

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

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).

West Lothian Council is the enforcing authority for animal welfare licensing within its geographical area. Documentation relating to our animal welfare licensing activities is available on our web site at <https://www.westlothian.gov.uk/article/2043/Animal-Licensing>. This response was approved by the Council Executive on 12 June 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.

West Lothian 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?

Partially supportive

Please explain the reasons for your response.

West Lothian Council is supportive of the proposals as they stand. However, additional tools to secure compliance, such as fixed penalty fines for non-compliance with licence conditions should be available.

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.

Whilst some elements could be achieved by guidance, only legislative change will deliver the significant changes proposed. As animal welfare is a fully devolved matter, such changes would appear to require a Scottish Parliamentary Bill. Consideration should, however, be given to using the opportunity to make consistent changes across all areas of animal welfare 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.

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?

Whilst the rationale of considering floor area is recognised, there is not necessarily any correlation between floor area and work required for licensing. For example, some retailers have a large floor space, only a relatively small proportion of which sells animals. The rest is for retail of other related items. A small business specializing in species requiring higher welfare standards such as reptiles or having a larger variation within a smaller space may well be more resource intensive.

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?

Partially supportive

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

There is no good reason why conditions should vary so considerably and additional consistency is to be welcomed. Whilst the 2013 Model Conditions for Pet Vending Licensing is a recognised source of good practice, some aspects have been overtaken by other animal welfare guidance and should not therefore be adopted without review. Consideration should be given to how easily conditions can be updated, with a statutory instrument rather than an act being more easily updated to reflect changing knowledge. Alternatively, non-statutory model standards to which the licensing authority must give 'due regard' is a model used in other legislation. Consideration should be given to permitting licensing authorities to deviate from these for specific premises where it is proportionate and necessary or desirable to secure animal welfare 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.

There are potential positives and negatives from this proposal. Banning sale at anywhere other than the place of breeding would reduce stress on the young animals and would make it more difficult for puppies to be sold through other 'grey' routes such as internet 'small' advertisements. Continuing sale at pet shops risks 'impulse' purchases, although these could be mitigated if a 'cooling off' period was required between purchase and collection. As a pet shop must demonstrate that any puppy or kitten has come from a licensed breeder or rearing establishment, this gives some degree of control, subject to effective record keeping.

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 opposed

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

This is already a requirement of West Lothian Council licenses.

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

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

Neutral (neither support nor oppose)

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

This is current West Lothian Council practice. No new animal welfare licence is issued without an inspection of the premises concerned.

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 is fully supported, subject to materials being user-friendly and sufficient training in their effective use being made available. Any tool or form should be such that it can be easily adapted for generation from case management systems and / or on-site electronic device deployment.

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.

The principle of risk based inspection frequencies is long established in other areas of local authority inspection work. However, the principle of variable length licences is not yet established. Variable length licences do have financial implications for local authorities and income will vary from year to year and depending on the conditions found. However, staff employment costs are fixed. Variable length licences will encourage compliance and make poorer performers pay most. Irrespective of licence length, local authority inspectors must retain the right of access to carry out inspections when information available or received indicates this to be necessary or desirable for animal welfare purposes.

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?

Partially supportive

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

The ability to contract in expertise from other local authorities and bodies would undoubtedly be useful for local authorities with insufficient staff resources or expertise. However, it introduces potential for miscommunication and practical complications where the results of an inspection and subsequent licensing decisions are challenged.

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?

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.

For any regulation to be effective, a tiered system of proportionate interventions is necessary. Informal intervention will always be the preferred option for local authority officers. However, further powers and options for local authorities to ensure compliance are required. Where licensees are reluctant to comply or continue to fall below minimal standards, the ability to take formal action short of licence revocation or a report to the Procurator Fiscal is desirable. Poor operators know that revocation or a report to the Procurator Fiscal will not be used for anything except the most severe cases. In addition, such options would permit more rapid interventions to protect animal welfare.

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.

Low level fines are not a viable deterrent for non-compliance with licence conditions.

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 opposed

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

Section 15 of West Lothian Council's existing pet shop licensing conditions (https://www.westlothian.gov.uk/media/5190/New-guidance-for-pet-shops-2015/pdf/NEW_WLC_Guidance_on_pet_shops_2015.doc.pdf) requires both this to be in place and for staff to be sufficiently trained to enable this advice to be provided.

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			X			

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

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

Please explain the reasons for your responses.

Current licence fees are designed to recover the costs concerned. Depending on the make-up of pet shops in each local authority area and their degree of compliance (and hence licence period), local authority income will become more volatile from year to year. Some degree of fee adjustment may be required once the impacts of variable length licensing are clear. Costs for pet shops may rise or fall depending on their level of compliance and therefore the length of licence issued. Enquiries to animal welfare organisations may initially increase due to changed standards, expectations and publicity, but should decline over time.

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

Some proposed elements of the bill are already in place in some local authorities. It is therefore feasible (resources permitting) for these to be implemented in others.

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.

Businesses with poor levels of compliance will incur greater costs than comparable businesses with good levels of compliance.

Page 25: General

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

Local authority budgets continue to decline, resulting in reductions in front line resources. Animal Welfare has limited direct links to key national and local priorities and therefore is resourced accordingly. In West Lothian, Animal Welfare Officer posts were reduced from 2 to 1.