

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

Representative organisation (trade union, professional association)

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).

The Reptile & Exotic Pet Trade Association (REPTA) was formed in 2005 to specifically represent the exotic pet trade. The keeping of exotics (reptiles & amphibians) is long established in the UK, the earliest record of a reptile being kept as a pet dates back nearly 400 years to 1625, when the then Bishop of London, William Laud, acquired a spur-thighed tortoise which he kept at the Palace of Fulham. When he became the Archbishop of Canterbury in 1633, the tortoise moved with him to Lambeth Palace where it outlived its owner by 108 years. Both suffered the same fate of having their heads chopped off, one by a disgruntled employer in 1645, the other by a careless gardener in 1753. It is an interesting statistic that the first recorded reptile being kept as a pet lived for an impressive 128 years and the shell of the tortoise still resides today at Lambeth

Please select the category which best describes your organisation

Palace. In the last two decades the number of reptiles has increased dramatically, today in the UK 44% of all pet shops are licensed to sell reptiles according to the OATA survey of pet shop licensing in 2016. Number of reptiles kept is unknown, however, the Federation of British Herpetologists (FBH) estimate the number are more than 7 million animals. The value of the reptile industry to the UK exceeds 300 million annually.

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.

Reptile & Exotic Pet Trade Association (REPTA)

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.

REPTA has been calling for a strengthening of pet vending legislation since the passing of the Animal Welfare Act 2006 and the Animal Health and Welfare (Scotland) Act 2006. Pet ownership is part of the fabric of society and consequently pet vending is an important activity. Regulation should be reasonable and proportionate. The Pet Animals Act 1951 and the supporting CIEH Model Standards, 2013 were broadly fit for purpose but required some light touch modernisation to make them fit for purpose in the 21st century. The review of the aforementioned legislation undertaken in England has been bitterly disappointing. The mandatory guidance produced to underpin Animal Activities Licensing in England is not fit for purpose, it is highly complex and bureaucratic, being process driven (form filling and ticking boxes) rather than outcome driven (quality of care given to the animals). The benefit to animal welfare is extremely limited, but the impact on business will be substantive. We would urge the Scottish government to take a more proportionate and responsible look at pet vending and focus on issues that directly benefit animal welfare rather than bureaucracy and red tape.

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

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Please explain the reasons for your response.

We believe that legislation is required to safeguard animal welfare in respect of pet shop licensing.

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?

(a) Charge all pet shops the same licence fee.

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

We believe that it is better to have a consistent licensing fee rather than variable, the costs of issuing a licensing are similar and by having trained and competent Licensing Officers inspection costs will be constrained. Variable licensing fees can be problematic as they can be used to deter business from opening.

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.

Mandatory licensing conditions providing they are reasonable and proportionate are preferable, consistency is important. Under the old Pet Animals Act we saw enormous inconsistencies across the country due to Local Authorities implementing entirely differing standards.

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.

It is REPTA position not to comment on issues that are outside of its area of expertise or interest. However, as a point of principle any prohibition should be based on solid demonstrable evidence, not emotive speculation. Campaigning organisation can be very skilled at making compelling emotive arguments that may not be based on reliable evidence, rather a subjective political agenda.

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.

We believe that it is important that pet shops list the taxa (categories) of animals they sell and inform the local authority beforehand. However, this should be done on with a reasonable and proportionate approach. Taxa

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?

groups should be broad, i.e. birds, small mammals, reptiles, amphibians, fish etc.

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.

We believe inspection should be mandatory prior to opening.

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?

We believe that consistency is critically important. We would recommend that a standard inspection plan and reporting forms are used by all local authorities when inspecting or addressing complaints.

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.

In principle we support the risk biased approach, however, we do not support the extended licensing periods. We believe all licenses should be issued annually.

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.

We believe that licensing officers should be trained and qualified, thus competent to discharge their statutory obligations in terms of issue licenses. Therefore the need for other qualified professionals is negated, with the exception of exceptional circumstances.

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.

We are fully supportive of the issuing statutory improvement notices; such notices must be clear and unambiguous as to what works need to be done and in what time scale. There must also be an appeals process should a vendor feel the improvement notices is unwarranted.

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?

Neutral (neither support nor oppose)

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

Fines must be reasonable and proportionate to the offence.

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.

We believe that it vitally important vendors provide good quality accurate information on the care of an animal at point of sale. However, this can be more complex than it first appears! The obvious thought is for vendors to provide written care sheets, for common species such as hamsters, rabbits that is quite straight forward. For some taxa groups, reptiles, amphibians, fish for example due to the large number of species concerned it is more complex. Guidance on how such information should be provided needs to be flexible and allow for information to be provided in electronic format, rather than just physical (paper) format. It is important that such information is appropriate, unfortunately the internet is awash with inaccurate or misleading information. The Pet Charity is in the process of constructing the Pet Portal, this is an information resource for all animal taxa and will be available free of charge. Information contained on the portal is peer reviewed by specialist groups. A draft of the website is at available at: <http://petportal.org.uk>

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	Y					

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

owners						
(c) Individuals (including pet owners)						X
(d) Animal welfare organisations				X		

Please explain the reasons for your responses.

(a) There is likely to be some additional costs to local authorities if they are required to have trained and qualified inspectors. (b) Depending how this is implemented in Scotland it is inevitable costs will be incurred by business. If a system similar to that implemented in England then costs will be substantive. (c) Without more detail its unclear how this could effect private keepers. (d) Better regulation in pet shops will reduce numbers of animals that may need rehoming and should reduce burden on the 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)?

Yes

Please explain the reasons for your response

Whilst there is a cost to training pet shop inspectors there would be a cost benefit overall by having a centralized pool of inspectors who could be subcontracted to other local authorities, thus reducing the overall number of inspectors required.

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.

Scotland could deliver a sustainable and beneficial impact to both social and economic activities by implementing a well thought out pet vending legislation. Pet ownership is a benefit to humans and ample research has shown the benefits pet ownership has to human health and cost saving to health services.

Page 25: General

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

The most important part of this review should be to ensure the resulting legislation is fit for purpose, ensuring the welfare of animals vended from pet shops whilst having minimal negative impact on legitimate well-run business. Regulation of pet vending is important, but it should not be overly bureaucratic; outcome is more important than process. Form filling and ticking boxes does not deliver good animal welfare.

The most important part of the review is inspector competency, if this is omitted then no amount of regulation will deliver tangible animal welfare benefits. Properly trained and qualified inspectors are paramount.

Another key issue is defining what activities are or are not licensable. A failing of the English review is not adequately defining where licensing applies, rather than using a catch all phrase like "commercial" it would be preferable to define activities, e.g. pet shops, wholesalers, importers, distributors etc.