

# 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

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

**Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).** Dogs Trust is the UK's largest dog welfare charity. We have twenty rehoming centres across the UK, through which we care for approximately 15,000 dogs each year. In 2017 we rehomed nearly 900 dogs in Scotland. We invest substantial resources in information services, community outreach programmes, and education on responsible dog ownership. Since Dogs Trust was founded in 1891 (formerly National Canine Defence League) we have always campaigned on dog welfare issues. Dogs Trust policies are drafted by the senior management team, calling on relevant expertise within the organisation as required. Policies are then subject to approval from our board of trustees.

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.

Dogs Trust

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.**

Dogs Trust strongly supports the proposal to strengthen the licensing regime for pet shops in Scotland. The current regime is founded in the Pet Animals Act 1951 which is undoubtedly in need of urgent revision. The Act predates the Animal Health and Welfare (Scotland) Act 2006 and there have been significant advances in the understanding of dog behaviour and welfare in recent decades; as a result, the Act can no longer be deemed fit for purpose. In addition, the marketplace has changed substantially since 1951, meaning the current licensing system does not account for modern means of selling pets.

It is necessary that any updates to the licensing regime provide greater clarity for local authorities, who are tasked with enforcing this legislation. Significant shortfalls of the current legislation include:

- No guidance on how to set licence fees
- Limited provisions for recourse once a licence has been issued and the penalties for breaching licence conditions are so small they are unlikely to act as a deterrent (a fine of £500 and prison sentence of up to 3 months)
- No prescription of frequency of inspections and no requirement for an inspection prior to a licence being issued
- No standardised approach to inspections, resulting in huge variances between local authorities
- No requirement for inspectors to have any training in animal welfare
- No statutory guidance detailing the welfare needs of animals in pet shops
- Does not address online sellers

Acknowledging the recent repealing of the Pet Animals Act in England and redrafting of the legislation, to update it in line with the current scientific and technical evidence base on animal health and welfare, we fully support the move to update the licensing regime for pet shops in Scotland in a similar vein.

In addition to the need to update the functioning of the licensing regime for pet shops, it is also crucial to update the scope of the regime. Many pet shop operators are no longer based in a traditional high street shop, instead they trade solely via the internet, storing their animals at private premises. Whilst the current scope of the Act is deemed able to capture these sellers, it is difficult for under-resourced local authorities to identify and locate them, meaning they have to rely on the operators coming forward and applying for a licence or acting

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reactively on intelligence information. Through conversations with local authorities we are aware that identification of sellers is a large burden on their resources.

We believe the system needs to be much more transparent to support local authorities in their enforcement of the legislation. To create this transparency Dogs Trust believes that anyone selling or transferring the ownership of a litter of puppies, regardless of any financial transaction or gain, should be required to be registered. For this registration, we believe that there should be a link-up between individuals and their address so that it is possible to identify situations where multiple individuals are evading licensing by individually registering to sell animals from the same premises. In addition to this, we believe that anyone selling or transferring the ownership, regardless of any financial transaction or gain, of more than one litter of puppies should require a licence.

Due to our serious concerns around the sale of dogs, we believe that all forms of advertising, including online, should be required to display the seller's registration or licence number. In conjunction with this, we believe that a centralised, publicly accessible list of registered and licensed breeders and sellers should be kept to enable websites and buyers to check the legitimacy of sellers. This would allow a simplified system that would be easily accessible for purchasers to verify where they are buying a dog from in an increasingly online, nationwide marketplace.

By implementing this system local authorities will be able to form a comprehensive picture of the pet selling industry in Scotland and should the proposals contained within this consultation be taken forward it will be possible to ensure the welfare of the animals within it.

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

**Please explain the reasons for your response.**

The Pet Animals Act 1951 is outdated primary legislation. We feel this work is best served by repealing the old Act and replacing it with updated secondary legislation under the Animal Health and Welfare (Scotland) Act 2006, as has similarly recently been done in England. To implement a new licensing regime without supporting legislation will not be sufficiently robust to enforce change. As such we believe it is necessary to take this opportunity to develop up to date, informed legislation to tackle the current issues with the licensing regime as detailed in response to Question 1.

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.**

We strongly support making the licensing process full cost recovery for local authorities. As such it is important that any work undertaken in relation to the issuing of a pet shop licence is recuperated. We believe the best possible means of ensuring this is for a basic licence fee to be charged, with additional costs charged in relation to other work undertaken by the local authority, including inspections and spot checks. There is a need for guidelines regarding what costs should be recovered by the enforcement authority. The fee charged should be standardised but needs to take into account variables including the number of animals on the premises, but also the number of different types of species being offered for sale. It is reasonable to expect that pet shops selling a wide variety of different species, all with different complex needs and requirements will take longer to inspect. It is also important that the inspector has the expertise needed to inspect these animals. As a result, it

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?

is necessary that the fee charged reflects these requirements. By being able to charge for additional work separately it will guarantee cost recovery for local authorities, meaning they are better able to carry out their role, and also create an incentive for pet shop operators. By meeting their licence conditions and the welfare needs of the animals in their care, they may require less frequent inspections via a risk based framework, so reducing overall costs.

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?

Partially supportive

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

Dogs Trust has been an active member of the working group reviewing and updating the Chartered Institute of Environmental Health (CIEH) Model Licence Conditions (MLC). We have more recently been involved in drafting the Animal Activities Licensing Regulations in England, which have transposed the Model Licence Conditions into the new Regulations whilst also updating them from the Pet Vending Licensing MLC's of 2013. We agree with the proposal to require the use of such conditions by local authorities, but strongly recommend that the conditions used are regularly reviewed to ensure they remain fit for purpose and up-to-date with the current scientific and technical evidence base on animal health and welfare. To progress this work, we would suggest the Animal Activities Licensing Regulations are used as the most up to date starting point with a specified review interval.

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.**

Dogs Trust is opposed to the sale of puppies through traditional pet shops as they can encourage impulse buying. However, as noted in our response to Question 1, many pet shop operators selling puppies are no longer based in a traditional high street shop, instead they trade solely via the internet. Dogs Trust wants to see an end to all manifestations of this trade, known as the third party selling of dogs. Our concerns with either means of selling are related to the welfare of the puppies involved. However, without other measures being put into place we are concerned that the trade will continue to flourish outside of the licensing regime. We believe that an effective ban can be best achieved through the introduction of a comprehensive package of coordinated measures that will effectively cut this trade off. The measures we believe are necessary to eradicate this trade are:

- In addition to the registration of anybody selling a litter of puppies and anybody selling more than this requiring a licence as detailed in response to Question 1, we also want this system to apply to breeders too
- A system of licensing and inspection of rehoming activities and sanctuaries introduced
- Strengthened regulation, penalties and better enforcement of the Pet Travel Scheme, including commercial movement via the Balai Directive.
- Improved training of Local Authority inspectors, to ensure they are appropriately trained and qualified in animal welfare
- Sufficient resources at a Local Authority level to enforce animal welfare legislation

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

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?

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

Dogs Trust believes it is crucial that pet shops be required to list all animal categories they intend to sell. This will help to best inform the local authority who can ensure the inspecting officer is trained to adequately inspect and assess the requirements of all the species being stocked. It is equally important that pet shops are required to inform their local authority before they stock any new animal categories. We would suggest that this should also entail an additional inspection to ensure the premises is able to meet the requirements of the new category. It is necessary as part of the inspection process, that local authorities are able to assess whether the pet shop has the relevant knowledge to be able to care for all species they stock, as well as their ability to offer appropriate advice to prospective pet buyers to ensure they acquire the most suitable pet for them.

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.**

It is imperative that a pet shop is inspected before it is issued a licence by the local authority, to ensure they will be able to meet the conditions required by the licence. Without such an inspection prior to operation it is possible that the welfare of the animals involved could be compromised. We recommend that mandatory re-inspections should also be required in the following circumstances: • If the premises intends to stock a new species • If the premises does not meet its licence conditions • If complaints are received about the premises • If the licence holder changes (this should trigger a new risk based inspection) Dogs Trust believes it is of vital importance for anyone inspecting animal establishments to have appropriate training in animal health and welfare for the relevant species. For this reason, we recommend that a central unit of appropriately trained inspectors is developed, which can be utilised by local authorities to carry out inspections of all animal establishments. This inspectorate unit would have to have no profit making commercial interests in order to ensure that the goal is not on profit but on animal welfare. The funding for such a unit could be raised by setting appropriate licence fees. Such a system would facilitate the thorough and informed inspection of all pet shop premises in Scotland, with the focus placed on safeguarding the welfare of the animals involved via expert inspectors. This system is easily facilitated should the proposals for standardised inspections detailed in this consultation be taken forward.

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?**

Currently there is a lack of consistency with regards to the inspection of pet shops in Scotland. We strongly support a move towards a standardised approach and suggest this can be based on the Animal Activities Licensing Regulations which have updated the Model Licence Conditions for Pet Vending Licensing 2013 into appropriate guidance. A standardised approach to inspections, such as developing a central unit of appropriately trained inspectors will assist in ensuring consistency as well as expertise led inspections. An additional benefit of a standardised approach to licensing is the clarity it will provide for pet shop operators, giving them greater awareness of the standards they are being inspected to and consistency of approach.

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?

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.**

Dogs Trust agrees with the proposal to increase the maximum length of a licence issued by local authorities through the use of a risk-based assessment. However, it is essential that inspections are still conducted during longer licence periods. Things can change significantly within one year. We therefore support the principle of at least one unannounced visit each year, irrespective of the licence duration. A risk-based approach to licensing has value, as it may be necessary for inspections of some animal establishments to be carried out more frequently. This would be the case, for example, where concerns are identified. Any risk-based assessment should be carried out by individuals with appropriate training in animal health and welfare.

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?

Fully supportive

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

Whilst mandating the use of Model Licence Conditions will help with the consistency of inspection, it is important that those responsible for inspection are adequately trained to do so. We have serious concerns that currently inspections of animal establishments are often conducted by local authority officials with no or limited knowledge of animal welfare and we strongly believe that anyone inspecting animal establishments should be appropriately qualified in animal welfare. We believe it is important to create a system that is sustainable; we therefore recommend the development of a central unit of appropriately trained inspectors which can be utilised by all local authorities to carry out inspections of all animal establishments. The benefit of such a central unit of trained inspectors would be that it is able to provide the expertise to undertake these inspections, in particular in relation to the variety of species stocked by pet shops. This would be funded by the fee being charged and for this reason it is important that the fee is fully costed to ensure complete recovery. Whilst this consultation is focused on pet shop activities, we also believe the development of this central unit of trained inspectors would be beneficial for when the Scottish Government comes to review other animal activities, such as the breeding of pet animals, which it has committed to doing.

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.**

Dogs Trust believes it is imperative that local authorities are able to take steps to address non-compliance with their licence conditions. A risk-based system will support this work, but for this reason it is important that the local authority is able to fully recover the cost of their work. By recovering the cost of inspections as separate to the basic fee it is likely that this can provide an incentive for compliance with licence conditions, because non-compliance would result in higher costs to the business. In addition, a standardised approach to inspections will help to better inform operators of the requirements, helping them to meet their licence conditions. It is important that local authorities feel empowered to take action against non-compliance by a premises, including being able to revoke their licence and take forward prosecution following continued non-compliance with licence conditions and also to tackle illegal activity. Guidance on how to follow these procedures is needed to support their work, as is the need for local authorities to adopt contingency plans for the removal / rehoming of any animals.

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.**

Dogs Trust supports moves to increase the penalties available for misconduct. It is important that punishments reflect the seriousness of the offences committed and act as a deterrent. It is necessary that any animal welfare related offences should be dealt with under the Animal Health and Welfare Act due to the powers for disqualification this legislation provides.

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.**

Dogs Trust supports the notion of pet shops providing information and advice to those looking to buy a pet. However, we believe there needs to be strict requirements on this information, clearly set out, to ensure appropriate, evidence-based information on a pet's needs is passed on to prospective and new pet owners. Furthermore, the information must be from a reputable and recognised source. The current situation is that many prospective owners do little research before getting their pet. In a TNS Omnibus survey carried out in February 2016 for Dogs Trust and the PFMA, 20% of dog owners said they would do no research before getting a dog. This is a huge cause for concern as the subsequent welfare needs of the pet can often be neglected. It is therefore important that pet shops are legally required to share this information with consumers. We propose that the information provided must be based on evidence or expert opinion, and so we would urge input from veterinary bodies and independent experts in animal behaviour and welfare. The information should also to be practical, consistent, easily understandable and validated by a central authority. It is crucial that the information is regularly reviewed so that it is in line with the current scientific and technical evidence base on animal health and welfare. For example, knowledge of canine training and behaviour has changed enormously over the past 20 years. To ensure the information provided meets the above requirements we propose that sector groups, such as the Pet Advertising Advisory Group, are included in its drafting and development. By having centralised advice, the information provided will also offer an opportunity for those looking to get a pet to find out more before they commit to one.

## 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				Y		

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

<b>organisations</b>						
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**Please explain the reasons for your responses.**

Local authorities: The introduction of a cost recovery approach to the licensing system means local authorities will be able to run a cost-neutral system for issuing licences and inspecting premises. Currently it is likely that local authorities are making a loss through enforcing the legislation due to the lack of guidance on inspections and fee setting, as well as the need to buy in external expertise. Pet shop owners: Whilst there may be some impact on some pet shops as all costs will now be passed on to them, many compliant pet shops may find their costs reduced through a risk-based approach to licensing and inspections. Part of assessing the cost impact on pet shops owners will be based on whether local authorities are already recovering their costs. Individuals: For individual pet owners it is possible that they might see a slight increase in the cost of their pet, particularly if they are purchasing from an operator that was not previously licensed, however we believe this would be minimal. In addition, the requirement to provide information regarding the pet will be a positive requirement for prospective pet owners in informing their purchasing decision. Animal welfare organisations: If the proposals included in this consultation are taken forward we are hopeful that this will result in a reduction in costs for animal welfare organisations as it will lead to prospective buyers being properly informed regarding the welfare needs of their pet before purchase. As such anybody who is unsure as to whether they can fulfil these needs would hopefully think again before purchasing the pet, resulting in fewer cases of animals being relinquished to animal welfare organisations.

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

No

**Please explain the reasons for your response**

The Bill will be creating a much improved system for the licensing of pet shops which will entail increased cost recovery for local authorities tasked with enforcing this legislation and will result in enhanced welfare conditions for the animals involved, as well as better informed owners. Consequently, we believe the Bill is being cost-effective in achieving its aims.

## 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.**

As the licensing system is applied based on unrelated criteria we believe it will not have an impact either way on equality.

## 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 current licensing system is unsustainable as it does not promote the welfare of the animals involved. By introducing the proposals detailed in this consultation we believe the system can be easily enforced by local authorities and as a result will be sustainable.

## Page 25: General

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

N/A