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.â€‹ 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.

East Lothian Council, Protective Services

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.
Provides clarity, consistency ad structure to pet shop owners, with a positive impact on welfare of animals

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.
Legislative provision ensures rigour of process

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.
Provides consistent framework however allows flexibility for large geographical LAs to recover true costs for inspections

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?

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Fully supportive

Please give reasons for your answer, including any advantages or disadvantages of the proposal.
Ensures all aspects of inspection are enforceable and form part of licence conditions

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.
Strict regulation within a licensed environment ensures the sale of puppies and kittens are assessed and monitored. A legitimised system should encourage best practice and provide consumer confidence. However, there are welfare disadvantages in isolating young animals. Breeders licensing should be reviewed at same time as considering this legislation to ensure consistency

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.
Ensures inspections, records and veterinary interventions are relative and appropriate and considers where a material change to animal stock occurs.

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.
By engaging with business owners prior to operating, it ensures all pertinent conditions are in place and minimising risk to process and 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 approach and ensuring consistency is key to assisting local business growth and development

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.
Working with local businesses and responding on a risk basis is key to growth and reflects a relevant, fit for purpose assessment system. Permits resources to focus on owners presenting greatest risk to animals. Also incentivises good compliance by reduced regulatory burdens and associated costs

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?

Partially opposed

Please give reasons for your answer, including any advantages or disadvantages of the proposal.
Sharing technical resource is positive and partnership/MOU agreements can be in place on a case by case basis between LAs, to cover geographical and logistical issues. It should not be used as a mechanism for a LA to not invest in the competences necessary for its own professional staff. Will require training to be provided through Royal Environmental Health Institute of Scotland.

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.
Graduated enforcement model unless non compliance is a serious disregard to animal health and welfare, where immediate action is justified.

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.
Bring in line with breeding of dogs at level 4 - £2500. Current level of fine is not acting as a deterrent to poor practice and welfare standards

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.

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

Ethical business trading practice. Ensures purchasers (often on behalf of children) are aware of responsibilities associated with having a pet. Also useful for educating public on animal behaviours.

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.
Licence Fee setting will be on a cost recovery and therefore cost neutral basis. Time and resource spent with poor performers will be reduced given new licensing framework. Pet shop owners may see increase in cost given review of fees. Pet owners, on the whole, will experience cost neutrality as health and welfare improvements will reduce costly after-care, despite have to pay increased costs to pet shops, reflecting increased licence fees.

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)

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.
Better welfare standards will have a positive effect of general human wellbeing. Standardised, clear approach also brings benefits of fairness and sound business practice.

Page 25: General

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

Currently legislation is outdated and proposal is welcomed for the benefit of animal welfare and consistency in regulation, therefore promoting local economic development.