

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)

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). Local authority - inspections are carried out by Environmental Health Officers and the Council-appointed vet prior to new applications being granted. Thereafter, EHOs visit and inspect premises prior to renewal of licence.

Please choose one of the following:

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.

East Ayrshire Council - Licensing Section

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.

The Pet Animals Act 1951 is outdated and requires to take account of current business practices which have evolved over the years and are not typically 'pet shop' premises.

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.

A Bill in the Scottish Parliament would be the most appropriate way forward to update the legislation

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.

(b) is currently applied in East Ayrshire and would appear to operate well, with a basic licence fee which covers inspection by an Environmental Health Officer and administration of the licensing application, and with a

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?

separate cost being charged for inspection by the vet (for grant only).

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.

East Ayrshire Local Government Licensing Panel has recently consulted on and approved standard conditions to be attached to Pet Shop Licences from 1 January 2018. These updated conditions have been based on the Model Conditions for Pet Vending Licensing by CIEH.

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

Neutral (neither support nor oppose)

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

Clear and accurate information must be retained by the operator which details where the animals have originated from, date of birth etc. If clear information is retained there would be no reason as to why pet shops should not be able to sell puppies/kittens. If puppies are being sourced for a commercial operation, these premises must be licensed in terms of the Breeding of Dogs Act 1973 with the relevant authority.

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.

This would ensure that operators have knowledge of how to best care for animals/species and, if not, Officers are able to comment/object, to ensure the welfare of the animal is not comprised.

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.

In order to ensure the welfare of any animal is not compromised, a full inspection must be carried out to ensure premises are suitable and that the operator and staff have sufficient knowledge to care for the animals they propose to sell.

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?

This would ensure consistency between local authorities.

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?

Fully supportive

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

A yearly licence would allow premises to deal with issues raised by Officers with regard to works required to meet standard conditions (so long as animal welfare is not compromised at any time), with fully compliant premises benefitting from a longer term licence, say a 3 year licence. Yearly inspections should, however, still be carried out to ensure standards are being maintained. Revision of fees would require to be undertaken if this proposal is introduced.

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.

Local authorities should be able to contract other qualified professionals as and when required, if the service cannot be carried out by Officers. The cost of engaging external professionals should be charged to the operator.

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.

An acceptable timescale should be applied to allow improvements to be made/action to be taken to ensure compliance. Frequent visits should be made by Officers to ensure progress and no detriment to animal welfare. Persistent non-compliance should be reported to the Licensing Panel.

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

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?

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

By increasing the maximum fine to a significant level which reflects the general concerns in respect of animal welfare issues.

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.

Operators should satisfy themselves that the customer has sufficient knowledge/facilities to properly care for the animal and should be required to provide the necessary advice to ensure the animal is properly cared for.

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.

It could be expected that the overhaul of the outdated legislation would likely result in an increase in costs for pet shop owners through staff training, record keeping and the requirement to improve standards within establishments. This in turn could lead to some increased costs being imposed on customers including pet owners.

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

No

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 equality impact would be anticipated.

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.

It is anticipated that the proposed Bill would have an overall positive impact, affording pet shops with a clearer framework within which to operate with the ultimate aim of raising welfare standards for animals sold in pet shops.

Page 25: General

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

The Breeding of Dogs Act 1973 states that any person breeding four or more other litters for sale (basically five litters) in a period of one year is to be treated as carrying on a business of breeding dogs for sale. I would suggest this number of litters is too high and consideration should be given to reducing this number of more than two litters. It is suggested that any individual breeding more than two litters in a 12 month period is doing so on a commercial basis and should be licensed. This would ensure that breeders supplying pet shops are regulated and inspected. The CIEH Model Conditions require pet shop operators to keep details of place of purchase, date of birth etc. This condition should be replicated in any legislation.

For other animals, for example, an individual breeding rabbits, the legislation should provide guidance as to when the operation is to be classed as a business and not a hobby, when carried on in premises not typically classed as a 'pet shop', for example a farm or private dwellinghouse.