be a part of that microchip identification system to allow it to work, and is that achievable?

Andrew Voas: We can legislate only in Scotland or the UK. There are European Union proposals to look at requiring compulsory microchipping of dogs and cats across Europe. We may be looking at a European system with which we could potentially align, but that is obviously in the longer term.

The Convener: What are the timescales for the UK, or GB, side of it, and what might the timescales be for the European revision?

Jim Fairlie: The UK Government side is ongoing at the moment. That is being pressed right now. We do not have any timescale as yet. We have not had any agreement from the UK, but it is definitely being worked on.

Emma Harper (South Scotland) (SNP): I was going to bring up the issue of the Republic of Ireland and the traceability that it has put in place. Greyhound racing is quite central and important for people in the Republic of Ireland. Down the line, I am interested in following up work on having one microchip database for the whole of the UK, because I am interested in that part of it.

Jim Fairlie: We will certainly keep the committee informed as and when there are any developments in that, if that would be helpful.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): The SAWC report also said that independent tracks might have “some social benefit”. I am not sure whether that was intended to mean social benefit for the dogs or the humans. Can you say whether you view the independent track that remains as having a social benefit? How do you understand that and what do you make of that bit of the report?

Jim Fairlie: This goes back to the point that the convener was making. I am here representing the Scottish Government’s position, but I am also looking at the issue from the point of view of someone who has been involved in working with animals and I am trying to juggle those two positions.

There is absolutely a social element to all such things, whether that is sheepdog trials, racing pigeons or, I understand, greyhound racing. There is a social element to such activity and it is part of the community. People go there, they meet up

with their pals, they have an evening out, they bet on their own dogs and they are taking part in a social gathering.

Alasdair Allan: How do we balance that with animal welfare and which, no pun intended, is top dog?

Jim Fairlie: I think that the two have to go hand in hand. You cannot compromise the animal welfare side of it. You have to make sure that the animal welfare side is being treated very seriously. In the particular circumstance that we are talking about, animal welfare is very important.

Jamie Halcro Johnston (Highlands and Islands) (Con): You talked about the nature of the tracks and the dogs being part of the family. The tracks are obviously unregulated and not under GBGB’s regulations. Does gambling or betting happen at the tracks?

Jim Fairlie: Gambling does happen at the track in Thornton—the last one that is open in Scotland. In fact, if the gambling does not happen, the race does not go ahead. There is definitely a correlation between the two, but it is not the high stakes, televised gambling that could be described as more of a professional thing. What they are doing at the Thornton track is a wee bit like pigeon racing. Guys will put money on their pigeons—they pool them every week. They put money on each bird and if that bird comes in that is it. It is not about making money. It is about adding to the excitement of the social occasion that Alasdair Allan alluded to.

Jamie Halcro Johnston: I will take your word on that. I admit that I do not have a great sum of knowledge of pigeon racing. I take it that gambling is regulated. It is not just happening on the track.

Andrew Voas: I accompanied the SAWC visit to Thornton in November 2022 and I spoke to some of the participants there and to the bookmaker. The situation is that there is a bookmaker, who has to be licensed to be in business as a bookmaker, but only on-site betting is allowed and it is on a very small scale. It is completely different from the televised off-site gambling that goes on with the GBGB tracks.

Jamie Halcro Johnston: Is it the Scottish Government’s position that it is comfortable with the licensing regulations and that it is not providing a loophole or anything like that with an independent, unregulated track?

Andrew Voas: I am not sure what you mean. The bookmaker has to be licensed.

Jamie Halcro Johnston: No, I mean more generally. The GBGB sites are all regulated, although it is self-regulation. Do you have confidence in their self-regulation, albeit that there

are no tracks in Scotland? Does the Scottish Government have a position on that?

Jim Fairlie: On the gambling side of it?

Jamie Halcro Johnston: I am just talking about the general regulation of the GBGB sites.

Jim Fairlie: I am sorry, I am not understanding the thrust of your question.

Jamie Halcro Johnston: I recognise that there are no GBGB racetracks in Scotland, but sites across the UK are regulated by GBGB.

Jim Fairlie: Just not in Scotland.

Jamie Halcro Johnston: That is right, but, as Emma Roddick pointed out, there are dogs that go from Scotland to race at those sites. Also, in respect of the more general approach to the petition and the Scottish Government's position on greyhound racing, do you have confidence in the self-regulation of GBGB?

Jim Fairlie: I cannot answer that because I have not looked at the regulation of GBGB tracks because they do not exist in Scotland.

09:30

Jamie Halcro Johnston: Okay. You pointed out earlier that you do not believe that there is a need for a ban on sites in Scotland. If there were a move to establish a GBGB site in Scotland, which sounds unlikely given the moves against or the change in atmosphere around greyhound racing, would you oppose it?

Jim Fairlie: We would have to look at that proposition if it came to the Government.

Jamie Halcro Johnston: We could have a situation where you are comfortable with unregulated sites but you might oppose a site that was regulated, albeit self-regulated by GBGB.

Jim Fairlie: We would look at that proposition as it came forward. We would have to look at them independently.

Mark Ruskell: You have made quite a distinction today, minister, about regulated versus unregulated tracks. We have a regulated track in Scotland, at Shawfield, although it has not been open for a number of years, and we have the unregulated track in Thornton. What is the difference in track design and inherent risk to dogs that are racing at Thornton and those racing at Shawfield? Is there a difference between the tracks?

Jim Fairlie: The track at Shawfield is closed and has not been open post-Covid, so I am not sure that that one was looked at as a racing track, but my understanding is—

Mark Ruskell: It has operated as a racing track.

Jim Fairlie: It has operated as a racing track in the past. I understand that.

Mark Ruskell: It is there, yes.

Jim Fairlie: You asked especially about the design. The design of the track is no different as far as I am aware. I could be wrong on that, and Andrew Voas can correct me if I am wrong, but my understanding is that it is an oval track in exactly the same way as at Thornton, so there is no difference.

Mark Ruskell: Are dogs raced differently at Thornton compared to Shawfield? Are they raced at different speeds? What is the difference in inherent risk if the tracks are the same?

Jim Fairlie: I cannot answer to Shawfield because it is not a track that is currently open in Scotland.

Mark Ruskell: But it is a track that is in existence and we have figures for injuries and deaths when there was racing there and they are slightly higher than the average across Great Britain. What is the difference in the inherent risk? If you are a dog and you are racing at Thornton, what is the difference in the risk of leg breaks or other injuries that could be life threatening? What is the difference between racing at Thornton compared to racing at a GBGB track elsewhere in the UK or at Shawfield?

Jim Fairlie: My understanding of the difference in risk is the intensity, the professionalism and the requirement for what people are getting out of it. As I stated, there is a high demand for winners. People want to own winners at the GBGB tracks. The racing is highly competitive, there is a lot of money involved and the sport is driven by the financial aspects and prestige. At Thornton, as I understand it, the dogs are largely family-owned pets and the requirement or the determination to win is not as great, nor is it the fundamental reason why they are kept.

Mark Ruskell: I think that you said earlier that you believe, through the evidence that you have heard, that there is a lesser scale of gambling at Thornton. What difference does that make to a dog?

Jim Fairlie: It will not make any difference at all to a dog.

Mark Ruskell: If a dog is racing at Thornton or a dog is racing at Shawfield, what does that lesser scale gambling environment mean in terms of animal welfare and where is the evidence that you have—

Jim Fairlie: It will not make any difference to the dog whatsoever, but it will make a difference to the owner's attitude to the dog.

Mark Ruskell: Where is your evidence for that in stats and figures?

Jim Fairlie: That is anecdotal, from people I have spoken to and from some of the evidence that we have heard in the committee about the professionalism at a GBGB track. There, it is about professional, high stakes dogs running for the purpose of winning, as opposed to somebody racing a dog where that is not their fundamental reason for having the dog.

Mark Ruskell: GBGB has standards and, for example, a requirement for a vet at trackside. Are you saying that it is preferable to have an unlicensed environment in that although the tracks are the same and the risk to the dogs is the same, it is better than a licensed GBGB set-up in terms of animal welfare?

Jim Fairlie: Well, the Scottish Government is considering the option of licensing for the unregulated track that we have here in Scotland. That is a consideration that we will come back to, but this proposition is about banning greyhound racing in Scotland altogether. We have not talked about or worked on the issues of licensing, but we will consider it for the Thornton track. It should be pointed out that there has been no response and no report to the SSPCA at any time for any actions that have happened at the Thornton track.

During one of the evidence sessions, the owner of the track—I think his name is Paul Brignal but I could be wrong on that—said that he was more than happy for the SSPCA to come and visit them at any time. When I knew that I was taking this bill forward, my intention was to go to the track but it has been closed because there has been such a shortage of dogs or they could not get a bookie or whatever. It seems clear to me that the sport is on the wane in Scotland anyway. We will consider all those things when we come to the point of looking at what a licence may or may not do.

Mark Ruskell: Where do you get your evidence from as a minister? You have an official there who is a long-qualified vet and has led a number of pieces of animal welfare legislation through the Parliament. The information that you have received about Thornton is from a friend, I think you said. I have quite strong anecdotal evidence that there are dogs that race at Thornton that are housed in a shed down at Seafield, so we could pop out at lunchtime and have a look at that. That could be good evidence, if you like.

I am interested in how we break through the anecdotal nature of this evidence and get clear evidence about the nature of the risks of licensed and unlicensed tracks and, therefore, the case for reform. That might be licensing—although it appears that you are undecided about whether licensing has a role—or a phase out, which is

obviously being proposed in my member's bill. Are you open to evidence or is it fixed now? You have had the letter and that is it?

Jim Fairlie: You have hit the nail on the head there. I am open to evidence and having these conversations. We will watch your member's bill very closely as it comes through and, as I said, the consideration about licensing is on-going. We are not saying that we have dismissed the matter and will not think about it any more. At this stage, however, we do not think that a ban is proportionate in terms of what we are looking at for the track that we are talking about.

Mark Ruskell: Okay. Thanks, convener. I will maybe come back in later.

The Convener: Before we move on, can I get your views on whether, at independent tracks, the social benefits outweigh any animal welfare concerns? Is that what you are suggesting?

Jim Fairlie: No. What I am saying is that at the independent track the two things should go hand in hand. It is not a case of one being more important than the other. I think that the two balance together. There are good opportunities for socialising and social interaction, which is important, but that should not be at the cost of welfare standards for the dogs that are running there.

The Convener: You think that that balance is right at the moment?

Jim Fairlie: Yes, I do.

The Convener: Okay, that is fine. Thank you.

Jim Fairlie: I am happy to be proven wrong if evidence comes forward to do so.

Beatrice Wishart: The Scottish Animal Welfare Commission report raised specific risks for welfare at the independent tracks through the lack of immediate veterinary care and recommended that a vet should be required at tracks to collect injury and fatality data. Given that recommendation, is the Scottish Government currently minded to introduce a requirement for a vet to be present at independent tracks?

Jim Fairlie: That is part of our consideration of what a licence would look like for an unregulated track in Scotland. I think that we heard from Paul Brignal that their vet was literally five minutes down the road and that they had a relationship with him. I am not sure if that is entirely satisfactory in relation to what the requirements should be, but it will certainly be part of what we will consider if we go down the route of requiring that track to have a licence.

Rhoda Grant (Highlands and Islands) (Lab): I want to ask about banned substances. Some organisations have suggested that there should be

an independent regulatory body to look for such substances.

Jim Fairlie: Was the comment that you received about the GBGB tracks?

Rhoda Grant: There is no drug testing at Thornton either, so we do not know if there is any substance misuse there.

Jim Fairlie: Again, we will consider that when we start looking at the potential for licensing.

Rhoda Grant: Okay. So, you have given it no thought.

Jim Fairlie: Not at the moment, no.

The Convener: Again, minister, this issue has been on the table for quite some time now; we have had the SAWC report; and we have had our own evidence sessions. At the moment, however, you are not prepared to say whether there is a need for an independent body to regulate the use of banned substances.

Jim Fairlie: The Government has not looked in detail at the banned substances side of this—we have not done that.

The Convener: So you do not have a position on it.

Jim Fairlie: No. Not at this moment.

The Convener: Thank you.

Do you agree with the Scottish Animal Welfare Commission that, although kennels might provide adequate care, they do not appear to be compatible with giving dogs a good quality of life?

Jim Fairlie: No, I do not agree with that position. I have had working dogs my entire life; my dogs have all lived in kennels and have been more than happy to do so. Some farmers have their dogs in the house. That was not something that I chose to do, but I have no animal welfare concerns about any of my dogs or the conditions of any of my shepherd or farming friends, so that is not a position that I share.

The Convener: Thank you.

Alasdair Allan: I am conscious that there are people in the room who know more about this issue than I do, but I want to ask about the rehoming of dogs. Is it your feeling, on the evidence that you have had, that racing is creating a problem—that is, the rehoming of dogs—that is being left to society to solve?

Jim Fairlie: I would agree with that assertion, yes.

Alasdair Allan: Is that sustainable going forward? Are the costs and welfare issues around the need to rehome acceptable? Should we allow it?

Jim Fairlie: My understanding is that GBGB is doing some work around that, because it has identified that as a problem, too. I am not sure that the issue is the same in Scotland as it is elsewhere, but you are possibly right in what you are saying. If this is a problem, it should not be for society to clean it up.

Alasdair Allan: There will be people in Scotland—and we have heard from them—who race dogs at commercial English tracks. I presume, then, that they will be part of the process of commercial racing that results in dogs perhaps needing to be rehomed, and not all of those dogs will be socialised enough for that. This is a provocative question—I am just looking for your view on it—but are these people not creating a problem that is being left to others to sort out?

Jim Fairlie: Yes, potentially, and if they are racing at GBGB tracks down south—if that is the point that you are making—GBGB is looking at what it will do about that. However, I take your point about rehoming dogs that have been kennelled and are not suitably socialised.

Alasdair Allan: Thank you.

The Convener: On the back of that, the SAWC, once again, has suggested that

“Even if there were no racing ... in Scotland, it would”

still be

“possible to own, breed, train, and kennel ... greyhounds in the country”.

It goes on to say that

“a scheme independent of GBGB is required to ensure the welfare of these animals, possibly through Local Authority regulation or under the auspices of the new Scottish Veterinary Service.”

What are your views on such a scheme?

Jim Fairlie: I will let Andrew Voas answer that question.

Andrew Voas: This probably gets us into the area of licensing proposals. As you will know, we recently consulted on licensing different activities including boarding in equine establishments, and this probably falls into the same area. In future, we could consider whether there is a need to control people keeping dogs for sporting purposes, but our understanding is that there are relatively few of them.

As you have said, you have heard evidence from people who keep dogs in Scotland and race them in the north of England. I suppose that it is a matter of proportionality; there are lots of other premises that we want to look at and initiatives that we want to take forward, but if we are thinking of controlling them, we could do so in the future through licensing schemes.

09:45

The Convener: I come back again to the minister. It has been quite some time since the Scottish Animal Welfare Commission published its report. Are you suggesting that you have done nothing about perhaps introducing such a scheme? Have you not considered it at all, or have you done something about it?

Jim Fairlie: We have not considered it at this stage. We are looking at it potentially as part of our whole approach to licensing.

Elena Whitham: Some of the things that I was going to ask about have already been picked up on. Could the 2021 statutory animal licensing framework be extended to include greyhound racing and could there be a licensing approach that might address some of our concerns? With my former local authority hat on, I wonder what the implications would be for local government if that were to be extended. My plea, I guess, is that Government actively looks at that matter and at ensuring that any regulations that come forward are considered by the Convention of Scottish Local Authorities and licensing officers and that their concerns are taken into account. Is this one of the only ways in which we can have more regulation in this area, given the crossover impact of people in Scotland racing their dogs in England?

Jim Fairlie: Are you asking about involving COSLA or the local authority in the licensing scheme?

Elena Whitham: Yes. Further to what the convener was asking about, is the Government considering extending the licensing requirements to include greyhound racing? We know that people were evenly split down the middle in the consultation, but does this approach provide us with a way of starting to address some of the issues, if indeed the member's bill does not reach its conclusion?

Jim Fairlie: Yes. As we have said, we are definitely looking at licensing, and clearly the local authority will be required to be part of the process and the consideration, if we take this approach.

The Convener: I have a supplementary from Emma Roddick.

Emma Roddick: On the licensing approach that is being considered, can the minister say more about the aims of such regulation?

Jim Fairlie: It is to alleviate people's concerns about the fact that the track is currently unlicensed. We have heard evidence from Paul Brignal that the SSPCA has never been called. I presume that the argument from Mark Ruskell—and, indeed, we have had this conversation—would be this: why would somebody phone the

SSPCA, given that it is part of the system? If there is somebody who is independent, and who is not there for the racing, can go to the track, that might help alleviate some of the concerns about what happens at a dog track.

Emma Roddick: Am I correct, then, in understanding that what is being considered is the track in Scotland, not the wider ownership or racing of dogs by those resident in Scotland?

Jim Fairlie: We can look at that, too, but at the moment we are talking about the track in Scotland.

Emma Roddick: Okay.

Finally, I understand that there are very few trainers in Scotland—I think that 27 is the number that the committee is working with. That is quite a small number of people to have a licensing scheme for, and I imagine that it will be expensive to administer. Are you considering tacking it on to other licensing schemes?

Jim Fairlie: All of those things will be considered when we get down to the detail of what this might look like.

The Convener: What are the timescales for this?

Jim Fairlie: We are looking right now at what we will do about whether or not we license the track.

Mark Ruskell: Will licensing reduce the number of serious injuries and deaths? I have a greyhound. He goes out for runs occasionally in a field or whatever and he might get a cut here and there, but the injuries that he had when he was racing, such as a broken hock, were far more significant. We see that sort of thing with greyhounds all the time. What will licensing do to prevent those catastrophic injuries and, in some cases, dogs being put down? I can see that having a vet on site to help clear up after an accident or treat a dog might be useful, but I am struggling to see how licensing will fundamentally change the picture that we have, which is that, when dogs are racing around a track at 40mph, they collide into each other and break their legs or suffer from a range of injuries, which can result in amputations and so on. What will licensing do to bring down the rate of those catastrophic injuries?

Jim Fairlie: What licensing brings is a level of external scrutiny, which will provide data that could potentially lead to what you are looking for, which is a ban, if it were found that the proportionality of those injuries showed that there was an on-going problem. If you take a licence away from somebody and they can no longer race, that is effectively a ban.

The licence would be an additional measure of making sure that every welfare requirement was

put in place to make this as safe a sport as possible for the people who are involved in it and for the dogs. The licence would give us more oversight, so that we could ensure that it was it being done properly.

Mark Ruskell: It will be a way of monitoring and getting data on deaths and injuries. However, we already have data on deaths and injuries. Across the UK, there were 22,284 dogs with significant injuries between 2018 and 2022 and, I think, 868 dogs that died. Those figures include the numbers from Shawfield in Glasgow where, as I said earlier, the injury rate was slightly higher than the GB average. How much more data do you need? It could be the fact that, if Thornton does not continue to race, you will never get the data, but you already have a lot of data about dogs racing around tracks at 40mph. How many times do we need dogs racing around a track at 40mph to recognise that they break their legs, they have catastrophic injuries and they get put down?

Jim Fairlie: I go back to the point that I am making a differentiation between the kind of racing happening at Thornton and the kind of racing happening at highly professional GBGB tracks. If we bring in a licensing scheme, that will allow us to monitor exactly what is happening in Thornton and if, at a later date, we need to take away that licence because of welfare issues, we could do that. However, that decision would have to be proportionate in terms of what we have talked about earlier in relation to the welfare and social aspects of racing for the people who do it. There is a question of proportionality, but licensing allows us to have a better oversight of what is happening.

Mark Ruskell: If you are licensing an activity that you know pretty well involves a certain level of injuries and deaths, are you not licensing animal cruelty and saying, "Yes, we will continue doing this because it is worth monitoring"?

Jim Fairlie: No, because we do not know that what is happening at Thornton is on the same scale as what you are talking about at other GBGB tracks. Removing a licence from a track would be unfair to the people involved unless we go through the process and there are specific reasons to say that that licence is not valid.

I come back to the point about inherent risk. There is risk in everything. You cannot take away risk. I could walk out in front of a bus and get killed—that is part of the risk that I take when I cross a road. These dogs love running. They are pursuit dogs. They absolutely love what they are doing, the same as any working sheepdog or working Labrador loves what they do. There is inherent risk in everything that they do, just as there is risk in the things that we do. There is an issue about trying to take away all risk. As long as these dogs have been properly cared for, well

looked after, nurtured and are enjoying what they are doing, that is fine. Footballers play football every week and risk breaking their legs. There is an inherent risk in everything that we take part in.

Mark Ruskell: There are limits. We no longer send children up chimneys to clean them because there is an inherent risk in that.

Jim Fairlie: We stopped sending children up chimneys because it was, ultimately, bad for them.

Mark Ruskell: You would not introduce a licensing scheme for that, would you? Why would you introduce a licensing scheme for something when you know there is inherent risk?

Jim Fairlie: Would you like us to consider a licensing scheme for putting children up chimneys? I do not see the analogy.

Mark Ruskell: I think you know that that is not what I am saying.

Jim Fairlie: I know; I just do not see the analogy and I am not going to bite.

The Convener: From what you have already said, minister, you think that there is a balance between the social benefit and the animal welfare risk. Are you saying that, currently, you do not think that there is a need for a licence, because there is no issue there to address?

Jim Fairlie: We are continuing to look at the potential for a licence. I want to go to the track and have a look for myself and see what is happening at the track. I do not want the Government to ban something that is part of the social fabric of that community based on things that we have not fully explored, so I would like to explore it further.

Emma Harper: I have another question about the licensing. The GBGB has anti-doping guidance and it has set percentages for how many dogs will be tested for amphetamine, cocaine and other banned substances. Would a licensing scheme have guidance to require vets being on premises to test X number of dogs to be tested for banned substances, for instance?

Jim Fairlie: Again, having a vet on site would be part of any licensing scheme. I am not aware of the technical details of what you are suggesting, so I will ask Andrew Voas to confirm whether that can be done at the track.

Andrew Voas: As SAWC outlined in its report, there are advantages of having a vet to inspect the dogs before racing and potentially take samples—if they are aware that there may be suspicions of doping, they could take random samples, with the agreement of the track owner—as well as being there to deal with any injuries, give first aid and inspect the dogs after they have raced. Those are details that we could develop in a future licensing scheme, if we decide to go down that route.

Jamie Halcro Johnston: I have a quick supplementary question, based on what the convener asked previously. We have heard some anecdotal evidence today and from others on other occasions. You have said that you are considering various proposals, but you have not said when you will be in a position to put forward your proposals. Can you tell us? I am not looking for “in due course”.

Jim Fairlie: I cannot give you an exact timescale at the moment. All I can tell you is that we are looking at the issue right now.

Jamie Halcro Johnston: Three months? Six months? Within a year?

Jim Fairlie: I will not give you a time because, unfortunately, there is an awful lot of work going on at the moment. We are in the process of looking at a variety of things.

Alasdair Allan: I have a quick question about licensing. The focus of our conversation has been very much about the potential licensing of tracks but have you thought about the licensing of kennels? If so, what would that mean?

Jim Fairlie: No, I have not, but I will take that away.

Rhoda Grant: One of the recommendations of the Scottish Animal Welfare Commission was that no further greyhound tracks be permitted in Scotland. What is your response to that?

Jim Fairlie: If there is a potential that another track might be opened, we would have to consider that. However, we do not have that situation in front of us right now.

Rhoda Grant: What tools do you have to take action in that regard? We do not have licensing at the moment. Could planning permission be denied? How could you influence whether one opened?

Jim Fairlie: We cannot influence planning, but we can certainly do something on licensing.

Rhoda Grant: At the moment, you can do something on licensing? In what regard can you do something on licensing in relation to greyhound tracks?

Jim Fairlie: As I said, we are in the process of looking at how we could bring a licence into play if that is what we decide to do. If a new track was looking to open in Scotland, it would have to come under a licensing scheme as well.

Rhoda Grant: Okay, but if someone decided tomorrow to open a greyhound track, they would be able to do that, if their local authority gave them planning permission, because there is no licensing scheme.

10:00

Jim Fairlie: Yes, if their local authority gave them planning permission.

The Convener: So, currently, the Government has no powers at all to prevent Shawfield opening or any additional greyhound racing tracks.

Jim Fairlie: As far as I understand it, no.

Emma Roddick: Are you comfortable with the position at the moment being that a new track could open and we would not know what conditions the dogs racing in it would be subject to?

Jim Fairlie: Given the decline of racing in Scotland, I am comfortable that that is unlikely to happen. However, if it was on the rise and tracks were starting to come back in, I would be much more concerned to make sure that we were taking action.

Emma Roddick: Is it not harder for the Scottish Government to try to prevent something when it has already begun? Going back to the minister's comments around something already being part of the fabric of the community or preventing someone from carrying on something that they currently have a right to do, would it not be easier to say that there should be no more tracks in Scotland above what is currently in operation?

Jim Fairlie: It would certainly be easier but, right now, as I said, we are looking at the potential for a licensing scheme, and that is the position that we will continue to take.

Mark Ruskell: I think that you said at the outset that you are not persuaded by the argument that the petitioners have brought forward and this committee has been considering for some time now.

Jim Fairlie: I will say that we are neutral.

Mark Ruskell: You said that you were not persuaded at this point and that you did not feel that the proposal was proportionate. That was your starting point. Where does public opinion sit within this? We have spoken at length about the small number of people who own and race dogs at Thornton, but public opinion is strongly behind a ban on greyhound racing, which is what the petitioners want. The petition itself was the most signed petition in the 25-year history of the Scottish Parliament. Where do you think public opinions sits?

To go back to the legislation that was passed in the previous session of Parliament, which prohibited the performance, display and exhibition of wild animals in travelling circuses, at that time—and I think Mr Voas will know more about this, given that he worked on the Wild Animals in Travelling Circuses (Scotland) Bill—there were not

any wild animals in travelling circuses in Scotland, or there were very few. Arguably, as there were not many animals involved in that, it probably was not the biggest animal welfare issue in Scotland at the time, but there was strong public support for a ban on the use of wild animals in travelling circuses and, to give the Government its due, it moved forward on that legislation, which was considered by the Environment, Climate Change and Land Reform Committee and passed by Parliament. What do you think about public opinion? Does that have any bearing with this Government?

Jim Fairlie: Of course, public opinion has a bearing on it, and one thing that we took out of the consultation was the fact that a lot of people wanted there to be a licence scheme to be implemented, which is why we are looking specifically at that. I accept that there are people who want a ban, but we must try to find the proportionality and strike a balance, and, of course, public opinion is vitally important to our considerations as we go forward on that.

The Convener: That concludes our questions. I would welcome your commitment to come back to this committee when you can answer some of the questions that you could not answer today, because, in my opinion, we have not gained very much information on what the Government's position is, although I understand that you are looking at the issue of licensing. Can you commit to come back to this committee when you have come to a conclusion on the future of greyhound racing in Scotland?

Jim Fairlie: Yes, I can.

The Convener: Thank you. That concludes our business in public.

10:04

Meeting continued in private until 11:31.

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