

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 Kennel Club is the largest organisation in the UK devoted to dog health, welfare and training, whose main objective is to ensure that dogs live healthy, happy lives with responsible owners.

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.

The Kennel Club

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 Kennel Club is in full agreement that existing pet licensing legislation, much like current dog breeding legislation is out of date and should be modernised and strengthened. Existing legislation does not sufficiently protect animal welfare.

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.

While some or indeed many pet shops will be already operating to high standards or willing to agree to voluntary codes of practice to improve conditions, we believe there will always be a cohort of pet shops which will only improve practices if there is legislative underpinning. Certainly this will be true of those pet shops who sell puppies, a practice we wish to be outlawed.

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).

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

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?

think should be used.

We support the adoption of fee system that reflects the costs of inspecting and licensing individual businesses. Example factors which should be taken into account include - shop surface area; the range of species being sold; and affiliation to an independent United Kingdom Accreditation Scheme (UKAS) certified scheme that independently ratifies higher welfare standards are being implemented and maintained.

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

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.

The Kennel Club has been calling for a ban on third party puppy sales for a number of years. It is impossible to attain appropriate welfare standards for puppies sold through third parties. The existing legal third party sale framework facilitates the sale of puppies bred in UK puppy farms, and the legal and illegal trade of imported puppies.

It is against Kennel Club rules to sell Kennel Club registered puppies through commercial third parties, however we have no jurisdiction over puppies not registered with the Kennel Club (approximately 60-70%). For this reason, we would strongly welcome a ban on the third party sale of puppies i.e. through licensed pet shops and animal dealers.

Appropriate welfare standards simply cannot be met through the third party sales route, even assuming optimum conditions. Health and socialisation issues that can cause lifelong problems are common place for puppies that have been sold by third parties. By continuing to provide a regulatory framework to licence these sellers the Scottish government is endorsing this route as an appropriate mechanism for the sale and acquisition of puppies. To supplement a ban on pet shops selling puppies, we also believe it necessary to repeal the Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009.

Compromises to puppy welfare are inherent to the third party sale of puppies. Even if carried out to the optimum standards possible, this sales route exposes puppies to significant additional stress early in life. In a transaction from breeder direct to new lifelong owner, the adjustment from the environment in which the puppies were bred, being with their littermates and mum, to their new 'forever home' can be a stressful time for a puppy. Introducing unnecessary additional changes for puppies at a young age, can only increase stress and confusion for the puppy.

By conducting the sale of puppies away from the location at which the puppies are bred and reared reduces transparency in the system, and facilitates horrific breeding practices.

Compromises to puppy welfare are inherent to the third party sales route.

The consultation document refers to questions raised in the recent Defra consultation on a potential third party ban on the sales of puppies from third party vendors, and the potential for a gap in supply of puppies should a ban be implemented.

We submit that this there is no available data to support the idea that banning the sales of puppies in pet shops and through licensed dealers would have an impact on the supply of puppies to Scottish homes and families.

Existing demand for puppies

There is an estimated demand for 750,000 puppies per year across the UK, with approximately 55,000 puppies in Scotland. We are not aware of a more accurate assessment than this. However, it is important to note that

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

this is an estimate, based on pet population survey by the Pet Food Manufacturers Association and the average lifespan of a dog, and therefore there is (considerable) margin for error on this figure.

Existing supply of puppies

There is even less certainty regarding the make-up of the supply of puppies into the Scottish / UK market. We know that 243,000 puppies were registered with the Kennel Club in 2017 from across the UK. The majority of Kennel Club registered puppies will have been bred by low volume breeders, based across the UK.

As explained previously, the Kennel Club prohibits the sale of puppies "to or via a commercial dog wholesaler or retail pet dealer or shop". We are not aware of widespread abuse of this rule, and anecdotally we know that our breeders are perfectly able to sell their puppies direct to public. Many breeders will have waiting lists for their puppies, with people willing to travel long distances to acquire their puppies in a responsible manner. This leaves around 450,000 – 500,000 puppies per annum that enter the UK dog population which are not registered with the Kennel Club.

We know that there are around 1,000 licensed breeders currently in the UK. Rough estimates, based on extrapolating limited FOI data, have been made on the total number of dogs being bred by licensed breeders in the UK, placing this figure at around 67,000 puppies. It is not clear what proportion of these puppies are Kennel Club registered and therefore what proportion of the 450,000-500,000 puppies are bred by licensed breeders.

It is not possible to identify the source and sales route of these 450,000-500,000 puppies with any degree of certainty. Further, it is not possible to reliably estimate the number of puppies imported, or the number of puppies bred by either licensed or unlicensed breeders across the UK and sold via pet shops or licensed young animal dealers in Scotland.

Supply and demand conclusion

We understand that that a primary concern of those not supporting a ban on third party sales is the potential for a ban to reduce the supply of domestically bred puppies, with a corresponding increase in market share for imported puppies.

As already explained there is no robust evidence to know how finely balanced supply and demand are in the Scottish puppy market. Therefore, such concerns are based on speculation and assumptions.

With minimum enforcement, a ban on pet shop puppy sales would end to the abhorrent practice of puppies being sold in high street pet shops, garden centres and 'pet superstores'. We believe it reasonable to assume that third party vendors are predominantly supplied by domestic breeders. However, it is widely thought that this accounts for only a small proportion of the third party trade in puppies in the UK as only 16% of local authority's license pet shops to sell puppies .

The implication is that for the majority of potential puppy buyers, a licensed pet shop selling puppies will be not be a geographically convenient option. Therefore, the inconvenience of having to travel to a breeder's premise, as opposed to a licensed pet shop, may not be a significant barrier to those breeders who would be impacted by a third party sales ban in selling direct to the public.

We believe that there is a significant amount of illegal puppy dealing taking place, in which puppies being bred both within the UK and the EU are being sold via unlicensed dealers. While this is already illegal, the existence of a legal third party sales route, provides dealers with a veneer of legality to hide behind. Removing this would make their trade more difficult and make it easier for the public to determine whether the person selling the puppy is acting within the law.

We recognise that it is a difficult trade to enforce against, potentially made harder with the advent of the internet. There is a general assumption of widespread abuse of existing pet shop licensing / young animal dealer regulations. It is likely that even with a clear third party sales ban, considerable third party trading may continue as there may not be the resources available for extensive robust enforcement. However, in this scenario it is hard to see why it would only be the domestically bred third party sales which would be significantly reduced, and that the trade of imported puppies would flourish.

The impact on the pet industry

As outlined in the consultation document only 2% of licensed pet shops sell puppies which would imply that 98% of pet shops are financially viable without the need to trade puppies. The 2% who currently are trading

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

puppies would not need to look far for inspiration on how to run a financially viable but ethical business.

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 are clear in our view that the sale of puppies in pet shops and through dealers (whether licensed or not) needs to be outlawed. In the absence of a ban on puppy sales in pet shops, it is obviously critical that local authorities are aware of all species of animals a licensed pet shop is stocking. The knowledge and ability of the licence holder, and the infrastructure of the shop may be able to support the stocking and sale of some species but not others. On top of this the introduction of new categories of animals will require more staff time, which may have an impact on the ability of the pet shop to maintain appropriate welfare standards.

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.

It is clear that the a pet shop should be inspected prior to a licence being granted – in fact we can't comprehend how it is possible for a licensing authority to assess compliance to licensing conditions without inspecting the premises. However, we do believe that expert third party inspection bodies accredited by the United Kingdom Accreditation Service (UKAS) should be able to inspect on behalf of the local authority.

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?

Consistency across local authorities will ensure a level playing field for both animal welfare and the pet shop licence holders.

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.

We fully support the idea of a risk based system. The nature of the existing licensing model is that there is little incentive for businesses to exceed the minimum standards required to obtain a pet shop licence. Increased staffing levels, larger animal housing etc increases costs for the business. If we want to see businesses exceed the mandated minimum requirements, then it would be sensible to incentivise this within the licensing

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?

framework. We support the idea of longer licences, lower licence fees, and fewer routine inspections for businesses which demonstrate high welfare standards and have a low risk profile (though of course action should be taken on receipt of complaints).

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.

We know from our investigations into the licensing of dog breeders in Scotland that many local authorities simply do not have sufficient numbers of people / businesses applying for licences to justify employing inspectors with the level of expertise in animal welfare that we would wish to see in those conducting inspections. This is why we support the proposal to allow external experts, including those from outside of local authorities to conduct inspections on behalf of local authorities. We believe that this would both improve welfare standards and potentially be beneficial in terms of the costs associated with the licensing system.

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

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

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 are clear in our view that the sale of puppies in pet shops and through dealers (whether licensed or not) needs to be stopped. In the absence of a ban on puppy sales in pet shops, it is obviously critical that pet shop owners need to provide as much information as they can to people buying puppies. Though we do believe it to be highly unlikely for a pet shop owner to be able to provide level of advice that a responsible dog breeder would be able to do.

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.

Full cost recovery is already allowed for within the licensing legislation, however, as implied by the some of the low licence fee rates contained within the consultation document many local authorities are not recovering all their costs. We believe that allowing third party inspection bodies accredited by UKAS into the licensing framework will reduce the burden on local authorities and improve animal welfare. Given the significant health and welfare issues inherently associated with puppies sold in pet shops and through puppy dealers, we believe that a ban on this practice will reduce the veterinary bills for those who continue to be duped into acquiring a puppy through these sources.

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

Unsure

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?

Unsure

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

Page 25: General

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

No Response