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)

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 involved in the exercise of statutory functions in relation to animal boarding establishments/Pet Shops. This response was composed in consultation with Officers in Trading Standards and Environmental Health, and was approved at the Infrastructure, Land and Environment Policy Board on 30 May 2018.

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.
Renfrewshire 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 unclear and dated. Legislation does not reflect changes in market conditions, and does not reflect more recent animal welfare developments. By strengthening the licensing regime it will allow consistency across Scotland, including Pet Shop owners that have shops within different local authorities.

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 aims could perhaps be delivered in different ways e.g. codes of practice, however without legal force this would not strengthen the regulatory regime.

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.

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?

Charging the inspection fee depending on the premises or stock type would be more in line with other existing animal licensing legislation, where business owners are billed for Vets time. This would ensure the fee is proportionate to the size and business model of the Pet Shop.

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.
Advantages – there would more consistency of enforcement. Disadvantages – less scope for Officer discretion, where appropriate depending on what they see at the time of inspection.

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.
No further comment

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.
Advantages – better information available will allow Officers to plan appropriately for visits. Disadvantages – more burden on business moving forward.

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.
As per existing legislation, no tacit consent should be applied. It is very important to ensure standards prior to trading to ensure animal welfare and a level playing field for business. No business should be able to open without an inspection to allow them to fully understand the licensing regime.

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?

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 makes sense and allows consistency across Scotland. This can then ensure staff that move authorities have the transferable skillset. It also allows consistency of enforcement for shop owners that may have multiple outlets across different 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.
This would be in line with the principles of better regulation, as well as other existing licensing/registration regimes.

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.
Shared working across local authority areas makes best use of resources, and allows Officers to utilise specialists who have the required level of competency.

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.
This would be in line with the principles of better regulation, and would allow Officers to support businesses into compliance. If the breach is serious enough, the legislation should allow Officers to proceed directly to the most onerous sanction.

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.

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?

As detailed in the question, this is in line with other legislation.

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

Neutral (neither support nor oppose)

Please give reasons for your answer, including any advantages or disadvantages of the proposal.
No further comment

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 is likely that the Pet Shop licence would increase in Renfrewshire to ensure fully covering costs and this would be passed onto the Pet Shop owner.

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 further comment

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 further comment

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.
No further comment

Page 25: General

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

No further comment