

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). The Scottish SPCA is Scotland's Animal Welfare Charity founded in 1839. We operate in every Local Authority area in Scotland and our Inspectors are authorised by the Scottish Minister to enforce the welfare provisions of the Animal Health and Welfare (Scotland) Act 2006.

Please choose one of the following:

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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.

Mike Flynn Chief Superintendent Scottish SPCA

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 long overdue for an overhaul. Today's pet market bears no resemblance to the situation in 1951. Pet species available today, for example exotic animals, have more complex needs and therefore greater information needs to be provided to the public. The issue of online sales of pets far outweighs those sold through traditional pet shops and this is not fully covered by the Pet Animals Act 1951. This leads to a lack of traceability and effective enforcement. Given that the licensing of pet shops falls to the 32 Scottish local authorities, there is a post code lottery with regard to costs involved and standards required in order for a licence to be granted. A major flaw in the current legislation is that once granted a local authority cannot revoke a licence.

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)?

Yes

Please explain the reasons for your response.

Yes By way of a Government redraft of the existing Act.

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?

(c) Differentiate licence fees for pet shops according to other criteria (e.g. shop surface area).

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?

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

Pet shops vary in size and location. It would be unfair to charge a small private pet shop the same as a large commercial unit the size of a supermarket. Location can also add costs if a specialist veterinary surgeon has to be involved in the inspection process.

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.

The pet vending model conditions are based on the Five Freedoms which we believe should be adhered with. It also recommends a minimum age for the purchase an animal which is reflected in the Animal Health and Welfare (Scotland) Act 2006. The whole model is based on animal welfare, register of animals (traceability), pet care advice and appropriate staff training.

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

Partially supportive

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

The Scottish SPCA would support such a ban if there was a full licensing / registration regime in place for all those that sell puppies and kittens. Very few pups are sold through licensed pet shops in Scotland, but some that are, come from individual unwanted litters.

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.

In order for the local authority to ensure that there is a member of staff who is knowledgeable and suitably trained for all the species being sold.

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.

No license should be granted without the premises being fully inspected by a suitably trained person with a full knowledge of all the species being sold by the premises. Local authorities should recoup all reasonable costs

Q7. Which of the following best describes your view of mandatory inspections for all pet shops before an initial licence is granted?

to ensure that there is sufficient local authority staff to carry out the function.

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 remove the varying standards between local authorities and would be fair to the industry.

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.

All premises must be inspected on at least an annual basis, with the ability to revoke a license if standards are not met, following an improvement notice period.

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.

Given the demand on local authority budgets, this makes perfect sense. It should always be the most appropriate person available who carries out the inspection.

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.

The lack of this provision is a major flaw in with the existing legislation.

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?

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Fully supportive

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

The level of fine available to the court should be increased. The fine imposed will always be at the discretion of the Court.

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.

It is essential that purchasers are given correct and factual information on the specific species being bought. This includes diet, environment requirements and basic health care.

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.

The licensing scheme itself should be self funding for the local authority. However, we believe that local authorities will have to provide specialist training for staff involved in the process. There may also be a cost if enforcement action is required. Pet shops may see an increase depending on the species they intend to sell and if a specialist veterinary surgeon is required by the local authority as part of the inspection.

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

No

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

Please explain the reasons for your response

No, for the legislation to be effective investment is required to ensure a robust system can be enforced.

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.

The economic impact will be proportionate to the benefits achieved.

Page 25: General

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

No