

# 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 Pet Industry Federation (PIF) is the UK's leading trading association representing 2000 pet businesses across the UK. PIF's members includes pet retailers, kennels, catteries, homeboarders and dog day care. PIF has been actively involved with Defra's Expert Panel that worked on the Animal Activities Licensing 2018. These are due for introduction in October 2018 in England. PIF also sits on the steering committee of the Canine & Feline Sector Group.

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 Pet Industry Federation

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 1951 Pet Animals Act is outdated and in 2018, there are now many different ways that potential owners can acquire pets other than through a conventional "bricks and mortar" pet shop. PIF would advocate the traditional pet shops, provided the staff are trained and knowledgeable still represents one of the best ways that new owners can buy pets as they are open (almost everyday) and are transparent (hundreds of people visit pet shops). The current legislation has become blurred as you don't need to be a traditional pet shop to have a pet shop licence (ie anyone can apply) neither do you have to have a shop with daily visitors to have a pet shop licence. Currently you could have a pet shop licence and sell animals from your home! Internet advertising of pets has sprung up (replacing newspaper advertising), and this makes the selling and transfer of ownership more readily available to non traditional pet shop sellers. Any new licence legislation needs to fully cover "pet sales" (ie the sale and transfer of ownership of a pet) and not be called a "pet shop licence" as the word pet shop makes it sound that the traditional pet shop is 100% responsible for third party sales.

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.**

Scotland could adopt the English Animal Activities Licensing Regulations which would mean that either side of the border the sale of pets was similar and under the same legislation. This would aid some of the pet shop chains that operate either side of the border. The 2006 Animal Welfare (Scotland) Act allows for the repeal of certain licensing laws including The Pet Animal Act, The Pet Boarding Act, which can be replaced by regulations falling under the 2006 Act. PIF does not believe a registration scheme would work to replace licensing as the purpose of a license is to inspect making sure the licensee is at a standard and whereby the licensee can be advised to better standards.

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 think should be used.**

(c) would be a novel approach based on the maximum number of animals stocked (fish would need to be by tank rather than number). This would mean the more animals stocked the higher the licence fee. Why animals? Because you could have a large shop (surface area) with few animals being sold or vice versa. The inspection and issue of licence is subject to demonstrating a number of points which include staff training, demonstrable knowledge of the animals to be sold, staff to animal ratios, operating procedures, suitable enclosures etc. A licence fee amount based on the number of animals stocked would therefore seem appropriate.

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.**

A set of statutory minimum conditions will create a bar that every business needs to reach in order to be licensed. This will undoubtedly have a positive impact on animal welfare. In addition, it will enable greater consistency in standards to be achieved across all authorities and all businesses, and it will give a clear direction to businesses about what they need to do in order to become compliant.

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.**

It is important to establish what is meant by a 'pet shop'. In England, there are only about 30 'bricks and mortar' pet shops that are licensed to sell puppies. However, the same legislation requires those selling from a 'private dwelling' to also be licensed, and there are about a further 50 who are licensed to sell from a private dwelling. Therefore, for PIF's response, we would like to refer to 'pet vendors' to cover both types of third-party puppy sales covered by this Act. Proponents of a third-party ban on puppy sales focus on welfare problems in so-called 'puppy farms', which, it is claimed, are often the source of puppies for this activity. Whilst undoubtedly appalling, PIF is concerned that a ban on third party sales won't necessarily have an automatic effect on shutting puppy farms down. Whilst the route to market for these breeders is often through 'third party', such establishments would still be able to continue breeding. Although many of these 'puppy farms' are unlicensed, many will come up with elaborate ways of disguising their commercial breeding practices so as to assure new owners that their puppy has come from a credible source. In addition, a ban has the risk of forcing vending activity underground creating potentially more welfare problems as it becomes an unregulated activity. Local authorities would be removed of any power to investigate potential welfare problems and unsuspecting owners are unlikely to report any suspicion that the puppy they crave is being sold by a third-party source, rather than the breeder, for the risk that the puppy could be taken off them. Purchasing a new pet for the family is a largely emotional purchase, and the desire to create a refuge for a new puppy in their new home will mean that vending activity risks going on unchecked with potentially an even greater risk to the welfare of the animals. Persistent vendors will continue to answer public buying demand by finding whatever loopholes they can in the system. There are no clear figures for the number of dogs and cats sold through third-party channels, so it is impossible to determine what sort of an impact a ban will have. As third-party is currently a legitimate and regulated means of selling puppies and kittens, it is reasonable to assume that a ban on sales will therefore have an impact on supply, but that the demand will still exist from potential new owners. Unscrupulous vendors (those who less concerned about welfare) are still likely to find a way through a ban to meet the demand from potential owners and will find ever more inventive ways of signposting puppies/kittens for sale through the

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internet, leaving those who could or would focus more on welfare (i.e. licensed pet vendors) unable to sell puppies or kittens and help meet the demand from pet owners. In conclusion, PIF's view is that a ban on the third-party sale of puppies and kittens that whilst ultimately desirable, should not be considered or implemented until a number of other factors have come into play. Currently we are unsure how effective the changes implemented by Animal Activities Licensing in England are likely to be. We strongly believe that, if well enforced, they will significantly improve the welfare standards of the target activities. In addition, until a real understanding of the scale of the problem is understood, a ban on third party sales, is, in our view, unwise as the actual ramifications and effect of implementing one will be largely unknown. Given the tiny number of pet vendors licensed to sell puppies and kittens, and the fact that large number of sales are already done illegally, it is unlikely that an actual ban will have much of an effect, other than to remove the handful of people who are 'above the radar' and therefore currently subject to more scrutiny.

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.**

This is an important consideration to enable local authorities to ensure that licence holders have the underpinning knowledge required to stock any new categories of animals and that they reserve the right to visit the premise to ensure the welfare standards there (e.g. through having suitable cage sizes) will be maintained. Types of animal and maximum numbers (excluding fish but should be by tank) that a licensee can hold should also be part of the licence application

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 important for local authorities to be assured that a licence holder's obligations under the legislation will be met, and in PIF's view, this can only really be achieved through an inspection. No animals should be sold until that licence has been granted. This is important to ensure that animal welfare will be safeguarded and that suitable information is passed on to the new owners.

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?**

Inconsistent application of licensing regulations is one of the main criticisms of the current Act. Whilst a standardised approach to the conditions which are required to be met is an important change that should be introduced in any new legislation, there is still the risk that the regulations could be interpreted in various ways and that inspections are not uniformly conducted. A standardised inspection form would be one way of getting round this and ensuring that both local authorities and businesses knew exactly what steps a licensing inspection would take. Such a form would also help that not just the range of issues were fully covered, but that the depth of what was required was sufficiently covered during an inspection. Furthermore, it would help a 'like for like' comparison of data to be gathered across inspections received from all Scottish local authorities to spot

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trends and track activities. PIF is currently in the process of putting together standardised inspection forms/plans for the Animal Activities Licensing regulations for use by local authorities in England from 1 October.

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.**

Such an approach could help to drive up standards within the industry and encourage businesses to move from simply reaching minimum standards to achieving higher standards, with the reward of longer licensing and potentially lower licence fees. It is also a way of rewarding those businesses who have invested time and money into creating an environment which goes above and beyond the welfare standards expected in the legislation. For a risk based scheme to be successful, however, it needs to have a public focus (marketing campaign) so that the public choose businesses which exemplify these higher welfare standards. This, in turn, will drive standards up across the whole industry.

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.**

Resources are tight in local authorities and therefore PIF believes that using sharing qualified inspectors from other local authorities is a good solution. The priority for local authorities should be on using inspectors who are trained and qualified in undertaking pet shop licensing, and if this means that contracting the inspection service out to an authority who did employ such staff, then this is a positive move. We have seen this work well in England with our Primary Authority, the Corporation of London, who undertake animal licensing inspections for a number of other London and south east councils to great effect. The sub-contracting of inspectors should not deter from the fact that the inspector is properly trained in the type of licenced activity and animals that they are inspecting. Under the new AAL regulations, English Local Authorities inspectors are required to be trained. PIF together the Corporation of London have put together an accredited Inspector training qualification (equivalent Level 3) through City & Guilds that includes on-line assessment and "face to face training" with animals and premise types.

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.**

Once a licence has been revoked, the local authority has no jurisdiction over a licensee. This 'last resort' is the only option that local authorities currently possess as a sanction against a licence holder. Such a draconian move almost certainly has an even worse effect on the welfare of the animals within the establishment. Therefore, PIF strongly believes that local authorities should be able to take a stepped approach when dealing with licence breaches, for example, perhaps by temporarily suspending a licence holders ability to sell, whilst

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they work with the business to make improvements and achieve compliance.

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.**

A suitable deterrent should be in place. This could be fixed notice penalties or a "higher fee" to re-inspect

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.**

Pet owners should be fully informed about the care requirements of the pet they are purchasing. This is important to ensure that the expectations on them as pet owners are understood, before they take the animal home. The licence holder in a pet shop, and their trained staff, are crucial sources of information and the passing on of pet care advice at the point of sale, particularly through written leaflets, is an invaluable way of ensuring that pet owners possess the requisite knowledge required to help safeguard the pet's welfare once it leaves the licensed premises. In addition, and as we all know, when an article is purchased, owners tend to try out the article before reading the instructions. The best way to pass immediate education to new owners is making sure the licensee and staff are properly trained to an agreed standard in the animals they are selling.

## 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.**

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

A more robust licensing system around pet vendors, with more detailed conditions and minimum standards required before licences are issued, as well as a risk-based approach, are likely to mean that local authorities will spend more time and resource licensing pet vendors. This could see an increase in cost, particularly in the early years of any new legislation. However, with a more risk-based approach rewarding businesses that are focusing more on welfare could, over time, see a reduction in costs for local authorities around pet vending licensing, as public demand would drive more businesses to reach higher welfare standards. A more standardised approach to licence fee setting, and more detailed guidance to achieve full cost recovery is probably, on balance, going to lead to slightly increased licence fees for businesses. However, those who are reaching higher welfare standards could be rewarded with lower fees. Higher licence fees for pet shop owners might see a small increase in the actual cost of a pet being passed onto pet owners.

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**

The current costing model for local authorities to reach their licence fee amount is haphazard. The idea of reaching fully costed recovery needs defining such that there is consistency of fees across Scotland rather than the "highs" and "lows" as is currently taking place. A clear strategy of how a licence fee is calculated needs to be set out and how further costs (such as re-inspections) will be applied. License holders are looking for consistency in how fees are calculated.

## 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?

Unsure

**Please explain the reasons for your response.**

The Bill could lead to improved animal welfare and reward businesses who are championing higher welfare standards. This in turn would result in a more targeted approach for local authorities, to target businesses which need their support as less time would need to be devoted to businesses who were operating with robust welfare standards.

## Page 25: General

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

*No Response*