

Proposed Pet Shop (Licensing) (Scotland) Bill

Page 1: Introduction

A proposal for a Bill to improve animal welfare by enhancing local authority pet shop licensing powers and updating the licensing system, including in relation to licence conditions, fees and inspections. The consultation runs from 26 March 2018 to 18 June 2018 All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation Document Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. This will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is how your name/name of your organisation will be published.

North Lanarkshire Council

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

Page 8: Aim and approach

Q1. Which of the following best describes your view of the proposal to strengthen the licensing regime for pet shops in Scotland?

Fully supportive

Please explain the reasons for your response.

- Current legislation is out of date and unclear - To have more flexibility in licensing of pet shops would enable LA to take a different approach to these keeping high standards compare to those who struggle and need to be monitored and advised. - Ensure an effective licensing regime consistency across Scotland - Stricter and clearer conditions would enable pet shop owners to ensure that animals are appropriately cared for and that only reliable suppliers are selected to trade. - Allow training of LA inspectors to be more structured and standardised.

Q2. Could the aims of the Bill be better delivered in another way (rather than by the means of a Bill in the Scottish Parliament)?

No

Q3. Under the proposal, pet shop licence fees would be based on a recovery of the costs incurred by local authorities in processing applications and inspecting premises to ensure animal welfare standards are maintained. In your view, which of the following should local authorities do?

(b) Charge all pet shops the same basic licence fee, but charge the costs of inspections separately to each pet shop.

Please give reasons for your answer. If you have selected option (c) please indicate which criteria you think should be used.

a) Small premises - ornamental fish up to 100 tanks (each no bigger than 300 L) - up to 150 reptiles, mammals or birds kept at the premises at any time - Mix of up to 60 tanks and 100 reptiles, mammals, birds kept at the premises a any time b) Standard premises - ornamental fish in 100 – 200 tanks (each no bigger than 300 L) - from 150 – 300 reptiles mammals and birds kept - Mix of up to 100 tanks and 200 reptiles mammals and birds kept c) Large premises - ornamental fish in more than 200 tanks (each no bigger than 300 L) - More than 300 reptiles, mammals or birds kept at the premises at any time - Mix of more than 150 tanks and 250 reptiles, mammals, birds kept at the premises a any time - Business owners charged for veterinary inspections where applicable. The above would ensure that the fees charged are proportionate to the individual pet shop concerned. Time spent to carry out a licensing inspection or complaint inspection should reflect both a) area at which the shop sells animals as well as b) the variety of species sold and knowledge required to assess the appropriate conditions. Pet shops that require multiple visits due to poor standards would be

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charged per each inspection visit as well as each inspection based on complaint with proven breaches/infringements.

Q4. Which of the following best expresses your view of developing statutory licence conditions, building on the current Model conditions for pet vending, that would apply to all pet shops in Scotland?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Although current model conditions are very extensive, the current Act does not provide sufficient statutory unification and standardisation of conditions across the sector. Raising or elevating current model conditions to the statutory level will make licensing and enforcement clearer and more straightforward for both businesses and local authorities. The core work for LA will move from enforcement towards providing advice and compliance guidance on how to set up environmental conditions for animals correctly.

Q5. Which of the following best describes your view of banning the sale of puppies and kittens in pet shops?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Sale of social animals with complex behaviours such as kittens and pups by third parties is unnecessary and stressful. On the top provides a window of opportunity to any pup traders to be licensed as pet shops and sell pups from premises such as puppy farms or similar establishments with low welfare standards. Sale of puppies and kittens from licensed breeders only, would avoid unnecessary stress caused by multiple handling and transport, significantly reduce problems related to socialisation and variety of behavioural problems. This would tackle some of the main issues affecting the puppy trade.

Q6. Which of the following best describes your view of pet shop licence applications listing all animal categories they intend to sell, with owners under an obligation to inform the local authority before stocking any new categories?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Pet shop owners should be able to make conscious decisions in business model they wish to operate and categories of animals they wish to sell well in advance. If they decide to sell a new category of animals they should inform the LA about the circumstances. It is up to the LA to make a decision on whether an inspection is required.

Q7. Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Q7. Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted?

Licensing inspections do have an importance to both prospective business owners as well as to the LA, and both need a clear, common and mutual understanding of legal requirements and mandatory conditions for running a pet shop business. Without them an effective licensing process is virtually impossible and ineffective. No consent should be granted without inspecting the fitness of the business in terms of animal health and welfare.

Q8. Which of the following best describes your view of all local authorities using a standardised approach to conducting and reporting on inspections of pet shops?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal. Is there any reason why a standardised approach would not be appropriate?

Standardised approaches in inspection of businesses allowing to minimise a human factor / error are important in safeguarding level playing field for all businesses across the country as well as for future monitoring and evaluation of potential issues and problems across the pet shop sector.

Q9. Which of the following best describes your view of local authorities using a risk-based assessment and issuing longer-term licences to pet shops that demonstrate a low risk to animal welfare?

Partially supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Some pet shops are part of big chains. Situation at these shops may change in a way that is beyond control of a single pet shop management – personnel changes at the chain management level may impact business decisions, suppliers, standard practices etc. in quite short term. Situation at a single shop that is evaluated as a low risk premise can change in quite a short period of time.

Q10. Which of the following best describes your view of enabling local authorities to contract other qualified professionals (in addition to their own officers and vets) to carry out and report on pet shop inspections, including qualified officers from other local authorities?

Neutral (neither support nor oppose)

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Decision should be made at the LA level, based on specific situation at each LA.

Q11. Which of the following best describes your view of enabling local authorities to take steps to address non-compliance with licence conditions, giving licensees the opportunity to make improvements before any further action is taken, with the power to revoke a licence as a last resort?

Fully supportive

Please give reasons for your answer, and any detail you think relevant, including what appropriate intermediate steps could be.

LAs do need straightforward and effective tools in enforcement of statutory requirements, while proving that

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prior to the last resort of revoking a license has occurred, a multitude of opportunities to comply were provided to the business in question.

Q12. Which of the following best describes your view of increasing the maximum fine for failing to comply with the legislation, in line with more recent animal welfare legislation?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

As far as there is a potential to cause the same or similar types of harm to animals in care (either by negligence or in another way) there is a need to harmonize penalties for these offences.

Q13. Which of the following best describes your view of placing an obligation on pet shop owners to provide advice to people buying pets?

Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.

Although there is still ongoing (and unfortunate) discussion as to whether animals should have a legal status of sentient beings or goods, in dimension of the trade relations they have a status of goods, and therefore traders must be able to provide all necessary advice in accordance with current consumer's rights legislation.

Page 21: Financial implications

Q14. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Local authorities			X			
(b) Pet shop owners		X				
(c) Individuals (including pet owners)			X			
(d) Animal welfare organisations			X			

Please explain the reasons for your responses.

Higher licensing fees and initial set up costs (to improve set up of the premises in some cases) may put some one-off financial pressures onto pet shop owners. On the other hand in the current environment very few LA's have their licensing costs covered by licensing fees. Providing that the new legislation would bring some extra

Q14. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

requirements to LA's, higher licensing fees would reflect the time/cost implications of service provision and not be providing additional income. Slightly increased initial costs leading to improvement of environment and bio-security at the shop level would decrease morbidity and mortality of animals kept in pet shops and bring financial benefits as well. Sales of live animals in majority of businesses form a smaller part of shop returns. Sale of pets are in many cases just an initial - first step in a "business relationship" between a pet shop and a customer followed by further purchases of pet food, accessories etc. Therefore attractive environment for pets within the shop premises may support formation of those long term business / customer relations.

Q15. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Unsure

Please explain the reasons for your response

No comments

Page 23: Equalities

Q16. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Neutral (neither positive nor negative)

Please explain the reasons for your response.

No comments

Page 24: Sustainability

Q17. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

The changes, clarity and extra enforcement tools that the Bill may introduce would make enforcement and compliance in the pet shops sector more straightforward while saving time and resources.

Page 25: General

Q18. Do you have any other comments or suggestions on the proposal?

No further comments